

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SHARON L. DANQUAH; BERYL OTIENO-NGOJE;
JACQUELINE DESEO; MARITES LINAAC;
MILAGROS MANANQUIL; JULITA T. CHING;
CRISTINA ABAD; LORNA JOSE-MENDOZA; VIRNA
BALASA; OSSIE TAYLOR; RONETTA HABARADAS;
and FE ESPERANZA R. VINOYA;

Plaintiffs,

v.

UNIVERSITY OF MEDICINE AND DENTISTRY OF
NEW JERSEY ("UMDNJ"); BOARD OF TRUSTEES OF
UMDNJ, and its members, in their official and individual
capacities; JAMES GONZALEZ, in his individual and his
official capacity as Acting President and CEO of UMDNJ;
SUZANNE ATKIN, in her individual and her official
capacity as Chief Medical Officer of UMDNJ; MICHAEL
JAKER, in his individual and his official capacity as the
Cochair of UMDNJ's Bioethics Committee; PATRICIA
MURPHY, in her individual and her official capacity as the
Cochair of UMDNJ's Bioethics Committee; THERESA
REJRAT, in her individual and her official capacity as Vice
President of Patient Care Services and Chief Nursing
Officer of UMDNJ; PHYLLIS LIPTACK, in her individual
and her official capacity as Director of Perioperative
Services at UMDNJ; MAGALE ARRIAGA, in her
individual and her official capacity as Same Day Surgery
Nurse Manager at UMDNJ; TAMMY LUDWIG, in her
individual and her official capacity as Same Day Surgery
Assistant Nurse Manager at UMDNJ;

Defendants.

Civil Case No:

VERIFIED COMPLAINT

Jury Trial Demanded

PRELIMINARY STATEMENT

1. This action seeks injunctive and declaratory relief on behalf of Plaintiffs SHARON L. DANQUAH, BERYL OTIENO-NGOJE, JACQUELINE DESEO, MARITES LINAAC, MILAGROS MANANQUIL, JULITA T. CHING, CRISTINA ABAD, LORNA JOSE-MENDOZA, VIRNA BALASA, OSSIE TAYLOR, RONETTA HABARADAS, and FE ESPERANZA R. VINOYA (collectively, “Nurses”), who are under an active and illegal threat by Defendants UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY and its officials (collectively, “UMDNJ”), demanding that the Nurses must assist abortions in violation of their religious objections or they will be terminated. Defendants have illegally coerced some of the Nurses to train to assist abortions already, and Defendants are presently scheduling the others to do so.

2. UMDNJ’s coercion of the Nurses is a blatant violation of federal and state law, which explicitly prohibit UMDNJ from penalizing employees including Plaintiffs because they object to assisting abortions. *See, e.g.*, 42 U.S.C. § 300a-7(c); Consolidated Appropriations Act, 2010, Pub. L. 111-117, Div. D, § 508(d) (Dec. 16, 2009); N.J. Stat. § 2A:65A-1.

3. The Nurses ask the Court to declare their rights under law and enjoin UMDNJ from continuing to mandate that they or similarly situated employees assist in abortions. Because UMDNJ’s federal tax funding is also conditioned on UMDNJ not discriminating against employees’ civil rights when they object to assisting abortions, the Nurses also seek an order requiring UMDNJ to disgorge the nearly \$60 million in federal health funding that it received in 2011, and an order requiring that UMDNJ be disqualified from receiving additional federal health funding unless and until it demonstrates compliance by ceasing its illegal coercion to

assist abortions. Plaintiffs also seek statutorily authorized attorneys fees and costs, and other relief deemed appropriate by the Court.

JURISDICTION AND VENUE

4. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 & 1343, and 42 U.S.C. §§ 1983 & 300a-7(c). The Court has jurisdiction to declare the rights and legal relations of the parties and to order further relief pursuant to 28 U.S.C. §§ 2201 & 2202. The Court is authorized to issue permanent injunctive relief pursuant to Fed. R. Civ. P. 65, and to award Plaintiff attorney's fees and costs pursuant to 28 U.S.C. § 1988, and damages pursuant to 28 U.S.C. § 1983 as an action arising under the laws of the United States. This Court has jurisdiction over Plaintiffs' state law claim pursuant to 28 U.S.C. § 1367(a).

5. Venue is proper under 28 U.S.C. § 1391(b)(1) & (2). Defendants, and their actions alleged in this complaint, are present in the District of New Jersey. All of the events giving rise to Plaintiffs' claims are in this District.

PARTIES

6. Plaintiff Sharon L. Danquah is a natural person who at all times relevant to this action has resided in Morris Township, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

7. Plaintiff Beryl Otieno-Ngoje is a natural person who at all times relevant to this action has resided in Orange, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

8. Plaintiff Jacqueline Deseo is a natural person who at all times relevant to this action has resided in Union, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

9. Plaintiff Marites Linaac is a natural person who at all times relevant to this action has resided in Bloomfield, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

10. Plaintiff Milagros Manaquil is a natural person who at all times relevant to this action has resided in Belleville, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

11. Plaintiff Julita T. Ching is a natural person who at all times relevant to this action has resided in Bloomfield, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

12. Plaintiff Cristina Abad is a natural person who at all times relevant to this action has resided in Lincoln Park, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

13. Plaintiff Lorna Jose-Mendoza is a natural person who at all times relevant to this action has resided in Monroe Township, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

14. Plaintiff Virna Balasa is a natural person who at all times relevant to this action has resided in Bayonne, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

15. Plaintiff Ossie Taylor is a natural person who at all times relevant to this action has resided in Irvington, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

16. Plaintiff Ronetta Habaradas is a natural person who at all times relevant to this action has resided in Rockaway, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

17. Plaintiff Fe Esperanza R. Vinoya is a natural person who at all times relevant to this action has resided in West Orange, New Jersey, and has been employed as a nurse at UMDNJ's Hospital.

18. Defendant University of Medicine and Dentistry of New Jersey was at all times relevant to this action and still is an entity of the State of New Jersey, duly organized and existing under and by virtue of the Laws of the State of New Jersey. UMDNJ is the location of all the incidents alleged in this complaint and is the hospital at which Plaintiffs are employed. UMDNJ's administrative offices are located at 65 Bergen Street, Newark, New Jersey; its Hospital is located at 150 Bergen Street, Newark, New Jersey.

19. Defendant Board of Trustees of UMDNJ is the governing body of UMDNJ. Its members are also sued in their individual and official capacities.

20. Defendant James Gonzales is the Acting President and CEO of UMDNJ. He is responsible for the creation of the Policy that is being applied against Plaintiffs as well as for the application of that Policy against Plaintiffs. He is sued in his individual and official capacities.

21. Defendant Suzanne Atkin is Chief Medical Officer of UMDNJ. She is responsible for the creation of the Policy that is being applied against Plaintiffs and by information and belief is also responsible for the application of that Policy against Plaintiffs. She is sued in her individual and official capacities.

22. Defendant Michael Jaker is Cochair of UMDNJ's Bioethics Committee. He is responsible for the creation of the Policy that is being applied against Plaintiffs and by information and belief is also responsible for the application of that Policy against Plaintiffs. He is sued in his individual and official capacities.

23. Defendant Patricia Murphy is Cochair of UMDNJ's Bioethics Committee. She is responsible for the creation of the Policy that is being applied against Plaintiffs and by information and belief is also responsible for the application of that Policy against Plaintiffs. She is sued in her individual and official capacities.

24. Defendant Theresa Rejrat is the Vice President of Patient Care Services and Chief Nursing Officer of UMDNJ. She is responsible for requiring the Nurses to assist abortions as discussed herein, and she oversees Defendant Magale Arriaga. Ms. Rejrat is sued in her individual and official capacities.

25. Defendant Phyllis Liptack is Director of Perioperative Services at UMDNJ. She is responsible for requiring the Nurses to assist abortions as discussed herein. She is sued in her individual and official capacities.

26. Defendant Magale Arriaga is the Same Day Surgery Nurse Manager at UMDNJ. She is responsible for requiring the Nurses to assist abortions as discussed herein, and she oversees Defendant Tammy Ludwig. She is sued in her individual and official capacities.

27. Defendant Tammy Ludwig is the Same Day Surgery Assistant Nurse Manager at UMDNJ. She is responsible for requiring the Nurses to assist abortions as discussed herein. She is sued in her individual and official capacities.

STATEMENT OF FACTS AND LAW

28. Each of the Nurses is employed as a nurse in UMDNJ's Same Day Surgery Unit.

29. Each of the Nurses has devoted her career to the profession of nursing.

30. Each of the Nurses possesses strongly-held religious and moral beliefs that she may not participate in the process of an abortion that causes the death of a preborn child.

31. The Same Day Surgery Unit generally provides pre- and post-operative care for non-emergency operations.

32. UMDNJ performs abortions, though only a very small percentage of Same Day Surgery Unit patients are obtaining an abortion.

33. For many years until about the end of September 2011, UMDNJ provided nursing care to abortion patients by assigning those cases to nurses who were designated and willing to work on such cases. During this time, no Same Day Surgery Unit nurses who objected to assisting abortions were required to assist, because the nursing duties for those cases were fulfilled by the designated and willing staff.

34. On or around the end of September 2011, UMDNJ changed its policy and began telling Same Day Surgery Unit Nurses including Plaintiffs that they must assist abortions.

35. On September 26, 2011, UMDNJ executed an official, written policy entitled “Request to be Excused from Patient Care” (hereinafter “the Policy”). The Policy was signed and authorized by Defendant Rejrat in her capacity as Chief Nursing Officer, James Gonzalez as the Acting President and CEO of UMDNJ, Suzanne Atkin as Chief Medical Officer, and the Cochairs of UMDNJ’s Bioethics Committee Michael Jaker and Patricia Murphy.

36. Upon information and belief, the Policy is authorized by the UMDNJ Board of Trustees and was enacted pursuant to protocol approved by the UMDNJ Board of Trustees for the creation of UMDNJ policy.

37. The Policy asserts the authority of UMDNJ and its supervisors including Defendants to require UMDNJ employees to assist abortions or be subject to termination, even if they have a religious objection.

38. All of the actions alleged herein by Defendants in compelling the Nurses to assist abortions have been undertaken as a direct implementation of the Policy, by the direction of UMDNJ and its decision-making officials.

39. Defendants imposed the Policy on the Nurses in October 2011 by repeatedly telling them and their colleagues that they must assist abortions or they would be terminated.

40. Defendants told the Nurses that any objecting nurses might theoretically be relocated to significantly less favorable job positions, but Defendants Rejrat, Arriaga and Ludwig simultaneously told several of the Nurses that no such jobs exist anyway, so that a nurse's objection to assisting abortions could only lead to her termination.

41. Defendant Ludwig was herself a designated abortion nurse, until she took her current position as Assistant Nurse Manager and began imposing Defendants' mandatory abortion-assistance on the Nurses.

42. As part of Defendants' mandate that the Nurses begin assisting abortions, Defendants immediately scheduled the Nurses and their colleagues to begin training to assist abortions. Such training involves actually assisting abortions. The training began occurring on Friday October 14, 2011, and it continued on at least Friday October 21, Wednesday October 26, Friday October 28, and through the present.

43. If no injunction issues from this Court, the Nurses and their colleagues will be scheduled one by one to undergo the training at least every Friday, and also other days when UMDNJ may schedule abortions, and then will be scheduled to assist abortion cases on a regular basis.

44. Defendants have told the Nurses that they all must undertake this training on command or be terminated, and they must begin assisting abortions or be terminated.

45. At various times the Nurses have told UMDNJ, through their supervisor(s), that they possess a religious or moral objection to assisting or training to assist abortion cases.

46. Despite the Nurses' objections, Defendants continue to insist that the Nurses must assist abortions or face termination.

47. Since implementation of Defendants' Policy began in October 2011, Defendants have already forced several of the Nurses to undergo training to assist abortions by threatening them with termination if they did not assist.

48. In particular, Defendants' assignment of Ms. Danquah to train for abortions occurred without advance warning or notice to her. She was first informed when she arrived for her regular morning shift on October 28, 2011.

49. When Ms. Danquah reiterated her religious objections to training in or assisting abortions that morning before the cases began, Defendant Ludwig responded that UMDNJ has "no regard for religious beliefs" of nurses who so object, that "everyone on this floor is required when assigned to do TOPs [terminations of pregnancy; abortions]," that such nurses "are trained to care for patients' elective procedures," and that "no patients can be refused by any nurse."

50. Being forced by Defendants to train to assist abortions has caused Ms. Balasa and Ms. Danquah emotional, psychological, and spiritual suffering.

51. Because of Defendants' intransigent threats and compulsion of nurses to assist abortions in implementation of the Policy, some nurses are chilled against even expressing their religious or moral objections to Defendants for fear of being terminated.

52. All of the Nurses would suffer extreme emotional suffering to the extent they are forced to assist abortion cases.

53. The Nurses and their families would suffer significant financial hardship if Defendants carry out their threats of imposing termination or other adverse employment actions against them for objecting to assisting abortion cases.

54. Several of the Nurses wrote to Defendants' Liptack and Arriaga expressing the Same Day Surgery Unit nurses' religious and moral objections to assisting abortion cases, after

which a meeting was going to be held on October 21, 2011 where some Defendants and the Nurses could discuss the issue.

55. When the Nurses came to the October 21 meeting with their undersigned attorney Mr. Stratis to explain their legal right not to assist abortions, Defendants refused to conduct the meeting.

56. UMDNJ's requirement that its nurses assist abortions violates multiple laws.

57. 42 U.S.C. § 300a-7(c) declares:

(c) Discrimination prohibition

(1) No entity which receives a grant, contract, loan, or loan guarantee under the Public Health Service Act [42 U.S.C. § 201 et seq.], the Community Mental Health Centers Act [42 U.S.C. § 2689 et seq.], or the Developmental Disabilities Services and Facilities Construction Act [42 U.S.C. § 6000 et seq.] after June 18, 1973, may--

(A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

(B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.

(2) No entity which receives after July 12, 1974, a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health and Human Services may--

(A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

(B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of any lawful health service or research activity, because he refused to perform or assist in the performance of any such service or activity on the grounds that his performance or assistance in the performance of such service or activity would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting any such service or activity.

58. Under 42 U.S.C. § 300a-7(c), the Nurses have a right not to assist in abortions, and not to assist in “any lawful health service,” to the extent such assistance “would be contrary to [their] religious beliefs or moral convictions, or because of [their] religious beliefs or moral convictions respecting any such service or activity.” *Id.*

59. There is no exception to sections (c)(1) or (c)(2) of the Church Amendment allowing an entity such as UMDNJ to sometimes discriminate against employees when they have religious objections to assisting abortions or related health services.

60. Congress explicitly declared that the prohibitions on discrimination contained in 42 U.S.C. § 300a-7(c) are “Individual Rights.” Public Law 93-348, § 214 (1974).

61. Every year UMDNJ receives tens of millions of dollars of federal funding administered by the United States Department of Health and Human Services (“HHS”), including nearly \$60 million in 2011.

62. In 2011 and the past several years, UMDNJ has received a grant, contract, loan, or loan guarantee under the Public Health Service Act [42 U.S.C. § 201 et seq.], the Community Mental Health Centers Act [42 U.S.C. § 2689 et seq.], and/or the Developmental Disabilities Services and Facilities Construction Act [42 U.S.C. § 6000 et seq.].

63. In 2011 and during the past several years, UMDNJ has received a grant or contract for biomedical or behavioral research under a program administered by HHS.

64. Some of the funds in the above-mentioned categories are listed in Exhibit 1 attached to this Verified Complaint.

65. By accepting the funds referred to above and other federal funding, UMDNJ has voluntarily subjected itself to the Church Amendment, 42 U.S.C. § 300a-7(c)(1) and (c)(2).

66. Defendants' verbal and written Policy, and the actions taken pursuant to the same as described herein, constitute discrimination against the Nurses in blatant violation of 42 U.S.C. § 300a-7(c)(1) and (c)(2).

67. Defendants' verbal and written Policy, and the actions taken pursuant to the same as described herein, further violates the "Hyde-Weldon Amendment," which has been attached to every federal appropriations act that has been promulgated since 2005 (P.L. 108-447, Division F, § 508(d)) as applied to Labor, HHS and Education funding.

68. These appropriations acts include and use language identical to the language contained in the Consolidated Appropriations Act, 2010, Pub. L. 111-117, Div. D, § 508(d) (Dec. 16, 2009), which declares:

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

69. Defendants and the State of New Jersey of which they are a part are a "State or local government" that has received federal Labor, HHS and Education funds (including but not limited to the funds described in Exhibit 1) made available through appropriations acts that have been subject to the Hyde-Weldon amendment.

70. Defendants' actions as described herein, by forcing or threatening to force the Nurses to participate in abortions or face termination or other adverse actions if they object, constitute discrimination against the Nurses in blatant violation of the Hyde-Weldon Amendment.

71. Defendants' compulsion that the Nurses assist abortion or face adverse actions further violates N.J. Stat. § 2A:65A-1, which declares that "No person shall be required to perform or assist in the performance of an abortion or sterilization."

72. Defendants' compulsion that the Nurses assist abortion or face adverse action further violates the Nurses' rights under the Fourteenth Amendment of the United States Constitution.

73. Defendants' actions as alleged herein have already and will irreparably harm the Nurses if they are not awarded preliminary injunctive relief before Defendants can force each of them to assist abortions or terminate them or commit other adverse actions against them. On information and belief Defendants' are in fact intending to do so, as their threats and actions to date have made clear.

74. Defendants are "persons" for purposes of the claims set forth in this complaint, as that term is used in 42 U.S.C. § 1983, and therefore are subject to the jurisdiction of this Court for claims arising out of federal law.

75. Plaintiffs desire to continue their employment in the UMDNJ Same Day Surgery Unit just as they did for years prior to September 26, 2011, without assisting in parts of the abortion process over their religious or moral objections, and without Defendants terminating them or committing other adverse actions against them or threatening the same.

76. The Policy under which Defendants are compelling the Nurses to assist abortions or face adverse consequences is the policy and custom of UMDNJ, officially adopted, promulgated, signed and imposed by UMDNJ through its policy- and decision-makers.

77. All of the conduct of Defendants as set forth in this complaint, whether taken or threatened to be taken, constitutes conduct “under color of state law” as that phrase is used in 42 U.S.C. § 1983.

78. Plaintiffs have no adequate remedy at law.

FIRST CAUSE OF ACTION:
VIOLATION OF 42 U.S.C. §§ 1983 & 300a-7(c)(1) & (c)(2)

79. The allegations of the paragraphs above are reasserted here.

80. Defendants are subject to 42 U.S.C. § 300a-7(c)(1) & (c)(2) because of UMDNJ’s receipt of funds from various statutes such as the Public Health Service Act, and biomedical and behavioral research funds.

81. In 42 U.S.C. § 300a-7(c)(1) & (c)(2) Congress declared that it created “Individual Rights,” possessed by persons including the Nurses, which civil rights prohibit Defendants from discriminating against the Nurses due to their religious or moral objection to assisting abortions, or to discriminating against them due to their religious or moral objection to assisting in any health service including but not limited to services related to abortion.

82. By adopting and implementing a Policy that threatens termination or other adverse actions against the Nurses unless they assist and train in assisting abortions and performing other health services related to abortions, Defendants have committed and are committing discrimination in the employment, promotion, or termination of employment of

health care personnel, and discrimination in the extension of staff or other privileges to health care personnel in violation of 42 U.S.C. § 300a-7(c)(1) & (2).

83. By continuing this discrimination even after the Nurses have asserted their religious and moral objections to such assistance, Defendants have committed discriminatory retaliation against the Nurses.

84. UMDNJ is liable for the discriminatory actions of the individually named Defendants because their actions alleged herein were conducted pursuant to UMDNJ's official policy and custom and at the instruction of the officials who promulgated such policy.

85. UMDNJ is liable for the discriminatory actions of the individually named Defendants because it acquiesced and condoned those actions.

86. UMDNJ is liable for the discriminatory actions of the individually named Defendants under the doctrine of respondeat superior, because those superiors were acting in the scope of their authority from UMDNJ to alter the terms and conditions of the Nurses' employment on condition that they succumb to a violation of their rights of conscience.

87. Congress explicitly declared in Public Law 93-348, § 214 (1974) that the anti-discrimination protections contained in 42 U.S.C. § 300a-7(c)(1) & (c)(2) constitute "Individual Rights" possessed by the Nurses.

88. Congress explicitly provided remedies under 42 U.S.C. § 1983 by which the Nurses may bring claims against Defendants, as state actors, for their violation of rights protected by laws of the United States, including the "Individual Rights" that in Public Law 93-348 Congress explicitly declared exist in 42 U.S.C. § 300a-7(c)(1) & (c)(2).

89. The Nurses will suffer financial damages if Defendants' commit discriminatory and retaliatory actions of termination or other adverse actions against them.

90. The Nurses and other similarly situated employees continue to suffer irreparable harm by Defendants' Policy and actions, thereby giving rise to the need for injunctive and other relief against Defendants.

SECOND CAUSE OF ACTION
VIOLATION OF THE FOURTEENTH AMENDMENT
OF THE UNITED STATES CONSTITUTION

91. The allegations of the paragraphs above are reasserted here.

92. The Fourteenth Amendment of the United States Constitution, as applied to state actors such as Defendants, protects the right to liberty against Defendants' violation thereof.

93. The right to liberty under the Fourteenth Amendment includes the right not to be required to assist abortions as a condition of maintaining government employment free of discrimination.

94. Defendants' actions as described herein have violated the Nurses' Fourteenth Amendment right not to be required to assist abortions.

95. The Nurses will suffer emotional and financial damages if Defendants are allowed to commit discriminatory and retaliatory actions of termination or other adverse actions against them on the basis of their religious or moral objections to assisting abortion cases.

96. The Nurses and other similarly situated employees continue to suffer irreparable harm by Defendants' Policy and actions, thereby giving rise to the need for injunctive and other relief against Defendants.

THIRD CAUSE OF ACTION:
VIOLATION OF N.J. STAT. § 2A:65A-1

97. The allegations of the paragraphs above are reasserted here.

98. N.J. Stat. § 2A:65A-1 declares that “No person shall be required to perform or assist in the performance of an abortion or sterilization.”

99. Defendants’ Policy and actions as described herein have required and attempted to require the Nurses “to perform or assist in the performance of [] abortion[s]” in violation of N.J. Stat. § 2A:65A-1.

100. The Nurses will suffer emotional and financial damages if Defendants are allowed to commit discriminatory and retaliatory actions of termination or other adverse actions against them on the basis of their religious or moral objections to assisting abortion cases.

101. The Nurses and other similarly situated employees continue to suffer irreparable harm by Defendants’ Policy and actions, thereby giving rise to the need for injunctive and other relief against Defendants.

WHEREFORE, Plaintiffs respectfully seek judgment against Defendants as follows:

A. A declaratory judgment finding that Defendants have violated and continue to violate the Nurses’ rights under the above-cited laws;

B. An injunction against Defendants in their official and individual capacities:

1. Ordering Defendants to comply with the above-cited laws by refraining from forcing the Nurses or any health care personnel to assist in abortions or in any health service related to abortion, and to rescind any verbal or written policy or custom to the contrary;
2. Ordering Defendants to refrain from taking any adverse or retaliatory action against the Nurses due to their objections to assisting in abortions or in any health service related to abortion;

3. Ordering Defendants to disgorge the funds UMDNJ has received under statutes cited in 42 U.S.C. § 300a-7(c)(1), and biomedical and behavioral research funds as recited in (c)(2), and HHS or Labor funds received under appropriations acts subject to the Hyde-Weldon Amendment, in an appropriate amount commensurate with Defendants' discriminatory actions to be determined at the Court's discretion and as a penalty for Defendants' violation of the Nurses' and their colleagues' rights; and
 4. Ordering Defendants to cease receiving qualifying funds under statutes cited in 42 U.S.C. § 300a-7(c)(1), or biomedical and behavioral research funds as recited in (c)(2), or HHS or Labor funds received under appropriations acts subject to the Hyde-Weldon Amendment, unless and until Defendants demonstrate compliance with the non-discrimination provisions of § 300a-7(c) in policy and practice.
- C. An award pursuant to 42 U.S.C. § 1988 including reasonable attorneys' fees and costs incurred in this action;
- D. Any other and further relief as this Court would deem necessary and proper.
- Plaintiffs request a jury trial on all claims so triable.

DATED: October 31, 2011,

Fair Lawn, New Jersey.

Respectfully submitted,

s/ Demetrios K. Stratis
Demetrios K. Stratis
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**Pro hac vice applications forthcoming.*

CERTIFICATION OF OTHER ACTIONS

The undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any court, arbitration, or administrative proceeding.

s/ Demetrios K. Stratis
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