

Anthony P. Caivano, Esq. – ID No. 016232989

ANTHONY P. CAIVANO, ESQ., P.C.

4 2nd Avenue, Suite 202

Denville, New Jersey 07834

T (973) 784-4404 F (973) 784-4406

ACaivano@CaivanoLaw.com

Attorney for Plaintiff

<hr/>		:	SUPERIOR COURT OF NEW JERSEY
ROXANA M. RUSSO CAIVANO,		:	LAW DIVISION/MORRIS COUNTY
		:	DOCKET NO:
Plaintiff,		:	
		:	CIVIL ACTION
vs.		:	
		:	COMPLAINT, JURY DEMAND,
THOMAS SERETIS, CHRISTINA	:		DESIGNATION OF TRIAL COUNSEL,
SCARBROUGH BALESTRIERE, KRISTIN	:		AND CERTIFICATION
COBO, and KATRINA ALBO, and/or JOHN	:		
DOE 1-5 (fictitious names), JANE DOE 1-5	:		
(fictitious names),	:		
	:		
Defendants.	:		
<hr/>		:	

Plaintiff, Roxana M. Russo Caivano, residing in Roxbury Township, Morris County, New Jersey, by way of Complaint against the Defendants, says:

FIRST COUNT

1. At all relevant times, Plaintiff Roxana M. Russo Caivano, was a resident of Succasunna, Roxbury Township, New Jersey since 1978, she has been an employee of the Roxbury Township Board of Education since 2007, and has been working as the High School Librarian/Media Specialist at Roxbury High School, Succasunna, Morris County, New Jersey since

2010.

2. The plaintiff is a 1981 Graduate of Roxbury High School, a 1983 Graduate of the County College of Morris, a 1987 Graduate of the College of Saint Elizabeth, a 1990 Graduate of Fairleigh Dickinson University, and a 2004 Graduate of Jersey City State University. She holds degrees as follows: an Associates of Arts Degree; a Bachelor of Arts degree in International Business; a Masters of Business Administration; and a Masters in Media Sciences. All of her degrees were achieved with Honors.

3. The plaintiff is the parent of two graduates of Roxbury High School, both who finished near the top of their classes and have gone on to matriculate at New Jersey institutions of higher education, and are gainfully employed in their professions.

4. The plaintiff's father presently owns a home and resides in Succasunna since 1978, and her now deceased grandparents owned a home and resided in Ledgewood from 1980 to 2005.

5. The plaintiff has owned two homes in Roxbury, residing at her present address since 1997. During her schooling and residence in Roxbury Township, the plaintiff has been a member of St. Therese's Roman Catholic Church, a volunteer for various organizations for Catholic charities, a member of the Board of Trustees of the St. Dunstan's Pre-School, an officer for the Jefferson School PTA, a member of the Roxbury Library Board of Trustees as the Superintendent's designee, a member of the Morris County School Board of Trustees, and has been a volunteer for various organizations in and around Roxbury throughout the years.

6. The plaintiff is a well know resident of the community, has been connected to the community for 45 years, and she has enjoyed an unassailable reputation of service to her community, service to the Roxbury Public Schools, and that reputation has remained of the highest

caliber until it was purposefully, systematically and maliciously attacked by the defendants named herein.

7. Since in or around the Fall of 2022, the plaintiff has been the target of a civil conspiracy to defame her character and reputation by multiple residents of Roxbury Township. Beginning on September 20, 2022, the defendant Thomas Seretis, residing at 32 Kenvil Avenue, Succasunna, Morris County, New Jersey, published on Facebook's Roxbury NJ School Parents forum that the plaintiff included pornography in the Roxbury High School Library collection, placing the plaintiff's character and reputation in a false light by equating books in the library collection with hard-core pornography and pornographers, which of course is a factual assertion of criminal behavior, and is unequivocally false.

8. In her nearly 15 years of employment with the Roxbury Board of Education, plaintiff was never cited, admonished, or disciplined for any reason, nor for works of literature in her library, and until September 20, 2022, enjoyed a reputation of integrity, professionalism, and competency in her profession. In fact, the plaintiff has never had any brushes with illegal conduct or employment discipline outside of her working life.

9. Furthermore, in order to effectuate his part of the conspiracy, malicious animus, and/or his personal malicious agenda, upon information and belief, the defendant Tom Seretis repeatedly published and/or orally shared the defamatory comments to private persons and residents of Roxbury Township.

10. The actions of the Defendant Thomas Seretis in publishing and/or orally advising third parties false information about the plaintiff having violated criminal law or included pornographic materials in the Roxbury High School Library constitutes defamation in the form of

libel and/or slander of Plaintiff Roxana M. Russo Caivano.

11. Furthermore, at all relevant times, the defamation of Roxana M. Russo Caivano related to her profession, and as such, since she is a private person, the allegations against her amount to libel and slander per se. The plaintiff has served as a volunteer on the Roxbury Township Library Board as the Superintendent's designee, but has never been elected to, or sought public office.

12. At all relevant times, the statements of the Defendant, Thomas Seretis were false, reckless, and maliciously, and were made in an attempt to damage the reputation and employment of Plaintiff.

13. As a direct and proximate result of the Defendant Tom Seretis' conduct, the Plaintiff has, in fact, suffered damage to her reputation. Furthermore, the plaintiff has suffered and continues to suffer severe and permanent emotional injuries. Plaintiff seeks compensatory and punitive damages for this conduct.

WHEREFORE, Plaintiff Roxana M. Russo Caivano, demands Judgment against the Defendants, Thomas Seretis, Christina Scarbrough Balestriere, Kristen Cobo, and Katrina Albo, individually, jointly and severally, for compensatory damages, punitive damages, interest and costs of suit.

SECOND COUNT

1. The Plaintiff incorporates herein by reference each of the allegations of the First Count of the Complaint as if fully set forth herein at length.

2. The defendant Christina Scarbrough Balestriere resides at 9 Shearman Road,

Succasunna, Morris County, New Jersey. The defendant Kristen Cobo, resides at 103 Mooney Road, Flanders, Morris County, New Jersey. The defendant Katrina Albo resides at 15 W. Circuit Drive, Succasunna, Morris County, New Jersey. None of these defendants have children who are students at Roxbury High School, however, all three have been engaged in a conspiracy to defame the plaintiff, and to interfere with her employment.

3. At all times relevant to this Complaint, the defendants Balestriere, Cobo, and Albo, jointly and severally conspired to individually and jointly attack the plaintiff's reputation, slander and libel the plaintiff, defame the plaintiff, deprive the plaintiff of her constitutionally guaranteed rights, and they further intentionally and purposefully conspired to cause the plaintiff emotional distress, and purposefully and maliciously impact her relationship with her employer.

4. Specifically on March 6, 2023, in an open public forum/Roxbury Board of Education meeting, the defendants Balestriere, Cobo, and Albo individually and jointly slandered, defamed, put plaintiff in a false light, attacked her credentials and employment status, and caused the plaintiff emotional distress by stating that the plaintiff has engaged in luring children with sexually explicit materials, stating that the plaintiff is a child predator, stating that the plaintiff exposed minors to pornographic material, accusing the plaintiff of exposing students to sexually inappropriate material, stating that plaintiff has endangered the welfare of children, and characterizing plaintiff as a child abuser. All of which would be criminal behavior, and all of which is unequivocally false.

5. Furthermore, in order to effectuate their conspiracy and malicious animus, and/or their personal malicious agenda, defendants Balestriere, Cobo and Albo repeatedly slandered the plaintiff, defamed her reputation and put her reputation in a false light by orally sharing the

defamatory comments to the Roxbury School Board, the plaintiff's employer, as well as other private persons and residents of Roxbury.

6. The actions of the Defendants Balestriere, Cobo and Albo in orally advising third parties patently and obviously false information about the plaintiff having violated criminal law constitutes defamation in the form of slander of Plaintiff Roxana M. Russo Caivano.

7. Furthermore, at all relevant times, the defamation of Roxana M. Russo Caivano was related to her profession, and as such, the allegations against her, since they were made in a professional capacity, amount to slander per se.

8. At all relevant times, the statements of the Defendants, Balestriere, Cobo, and Albo were false, reckless, and maliciously made in an attempt to damage the reputation of Plaintiff.

9. As a direct and proximate result of the Defendants' conduct, the Plaintiff has, in fact, suffered damages to her reputation, both personally and in her employment. Furthermore, the plaintiff has suffered and continues to suffer severe and permanent emotional injuries.

WHEREFORE, Plaintiff Roxana M. Russo Caivano, demands Judgment against the Defendants, Thomas Seretis, Christina Scarbrough Balestriere, Kristen Cobo, and Katrina Albo, individually, jointly and severally, for compensatory damages, punitive damages, interest and costs of suit.

THIRD COUNT

1. The Plaintiff incorporates herein by reference each of the allegations of the First and Second Counts of the Complaint as if fully set forth herein at length.

2. The defendant Christina Scarbrough Balestriere published libelous and defamatory information on a blog operated by the non-party publisher Dan Kleinman, stating, among other things, that the plaintiff is guilty of criminal acts by including certain works of literature in the Roxbury High School Library's collection. In fact, the defendant Christina Scarbrough Balestrierre published precisely the same defamatory speech she delivered on March 6, 2023 before the Roxbury Township Board of Education.

3. The actions of the Defendants Balestriere in publishing libelous false information about the plaintiff having violated criminal law constitutes defamation in the form of libel of Plaintiff Roxana M. Russo Caivano.

4. Furthermore, at all relevant times, the defamation of Roxana M. Russo Caivano was related to her profession, and as such, the allegations against her, since they were made in a professional capacity, amount to libel per se.

5. At all relevant times, the statements of the Defendant, Balestriere were false, reckless, and maliciously made in an attempt to damage the reputation of Plaintiff.

6. As a direct and proximate result of the Defendants' conduct, the Plaintiff has, in fact, suffered damages to her reputation. Furthermore, the plaintiff has suffered and continues to suffer severe and permanent emotional injuries.

WHEREFORE, Plaintiff Roxana M. Russo Caivano, demands Judgment against the Defendants, Thomas Seretis, Christina Scarbrough Balestriere, Kristen Cobo, and Katrina Albo, individually, jointly and severally, for compensatory damages, punitive damages, interest and costs of suit.

FOURTH COUNT

1. The Plaintiff incorporates herein by reference each of the allegations of the First and Second Counts of the Complaint as if fully set forth herein at length.

2. The Defendants John Doe 1-5 and Jane Doe 1-5 are the names of fictitious defendants who have conspired and/or engaged with the defendants named herein, but whose names are presently unknown to the plaintiff.

3. At all relevant times, the statements of the Defendants, John Doe (1-5) and Jane Doe (1-5), were false, reckless, and/or maliciously made in an attempt to damage the Plaintiff in her personal and professional reputation.

4. As a direct and proximate result of the Defendant's actions, the Plaintiff has, in fact, been damaged.

WHEREFORE, Plaintiff Roxana M. Russo Caivano, demands Judgment against the Defendants, Thomas Seretis, Christina Scarbrough Balestriere, Kristen Cobo, Katrina Albo, John Doe 1-5, and Jane Doe 1-5, individually, jointly and severally, for compensatory damages, punitive damages, interest and costs of suit.

FIFTH COUNT

1. Plaintiff, Roxana M. Russo Caivano, incorporates herein by reference each of the allegations of the First through Fourth Counts of the Complaint as if fully set forth herein at length.

2. Defendants, individually, and jointly conspired in a purposeful and malicious manner to inflict emotional distress upon the plaintiff, and to harm her professional reputation and

employment.

3. As a further direct and proximate result of the defendants' purposeful conduct outlined herein, plaintiff has suffered and continues to suffer emotional distress.

4. As a further direct and proximate result of the defendants purposeful malicious conduct, the defendants have individually and jointly conspired and acted to tortiously interfere with the plaintiff's employment, prospective economic opportunities, and otherwise have inflicted injuries to the plaintiff.

WHEREFORE, Plaintiff Roxana M. Russo Caivano, demands Judgment against the Defendants, Thomas Seretis, Christina Scarbrough Balestriere, Kristen Cobo, and Katrina Albo, John Doe 1-5, and Jane Doe 1-5, individually, jointly and severally, for compensatory damages, punitive damages, interest and costs of suit.

DEMAND FOR JURY

Plaintiff, Roxana M. Russo Caivano hereby demands a Trial by Jury.

DEMAND FOR INSURANCE INFORMATION

Pursuant to Rule 4:10-2(b), Plaintiff hereby demands that the Defendants provide to the Plaintiff a copy of any and all insurance policies, or in the alternative, a statement as to the insurance coverages of the Defendant, relative to Plaintiff's claims.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4, the Court is advised that Anthony P. Caivano,

Esq. is hereby designated as trial counsel on behalf of the Plaintiff, Roxana M. Russo Caivano.


CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that this matter in controversy is not the subject of any other action pending in any Court, is not the subject of a pending arbitration proceeding and none is contemplated.

I certify that confidential personal identities 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).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Anthony P. Caivano, Esq., P.C.
ATTORNEY FOR PLAINTIFF

By: 
Anthony P. Caivano

DATED: March 16, 2023