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<p>GARY S. DEMARZO,</p> <p>Plaintiffs,</p> <p>V.</p> <p>SAMUEL PALOMBO, ZACHARY PALOMBO, BARBARA MURPHY-LEARY, ABC CORPS 1-10, AND JOHNS DOES 1 THROUGH 25, JOINTLY, SEVERALLY, AND IN THE ALTERNATIVE,</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION – CAPE MAY COUNTY</p> <p>Docket No.:</p> <p>Civil Action</p> <p>COMPLAINT, DEMAND FOR JURY TRIAL, DESIGNATION OF TRIAL COUNSEL AND DEMAND PURSUANT TO RULE 1:4-8</p>
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Plaintiff Gary S. DeMarzo, residing in the City of Wildwood, County of Cape May, State of New Jersey, by way of Complaint against Defendants, says:

STATEMENT OF FACTS

1. At all relevant times herein, Defendant Samuel Palombo (“Defendant Samuel”), Zachary Palombo (“Defendant Zachary”)¹, Defendant Barbara Murphy-Leary (“Defendant Murphy-Leary”), ABC Corps 1-10, and Defendant John Does 1-25, who acted to violate Plaintiff DeMarzo’s legal rights as set forth below.

2. At all relevant times herein, Defendant Samuel, Defendant Zachary, Defendant Murphy-Leary, ABC Corps 1-10, and Defendant John Does 1-25 are responsible to Plaintiff DeMarzo by reason of their knowing participation in the deprivation of Plaintiff DeMarzo’s legal

¹ First names are used to differentiate between Defendant Samuel Palombo and Defendant Zachary Palombo.

rights and/or by reason of their aiding, abetting, authorizing, ratifying, condoning, participating in, or conspiring with their co-Defendants to participate in and commit the wrongful acts referred to herein.

3. On or around April 2022, Plaintiff was hired as the Township Administrator for Upper Township, with duties that included being the Personnel Officer.

4. Around the same time, Defendant Murphy-Leary, an Upper Township resident, created a Facebook page titled “Politics and Promises in Upper Township and Cape May County”.

5. Between April 2022 and May 2022, Defendant Murphy-Leary used the Facebook page to target Plaintiff with criminal allegations, threats of criminal investigation, and post a statement saying she contacted the Cape May County Prosecutor's Office with some matter related to Plaintiff being hired as Township Administrator.

6. Following this, Committeeman Mark Pancoast advised Defendant Murphy-Leary in a verbal statement during a committee meeting that she is to stop threatening, alleging, and making false and/or untrue statements about Plaintiff.

7. Despite this, Defendant Murphy-Leary has continued to post threatening statements that are false and/or untrue about Plaintiff.

8. On or around September 2023, Plaintiff was hired through the civil service process as Personnel Officer of Upper Township under Resolution 290-2023.

9. On or around March 14th, 2024, Committeeman Curtis Corsey (“Committeeman Corsey”) told the Atlantic City Press: *“As a member of the Republican County Committee, I voted for Zach and Sam,” Corson is quoted as saying in the statement. “I have nothing personal against the incumbents. But the management style of the current majority on Township Committee has*

been combative and secretive and damaged the morale of many Township employees. We can't operate that way."

10. On numerous occasions Committeeman Corson was given the opportunity to speak, clarify or explain his statement and refused on each occasion.

11. On or around this time, Defendant Samuel and Defendant Zachary announced they would be challenging incumbent candidates Mayor Jay Newman and Deputy Mayor Kimberly Hayes for the township committee seats.

12. Defendant Samuel and Defendant Zachary were the candidates supported by the Cape May Republican Party:

ADDITIONAL VOTER INFORMATION WILL BE AVAILABLE IN ALL POLLING LOCATIONS

THIS BALLOT CANNOT BE VOTED, IT IS A SAMPLE COPY OF THE

OFFICE TITLE	REPUBLICAN COLUMN 1	REPUBLICAN COLUMN 2	REPUBLICAN COLUMN 3	REPUBLICAN COLUMN 4	REPUBLICAN COLUMN 5	PERSONAL CHOICE	
Rita M. Rothberg RITA M. ROTHBERG <small>County Clerk</small>	REPUBLICAN BALLOT						
	<div style="display: flex; justify-content: space-around; font-size: small;"> Ti Text Size Contrast Language ? Help ✕ Quit </div>						
CHOICE FOR PRESIDENT FOUR YEAR TERM - (VOTE FOR ONE) DISTRICT DELEGATES <small>A Vote for Choice for President is an automatic vote for affiliated Delegates at Large, Alternate Delegates at Large, District Delegates and Alternate District Delegates</small>				Donald J. Trump <small>Cape May County Regular Republican Organization</small> JEFF VAN DREW <small>Cape May County Regular Republican Organization</small> CURTIS BASHAW <small>Cape May County Regular Republican Organization</small> LEONARD C. DESIDERIO <small>Cape May County Regular Republican Organization</small> ZACHARY PALOMBO <small>Cape May County Regular Republican Organization</small> JOHN C. (JAY) NEWMAN <small>Real Republicans For Upper Twp. First</small> SAMUEL PALOMBO <small>Cape May County Regular Republican Organization</small> KIMBERLY R. HAYES <small>Real Republicans For Upper Twp. First</small> JANICE LAKE BETTS <small>Cape May County Regular Republican Organization</small> JOE OCELLO <small>Real Republicans For Upper Twp. First</small> JOSEPH WM. LOTECK, JR. <small>Cape May County Regular Republican Organization</small>			WRITE-IN
MEMBER OF THE UNITED STATES SENATE SIX YEAR TERM - (VOTE FOR ONE)	Justin Murphy <small>American Conservative Republican</small>	Christine Serrano Glassner <small>America First Conservative</small>	Albert Harshaw <small>For The People</small>	Curtis Bashaw <small>Cape May County Regular Republican Organization</small>		WRITE-IN	
MEMBER OF THE HOUSE OF REPRESENTATIVES TWO YEAR TERM - (VOTE FOR ONE)				Jeff Van Drew <small>Cape May County Regular Republican Organization</small>		WRITE-IN	
MEMBER OF THE COUNTY COMMISSIONERS THREE YEAR TERM - (VOTE FOR ONE)				Leonard C. Desiderio <small>Cape May County Regular Republican Organization</small>		WRITE-IN	
MEMBER OF THE TOWNSHIP COMMITTEE THREE YEAR TERM - (VOTE FOR TWO)				Zachary Palombo <small>Cape May County Regular Republican Organization</small>	John C. (Jay) Newman <small>Real Republicans For Upper Twp. First</small>	WRITE-IN	
				Samuel Palombo <small>Cape May County Regular Republican Organization</small>	Kimberly R. Hayes <small>Real Republicans For Upper Twp. First</small>	WRITE-IN	
MEMBER OF THE COUNTY COMMITTEE FOUR YEAR TERM - (VOTE FOR TWO)				Janice Lake Betts <small>Cape May County Regular Republican Organization</small>	Joe Ocello <small>Real Republicans For Upper Twp. First</small>	WRITE-IN	
				Joseph Wm. Loteck, Jr. <small>Cape May County Regular Republican Organization</small>		WRITE-IN	

13. From May through June 2024, Defendant Samuel, and Defendant Zachary sent out mailers to residents making defamatory statements about Plaintiff.

14. One such flyer stated “Respect Residents: The current majority does not respect Upper Township Residents. When someone comes to the podium at a public meeting. Newman, Emberger-Hayes, and Pancoast will usually sit there mute as their hand-picked Administrator [Plaintiff] from Wildwood yells at local residents. The lack of respect has been astounding. We will restore respect for residents, their questions, and their opinions.”

15. Another flyer stated that Newman and Emberger-Hayes brought a black cloud over Upper Township through:

- a. Making secret deals with the foreign offshore wind company, Orsted.
- b. Talking down to residents at public meetings.
- c. Firing or forcing out dedicated public employees.

16. Plaintiff was in charge of terminating employees and only did so due to disciplinary issues based on the advice of the Legal Council and the approval of the board in all employee matters.

17. Despite this Defendant Samuel, and Defendant Zachary alleged Plaintiff engaged in illegal activity by terminating township employees.

18. On or around June 4th, 2024, Defendant Samuel and Defendant Zachary won the Republican primary election.

19. On or around June 6th, 2024, the Republican Municipal chair for Upper Township, Larry Trulli, stated to residents of Upper Township that Plaintiff would be terminated.

20. On or around this time, a Upper Township employee encounter Defendant Zachary after a Committee meeting and asked Defendant Zachary questions about Plaintiff wherein he said: “Did you write this about Mr. DeMarzo? Why did you go after DeMarzo?”

21. Defendant Zachary stated: “Yes, we said that. We were told to.”

22. On September 12th, 2024, the Plaintiff was granted Permanency in his position as Personnel Officer by Civil Service.

23. On or around November 5th, 2024, Defendant Samuel and Defendant Zachary were elected to the township committee.

24. On or around November 18th, 2024, a letter was presented to the township committee relating to employee separations under Plaintiff’s tenure.

25. On or around November 25th, 2024, Plaintiff participated in a committee meeting with Defendant Samuel and Defendant Zachary wherein Plaintiff asked them if they knew of any information relating to the flyers and employee separation issues that alleged Plaintiff engaged in illegal conduct.

26. Defendant Zachary responded, “No comment.”

27. Defendant Samuel did not respond.

28. On or around December 18th, 2024, Defendant Zachary participated in an interview to replace an elected official wherein Defendant Zachary heavily criticized the attitudes and work produced by Plaintiff and those under his supervision.

COUNT I

29. Plaintiff hereby incorporates paragraphs 1 through 28 as though set forth in full herein.

30. Defendant Samuel, Defendant Zachary, Defendant Murphy-Leary, ABC Corps 1-10, and Defendant John Does 1-25 engaged in defamatory conduct wherein they stated Plaintiff engaged in illegal conduct.

31. These statements are not only false but outrageous in the extreme.

32. These statements were reported to the residents of Upper Township.

33. Defendant Murphy-Leary used Facebook to post defamatory statements about Plaintiff alleging he engaged in illegal conduct.

34. Even though plaintiff was not identified by name, the information provided in the defamatory material provided sufficient material to identify plaintiff.

35. As a direct and proximate result of the defamatory conduct, Plaintiff has been damaged.

36. Plaintiff has suffered annoyance, inconvenience, stress, anxiety, humiliation, depression, physical pain and suffering, emotional distress, and pecuniary loss.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, punitive damages, interest, attorney's fees, costs of suit, and such other relief as is just and equitable.

COUNT II

37. Plaintiff hereby incorporates paragraphs 1 through 36 as though set forth in full herein.

38. Defendant Samuel, Defendant Zachary, Defendant Murphy-Leary, ABC Corps 1-10, and Defendant John Does 1-25 engaged in defamatory conduct wherein they stated Plaintiff engaged in illegal conduct.

39. The statement was publicly made to residents of Upper Township through flyers and social media posts.

40. These statements are not only false but outrageous in the extreme.

41. These statements caused Plaintiff severe harm and emotional distress.

42. Defendant Samuel, Defendant Zachary, Defendant Murphy-Leary, and Defendant John Does 1-25 intentionally made the statement about Plaintiff.

WHEREFORE, Plaintiff demands judgment against the Defendants for compensatory damages, punitive damages, interest, reinstatement attorney's fees, costs of suit, and such other relief as is just and equitable.

IONNO & HIGBEE

Attorneys for the Plaintiff

BY: /s/ Sebastian Ionno

SEBASTIAN B. IONNO

Dated: 12/30/24

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

BY: /s/ Sebastian Ionno

SEBASTIAN B. IONNO

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Sebastian B. Ionno, Esquire as trial counsel in this matter.

BY: /s/ Sebastian Ionno
SEBASTIAN B. IONNO

CERTIFICATION

The undersigned counsel certifies that there are no other actions or arbitrations pending or contemplated involving the subject matter of this controversy at this time, and there are no additional known parties who should be joined to the present action at this time. I certify the foregoing to be true. I am aware if the above is willfully false, I am subject to punishment.

BY: /s/ Sebastian Ionno
SEBASTIAN B. IONNO

DATED: 12/30/24

RULE 1:4-8 DEMAND

Plaintiff and their counsel hereby demand, pursuant to Rule 1:4-8, that the Defendants or their agents, servants, or employees, or attorneys provide any and all facts and documents upon which they base any contention that this Complaint was instituted or continued in whole or in part

for improper reasons, or that the claims are, in whole or in part, frivolous or without basis in law or fact.

BY: /s/ Sebastian Ionno
SEBASTIAN B. IONNO