

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION

Sharon Brenner Cadalzo,

Plaintiff,

v.

Borough of Point Pleasant Beach;  
Mayor and Council of Point  
Pleasant Beach,

Defendants.

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: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: OCEAN COUNTY  
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: Docket No.:  
:  
: Civil Action  
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:  
: VERIFIED COMPLAINT  
: IN LIEU OF PREROGATIVE WRIT  
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Plaintiff Sharon Brenner Cadalzo, by way of Verified Complaint against the defendants, says:

1. This action challenges, under the New Jersey Constitution, the Borough of Point Pleasant Beach's practice of reciting a sectarian prayer at each council meeting. Both directly under Article 1, Paragraph 4 of the New Jersey Constitution and pursuant to the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, Cadalzo brings this action to vindicate her rights and seeks an injunction to end the practice of the prayer recitation.

## PARTIES

2. Plaintiff Sharon Brenner Cadalzo, an individual, is a resident of the Borough of Point Pleasant Beach, with a home address at [REDACTED] Point Pleasant Beach, New Jersey [REDACTED]. Cadalzo is an adherent of Judaism, attends religious services, and is on the board of her synagogue.
3. Defendant Borough of Point Pleasant Beach is a public entity formed under the laws of the State of New Jersey, with its primary place of business at 416 New Jersey Avenue, Point Pleasant Beach, New Jersey 08742.
4. Defendant Council of Point Pleasant Beach is the legislative body of the Borough, established by N.J.S.A. 40A:60-2(b) and having the powers set forth in N.J.S.A. 40A:60-6. The council consists of six members elected at large, who each serve three-year terms.
5. Defendant Mayor of Point Pleasant Beach is the head of the municipal government, presides at meetings of the council, and has other responsibilities as described in N.J.S.A. 40A:60-5.

### FACTUAL BACKGROUND

6. The Point Pleasant Beach Borough Council, including the Mayor, usually meets twice each month. These meetings are open to the public.
7. Since at least 2005, the council has begun each of its meetings with a recitation of the Lord's Prayer, a Christian prayer.
8. Specifically, the council meeting agendas indicate that each meeting begins with a reading of a notice in compliance with the Open Public Meetings Act, followed by a flag salute and prayer.
9. On information and belief, the municipal clerk or assistant municipal clerk is tasked with leading the prayer.
10. At council meetings, the audience is invited to stand and salute the flag. This is immediately followed by the recitation of the Lord's Prayer by the municipal clerk or her designee. She then makes a sign of the cross.
11. The Lord's Prayer is one of the best known Christian prayers, and appears twice in the New Testament as a model prayer offered by Jesus. As recited at council meetings, the substance of the prayer is: "Our father who art in heaven, hallowed be thy name; thy kingdom come, thy will be done on earth as it is in heaven. Give us this day our

daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For thine is the kingdom, and the power and the glory forever. Amen."

12. The sign of the cross, as performed by the clerk, is a ritual hand motion that traces a cross from forehead to chest and then shoulder to shoulder. This is a traditional Catholic ritual that includes a prayer to the Holy Trinity, "In the name of the Father, the Son, and the Holy Spirit."
13. In addition, for at least six years, the council and mayor have invited a priest from St. Peter's Roman Catholic Church, located within the Borough, to give an invocation and benediction during the first council meeting of each year.
14. Cadalzo has been a resident of Point Pleasant Beach since 2000. From 2001 to 2007, she occasionally attended council meetings. In the spring of 2007, Cadalzo started to attend Borough Council meetings regularly. She has attended more than 45 meetings in the last 3 years.
15. At every meeting Cadalzo has attended, the borough clerk or her designee has recited the Lord's Prayer and made a sign of the cross.

16. The Borough's practices distress Cadalzo, because she believes a public governing body should not be engaging in sectarian religious practices. She views the practices as an endorsement of a particular religion and an improper attempt by government to prefer one religion over another. She also finds it alienating and divisive because it sends a message that the Borough prefers Christianity to other faiths and religions, including Judaism.
17. After she realized that the Lord's Prayer was a regular practice at the Council meetings, Cadalzo decided she would sit immediately after the Pledge of Allegiance while the prayer is recited. At most meetings, Cadalzo sits during the prayer while everyone else in attendance remains standing. She has received strange looks from some standees, which made her feel uncomfortable. Acquaintances who attended the meetings have teased her, calling her a "heathen."
18. Because of her experience, in 2007 Cadalzo raised her concerns with then-Mayor Thomas Vogel. She specifically mentioned that she thought the prayer was unlawful. Vogel replied that he thought it might have been a problem the prior year, when the Borough attorney at that time was

Jewish. However, he said, the then-borough attorney did not have a problem with the recitation.

19. In January or February 2008, Cadalzo raised her concerns about the prayer to Mayor Vincent Barella and Councilperson Kristine Tooker. Cadalzo specifically mentioned that she thought the practice raised a "separation of church and state" issue. Mayor Barella told her he and the council were "not willing to tackle" the issue.

FIRST COUNT

(New Jersey Constitution, Article 1, Paragraph 4)

20. Plaintiff incorporates paragraphs 1 through 18 as if fully set forth.
21. The New Jersey Constitution provides that "[t]here shall be no establishment of one religious sect in preference to another." N.J. Const. (1947) Art. 1, Par. 4.
22. Cadalzo has attended council meetings where the sectarian prayer occurred, and intends to attend future council meetings.
23. Cadalzo objects to the sectarian prayer practice because she views it as an endorsement of a particular religion and an improper attempt by government to prefer one religion over another.
24. Plaintiff notified defendants that their sectarian prayer practice could be unlawful.
25. Defendants refused to review the issue or take action to end the sectarian prayer practice.
26. Cadalzo is a citizen, resident and taxpayer of the Borough. She should not be made to feel uncomfortable by the defendants' practice of preferring one religion, i.e., Christianity, to the exclusion of other religions and non-religion.

27. The defendants' prayer practice violates the New Jersey Constitution.

**SECOND COUNT**

(New Jersey Constitution, Article 1, Paragraph 4)

28. Plaintiff incorporates paragraphs 1 through 27 as if fully set forth.

29. The New Jersey Constitution provides that "[t]here shall be no establishment of one religious sect in preference to another." N.J. Const. Art. 1, Par. 4.

30. Cadalzo had attended the first council meeting of the year at least twice. She intends to attend other council meetings, including the first meetings of the year, in the future.

31. At the first council meeting of the year, she has observed a Catholic priest preside over the invocation and benediction.

32. The priest's participation was overtly Christian and made Cadalzo uncomfortable because she viewed it as an endorsement of a particular religion and an improper attempt by government to prefer one religion over another.

33. Cadalzo is a citizen, resident and taxpayer of the Borough. She should not be made to feel uncomfortable by the

defendants' practice of preferring one religion, i.e., Christianity, to the exclusion of other religions and non-religion.

34. Defendants' practice of involving a Roman Catholic priest to preside over the invocation and benediction at a meeting violates the New Jersey Constitution.

**WHEREFORE,** Plaintiff demands judgment in her favor and against the defendants as follows:

- (a) For a declaration that the defendants' prayer practice violates the New Jersey Constitution, Article 1, Paragraph 4.
- (b) For a declaration that the defendants' practice of involving a Roman Catholic priest in their first meeting of a year violates the New Jersey Constitution, Article 1, Paragraph 4.
- (c) For an order permanently enjoining defendants from including a prayer at their meetings;
- (d) For an order permanently enjoining defendants from involving clergy to offer prayers or administer oaths at a meeting;
- (e) For attorneys fees and costs of suit, pursuant to N.J.S.A. 10:6-2(f); and

(f) For such other relief as this Court may deem equitable and just.



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Attorneys for the Plaintiff.

Dated: September 15, 2010

CERTIFICATION PURSUANT TO R. 4:5-1

Plaintiff by her attorneys, hereby certifies that the matter in controversy is not the subject of any other pending or contemplated judicial or arbitration proceeding.



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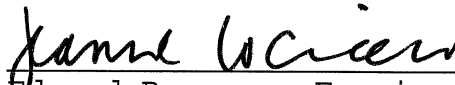
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Attorneys for the Plaintiff.

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CERTIFICATION PURSUANT TO R. 4:69-4

There are no necessary transcripts in this case because the review of administrative actions sought does not involve that of agency proceedings at which a stenographic record was made.



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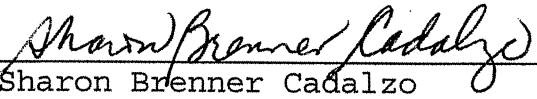
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Attorneys for the Plaintiff.

Dated: September 15, 2010

VERIFICATION

I, Sharon Brenner Cadalzo, hereby affirm under the penalty of perjury that the factual statements contained in the foregoing Verified Complaint are, to the best of recollection and belief, true and accurate.

  
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Sharon Brenner Cadalzo  
302 Atlantic Avenue  
Point Pleasant Beach, NJ 08742

Dated: September 15, 2010