

Swim Club Owners that Barred Minorities to Pay \$1,000,000 Settlement in ACLU-NJ Lawsuit

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NEWARK, NJ - Owners of a swim club in suburban Nutley, New Jersey who violated state discrimination laws when they turned away “black” and “brown-skinned” customers and guests will pay \$1,000,000 to settle a lawsuit brought against them by the American Civil Liberties Union of New Jersey. The ACLU-NJ filed the case on behalf of six plaintiffs who were denied entry to the pool or who were retaliated against for defending the rights of others to enter.

“It’s a tragedy that racism like this still persists in New Jersey today,” said Anne McHugh, of Pellettieri Rabstein & Altman, who represented the plaintiffs on behalf of the ACLU-NJ. “We hope that this settlement will send a message to business owners that discrimination is not only wrong and illegal, but also very costly.”

Marci Shepard, was a teenager when her father died and she was invited to live with Michael & Catherine Russo, of Nutley, for whom she had previously worked as a mother’s helper. After joining Le Terrace in May of 2001, Catherine Russo and her children brought Marci to the club as their guest. An employee would not let Marci in, claiming that no more guests were being permitted that day. While Catherine Russo went to discuss the matter with the owner, the employee permitted a member and that member’s white guest to enter the facilities. After Mrs. Russo continued to protest the treatment of Marci, Nardone ordered the family off the premises.

The ACLU lawsuit charged Patrick and Ray Nardone, owners of the Le Terrace Swim Club, with violation of the New Jersey Law Against Discrimination, which prohibits businesses from denying any individual the right to use their accommodations based on that person’s race, creed, color, national origin, ancestry, marital status, sex, sexual orientation, or nationality. Swimming pools are listed as a specific example of a “public accommodation” covered by the law.

“While I’m happy to receive financial compensation, what’s more important is to send a positive message to others to come forward and stand up for their rights,” said Marci Shepard, a plaintiff in the suit. “Mr. Nardone humiliated me when he wouldn’t let me into the pool, and the children of the family who brought me as a guest couldn’t understand why I wasn’t being allowed in with them. By coming forward and speaking out, we were able to expose the discrimination at Le Terrace.”

The ACLU-NJ also represented Philip and Annmarie Giordano of Bloomfield, who scheduled their daughter’s June 2002 birthday party at Le Terrace Swim Club, where Annmarie Giordano and her daughter were members. Patrick Nardone demanded a list of guests and asked whether the guest list included any “brown-skinned” or “black” children. When told that her child did have Asian and African-American friends who were guests, Nardone informed her that those children were not welcome at the club. He thereafter rescinded the Giordanos’ membership.

Separately from the ACLU-NJ lawsuit, the State of New Jersey had filed an administrative complaint against Le Terrace Swim Club. The Nardones settled that case in 2003 by paying \$25,000

and agreeing to various conditions for their continued operation of the pool, such as disclosing the racial make-up of members to the Division on Civil Rights and adopting a written non-discrimination policy. However, the Nardones sold the pool soon thereafter, making such conditions moot.

The ACLU-NJ lawsuit was captioned *Shepard, et al. v. Le Terrace Swim Club, et al.* The case was filed in Superior Court in Newark, New Jersey on August 22, 2002.