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*Attorneys for Plaintiff*

HEATHER KELLEY

Plaintiff,

v.

ROWAN COLLEGE AT BURLINGTON  
COUNTY, ROWAN COLLEGE AT  
BURLINGTON ADMISSIONS  
SUPERVISOR “KELLY,” ROWAN  
COLLEGE AT BURLINGTON COUNTY  
HEALTH SCIENCES EMPLOYEE  
“DANIELLE,”

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BURLINGTON  
COUNTY  
DOCKET NO: BUR-L-

**CIVIL ACTION**

**COMPLAINT WITH JURY DEMAND**

1. This action seeks redress for Defendant’s willful and flagrant contempt for the civil rights of Plaintiff in violation of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to -49 (“NJLAD”).
2. In its simplest form, The NJLAD protects a student who asserts a sincerely held religious belief in opposition to a school’s vaccination requirement.
3. As applied to colleges in New Jersey, they are required to provide students with the opportunity to submit a request for a religious exemption from any vaccination requirement.
4. Defendant Rowan College at Burlington County (“Rowan”) is fully aware of this requirement because they follow the law with respect to the general student body.
5. However, Defendant Rowan has created a two-tiered discriminatory system. Any student who is in a “health services department” does not have the right to seek a religious exemption.

6. Thus, according to Defendant Rowan, the NJLAD applies to students in their Accounting program, Art program, Business Administration program, Computer Management Information Systems programs, but not the Dental Hygiene program.

7. This is open and willful disparate treatment and discrimination in violation of the NJLAD.

**PARTIES AND JURISDICTION**

8. Plaintiff Heather Kelley is a resident of Jackson, New Jersey, in the County of Ocean.

9. Defendant Rowan is a public community college with a principal place of business located at 900 College Drive, Mount Laurel Township, NJ 08054 in the County of Burlington.

10. Heather Kelley is a student enrolled at Rowan.

11. Defendant “Kelly” is a self-identified Admissions Supervisor for Rowan who either acting alone, or in concert with Rowan, personally committed acts of discrimination alleged herein.

12. Defendant “Danielle” is a self-identified Health Sciences employee for Rowan who either acting alone, or in concert with Rowan and/or Kelly, personally committed acts of discrimination alleged herein.

13. The discrimination alleged in this Complaint occurred at the Rowan campus located in Burlington County.

14. Inasmuch as Defendant Rowan is a resident of the County of Burlington, Defendants “Kelly” and “Danielle” work in the County of Burlington, and the discrimination at issue occurred in the County of Burlington, this Court has jurisdiction over the parties here and this complaint is properly venued in this County.

**FACTS COMMON TO ALL COUNTS**

**Prior Religious Objections to Vaccination**

15. Plaintiff Heather Kelley is a 42-year-old mother of two working towards a career in the dental industry. She worked very hard towards earning good grades while still running a household, maintaining a job, raising her children, aged 13 and 6.

16. On behalf of her children, in accordance with New Jersey Department of Health Regulations, Heather has submitted and filed request for her children to be exempted from the prescribed childhood vaccines as such would violate their sincerely held religious beliefs.

17. The State of New Jersey has accepted these requests and Heather's children have attended school pursuant to a granted religious exemption from vaccination.

**Plaintiff's Enrollment at Rowan**

18. Heather attended Brookdale Community College and obtained her associate degree in health sciences.

19. Heather applied to Rowan and was accepted into Rowan's Dental Hygiene program to begin in the fall of 2023.

20. As part of Rowan's student enrollment program, Heather was sent a packet with a long list of compliances that needed to be accomplished in a short period of time.

21. As she completed each compliance item, she was instructed to, and did, submit same through Rowan's Sentry MD portal.

**Plaintiff Seeks a Religious Exemption as Provided by Law**

22. One such form was Rowan's vaccination form, including the COVID-19 vaccine.

23. As **required** by the NJLAD, the form includes an option for Heather to check whether she will be seeking a medical or religious exemption from the vaccination requirements.

24. Heather checked off the religious exemption box and wrote a lengthy background letter to explain how receiving the COVID-19 vaccine would violate her sincerely held religious beliefs.

25. As set forth in the submission, requiring Heather to receive the COVID-19 vaccine would violate her sincerely held religious beliefs. As she set forth in her submission:

- a. I was born and raised a Roman Catholic. I was baptized, and regularly attend St. Mary of the Lake and completed all of my Holy Sacraments. I grew up strongly in the faith. My objection is based on my lifelong Catholic faith and my personal relationship with God.
- b. Growing up Catholic, Jesus's teachings are etched in my soul. I believe in and look to God for direction, and He is always there to answer. I believe in the Lord's plan and purpose for my life. I believe God determines these things through His will and all-knowing power. I believe that God has created me in His image and my body belongs to Him. The bible teaches us "What? Know ye not that your body is the temple of the Holy Ghost, which is in you, which ye have of God, and ye are not your own? For ye are brought with a price: therefore, glorify God in your body, and in your spirit, which are God's." To receive a vaccine lacks faith in God and in His creation.
- c. Also, my sincerely held beliefs prohibit me from receiving vaccines propagated on aborted fetal cell lines which include current and any vaccines in the future that might use the remains of aborted children. I believe that God forms babies in the womb. (Psalm 139:13-14 "For you created my inmost being; you knit me together in my mother's womb. 14 I praise you because I am fearfully and

wonderfully made; your works are wonderful; I know that full well. Jeremiah 1:5 "Before I formed you in the womb I knew you, before you were born, I set you apart; I appointed you as a prophet to the nations." Psalm 22:10 "I was cast upon you from birth. From my mother's womb you have been my God.").

- d. God has a plan and a purpose for their lives. Aborting a baby in the womb is murder. It is taking away another human's life and is a sin. Paragraph 1861 of the Catechism of the Catholic Church explains mortal sin as "the privation of sanctifying grace, that is, of the state of grace. If it is not redeemed by repentance and God's forgiveness, it causes exclusion from Christ's kingdom and the eternal death of hell ... ". I believe in the sanctity of life and protecting the unborn

**Rowan Declares that the Law Against Discrimination Applies Only to Certain Programs**

26. A few days after Heather submitted all of the compliance along with her religious exemption, she received an email from Jade Nicoson the Account Manager of Sentry MD. She informed that Rowan does not accept religious exemptions and to reach out to their administrators.

27. On Wednesday June 8, 2023 Heather attended her first orientation for the program. After completing the program she went down to Student Life Center to see who she needed to speak to regarding this situation. She was instructed to speak to admissions.

28. Heather spoke to someone in the admissions department who said she didn't understand this because Rowan accepts religious exemptions. The employee then went to get her supervisor.

29. After a few minutes Heather was greeted Defendant Kelly and she introduced herself as the admissions supervisor. Kelly informed Heather that the institution accepts religious exemptions, however her program doesn't because of licensing liabilities.

30. As Heather was driving home, she received a telephone call from Defendant Danielle, who notified Heather that she was missing her COVID-19 vaccination submission.

31. Heather informed Defendant Danielee that she had submitted a request for a religious exemption.

32. Defendant Danielle interrupted Heather and yelled at her, “WE DO NOT ACCEPT RELIGIOUS EXEMPTIONS”.

33. Defendant Danielle then informed Heather that if she did not immediately comply, she would be forced out of the program.

34. When Heather began to object, Defendant Danielle told Heather that she could contact whoever she wanted, they do not make the decisions for the institute, and they have had lawyers try in the past.

35. After this successive string of discrimination, Heather pulled over her car and broke down crying; she worked so hard as a single mother to provide for her children and Defendants Rowan, Kelly, and Danielle were openly threatening to take it all away from her simply based on their willfully and wanton discriminatory interpretation of the NJLAD such that students had different rights depending on their major.

**Rowan Dismissed Heather Kelley**

36. On July 6, 2023, counsel for Heather sent a copy of this draft complaint to Rowan in an attempt to prevent Rowan from following-through on its discrimination.

37. Counsel for Rowan contacted counsel for Heather to ask that we not file the Complaint to allow her to discuss this further during her scheduled meeting with the Dean. Counsel for Heather agreed.

38. Counsel for Rowan did not report back after meeting with the Dean.

39. However, on July 21, 2023, Heather received an email from Gail Vasilendo, Director of Dental Hygiene at Rowan proving “official notice” that Heather’s acceptance had been “rescinded due to failure to adhere to one or more of the conditional acceptance criteria.”

40. This “official notice” stated that this was a “final decision.”

41. Thus, as threatened by Defendants, Heather’s enrollment at Rowan was terminated.

**COUNT I:**

**VIOLATION OF NJLAD: RELIGIOUS DISCRIMINATION**

42. Plaintiff repeats and realleges the allegations contained in the prior sections as if fully set forth herein.

43. The NJLAD applies to Defendants inasmuch as Rowan is an institute of higher learning.

44. The NJLAD prescribed requirements that the Defendants were required to follow upon receipt of a request for religious exemption from the COVID-19 vaccination policy.

45. Defendant Rowan is a place of public accommodation subject to the NJLAD.

46. The NJLAD provides for individual liability for individuals acting on behalf of a discriminatory entity.

47. Defendants Kelly and Danielle acted in concert with Rowan to implement a facially discriminatory policy that provided for disparate treatment for students who sought a religious exemption from COVID-19 vaccination requirements depending on what their major was.

48. Plaintiff was subjected to disparate treatment and discrimination due to her sincerely held religious beliefs.

49. The NJLAD prohibits Defendants from retaliating against a student who seeks a religious exemption from the COVID-19 vaccination policy.

50. As a result, Plaintiff suffered emotional distress, including suffering embarrassment,

humiliation, indignity, and other mental anguish.

51. If Plaintiff is disenrolled from her program of studies, Plaintiff will suffer economic harm and damages.

52. As a result, the Plaintiff was damaged.

**WHEREFORE:** Plaintiff demand entry of a judgment awarding:

- a. Compensatory damages;
- b. Punitive damages;
- c. Attorneys' fees and costs of suit; and
- d. Such other relief as the Court may deem proper and just.

**COUNT II:**

**VIOLATION OF NJLAD: FAILURE TO ACCOMMODATE**

53. Plaintiff repeats and realleges the allegations contained in the prior sections as if fully set forth herein.

54. The NJLAD provides that the Defendants must provide a student with a reasonable accommodation from their mandatory vaccine policy, unless doing so would impose an undue burden on their operations.

55. The NJLAD requires Defendants to make a *bona fide* effort to reach accommodation for students who seek religious exemptions.

56. Defendants did not make a *bona fide* effort to reach accommodation for Plaintiff.

57. By refusing to provide accommodations, Defendants violated the NJLAD.

58. As a result, Plaintiff suffered emotional distress, including suffering embarrassment, humiliation, indignity, and other mental anguish.

59. As a result, the Plaintiff was damaged.



**WHEREFORE:** Plaintiff demands entry of a judgment awarding:

- a. Compensatory damages;
- b. Punitive damages;
- c. Attorneys' fees and costs of suit; and
- d. Such other relief as the Court may deem proper and just.

**COUNT III:**

**DECLARATORY JUDGMENT**

60. Plaintiff repeats and realleges the allegations contained in the prior sections as if fully set forth herein.

61. NJLAD provided injunctive relief to prevent future violations.

62. Plaintiff is legally entitled to a declaratory judgment that Defendants violated the NJLAD and that an injunction should be issued requiring Defendants to comply with the NJLAD regarding religious exemptions and accommodations.

**WHEREFORE:** Plaintiff demand entry of a judgment awarding:

- a. Injunctive relief as set forth herein;
- b. Attorneys' fees and costs of suit; and
- c. Such other relief as the Court may deem proper and just.

**DEMAND FOR ANSWERS TO INTERROGATORIES**

Pursuant to Rule 4:17-1, Plaintiff serves the following requests for answers to interrogatories with this Complaint. Responses are due within the time calculated in Rule 4:17-4(b):

1. Identify all persons involved in the development of the current or any prior iteration of the COVID-19 vaccination policy for Defendants.

2. For each person identified in response to Interrogatory 1, set forth: a) their job title; b) the dates their involvement; c) their responsibilities with respect to the development of the Policy(ies).
3. Set forth the basis for Jade Nicoson's statement that Rowan does not accept religious exemptions and to reach out to their administrators.
4. Identify all persons who participated in the determination that led to the message being delivered to Plaintiff that is set forth in Interrogatory 3.
5. For each person identified in response to Interrogatory 4, set forth: a) their job title; b) the dates their involvement; c) their responsibilities with respect to the interactive process.
6. Set forth the basis for Defendant Danielle's statement, "WE DO NOT ACCEPT RELIGIOUS EXEMPTIONS".
7. Identify all persons who participated in the determination that led to the message being delivered to Plaintiff that is set forth in Interrogatory 6.
8. For each person identified in response to Interrogatory 7, set forth: a) their job title; b) the dates their involvement; c) their responsibilities with respect to the interactive process.
9. Identify the number of requests for religious exemption from the COVID-19 vaccination requirement that were received by Defendants.
10. Identify the number of requests for religious exemption from the COVID-19 vaccination requirement that were granted by Defendant.
11. Identify the number of requests for medical exemption from the COVID-19 vaccination requirement that were received by Defendant.
12. Identify the number of requests for medical exemption from the COVID-19 vaccination requirement that were granted by Defendant.

13. For each of the requests set forth in response to Interrogatories 9-12, identify the majors and the programs at Rowan for each person seeking a request.
14. Identify all other attorneys who have contacted Defendants regarding requests for religious exemption.
15. Identify all documents and communications in any form, whether paper or electronic, between Defendants and any individuals identified in response to Interrogatory 14.
16. Is it Rowan's policy not to recognize religious exemptions just for the Covid vaccine?
17. If the answer to 16 is yes, identify all documents relating to that policy.
18. Is it Rowan's policy that students seeking an exemption cannot write their own letter for exemption?
19. If the answer to 18 is yes, identify all documents relating to that policy.
20. Is it Rowan's policy that the only students considered for a religious exemption are those who can prove they have never had a vaccine in their lives?
21. If the answer to 20 is yes, identify all documents relating to that policy.
22. Is it Rowan's policy that the only students considered for a religious exemption are those who provide letters from the head of their church?
23. If the answer to 22 is yes, identify all documents relating to that policy.

**DEMAND FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 4:18-1, Plaintiff serves the following requests for the production of documents with this Complaint. Responses are due within the time calculated in Rule 4:18-1(b)(2):

1. Produce a copy of all documents, including but not limited to paper documents, emails, texts, electronic documents, or messages relating or referring to Plaintiff.
2. Produce a copy of all documents, including but not limited to paper documents, emails,

texts, electronic documents, or messages relating or referring to any policies regarding accepting requests for exemption from the COVID-19 vaccine requirements.

3. Produce a copy of all documents identified in your answers to interrogatories.

### **DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, John D. Coyle is hereby designated trial counsel.

### **JURY DEMAND**

Plaintiffs hereby demands a trial by jury of all issues so triable.

### **RULE 4:5-1 CERTIFICATION**

I hereby certify that the claims raised herein are not the subject of any other action or arbitration. Plaintiffs are not aware of any other party who should be joined to this action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

### **JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

**Dated: July 31, 2023**

**Attorneys for Plaintiff**

By: s/ John D. Coyle

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# Civil Case Information Statement

## Case Details: BURLINGTON | Civil Part Docket# L-001476-23

**Case Caption:** KELLEY HEATHER VS ROWAN COLLEGE  
AT BUR LINGTON

**Case Initiation Date:** 07/31/2023

**Attorney Name:** JOHN D COYLE

**Firm Name:** COYLE & MORRIS LLP

**Address:** 201 LITTLETON RD STE 210

MORRIS PLAINS NJ 07950

**Phone:** 9733700592

**Name of Party:** PLAINTIFF : Kelley, Heather

**Name of Defendant's Primary Insurance Company**  
(if known): Unknown

**Case Type:** CIVIL RIGHTS

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by:** Heather Kelley? NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** YES

**If yes, is that relationship:** Other(explain) Former student

**Does the statute governing this case provide for payment of fees by the losing party?** YES

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

07/31/2023

Dated

/s/ JOHN D COYLE

Signed

