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254 Oak Street  
Rahway, New Jersey 07065  
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Attorney for Plaintiffs,  
ALAN R. LEVY and LISA S. VANDEVER-LEVY.

ALAN R. LEVY and LISA S. VANDEVER-  
LEVY,

*Plaintiff(s)*

vs.

THOMAS O'REILLY, JOANNA  
PAPADAKIS, BILL TOMKIEWICZ,  
RAHWAY COMMUNITY VOICE, JOHN  
DOES 1-10 (FICTITIOUS NAMES  
REPRESENTING UNKNOWN  
INDIVIDUALS) AND/OR XYZ CORP. 1-10  
(FICTITIOUS NAMES REPRESENTING  
UNKNOWN CORPORATIONS,  
PARTNERSHIPS, AND/OR LIMITED  
LIABILITY COMPANIES OR OTHER  
TYPES OF LEGAL ENTITIES),

*Defendant(s)*

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: UNION COUNTY  
DOCKET NO.:

Civil Action

**COMPLAINT FOR INJUNCTION AND  
DECLARATION OF RIGHTS**

Plaintiffs, ALAN R. LEVY and LISA S. VANDEVER-LEVY, residing at 254 Oak Street, City of Rahway, County of Rahway, State of New Jersey by way of complaint against the defendant(s) does say:

### **INTRODUCTORY STATEMENT**

1. While federal law requires “state action” to enforce the constitutional rights of free speech against private entities, it is well-settled that Article I of the New Jersey State Constitution provides far broader protections from the evils of unreasonable and viewpoint-based censorship perpetrated by private entities. See N.J. Const. art. I, ¶¶ 6, 7, and 18; State v. Schmid, 84 N.J. 535 (1980); N.J. Coalition Against War in the Middle East v. J.M.B. Realty Corp., 138

N.J. 326 (1994); Mazdabrook Commons Homeowners' Ass'n v. Khan, 210 N.J. 482 (2012); Dublirer v. 2000 Linwood Ave. Owners, Inc., 220 N.J. 71 (2014).

2. This is an equitable action against the Defendants for Temporary and Permanent Injunctive Relief and Declaratory Judgment.

3. Defendant, RAHWAY COMMUNITY VOICE is an online “Facebook Group” with nearly 20,000 members, owned and/or administered by Defendants, THOMAS O'REILLY, JOANNA PAPADAKIS, and BILL TOMKIEWICZ, and is held out as a “public square.”

4. Defendants have engaged in and are engaging in actions and practices that deny to Plaintiffs the right of free speech and democratic participation in the governing affairs of the City of Rahway and the online “public square” known as RAHWAY COMMUNITY VOICE.

5. Plaintiffs have no adequate remedy at law to protect their rights and seek equitable relief to prevent further injury that cannot be compensated with monetary damages.

#### **VENUE**

6. Venue is proper in Union County pursuant to *R. 4:3-2(a)(2)* because events giving rise to the complaint occurred in Union County.

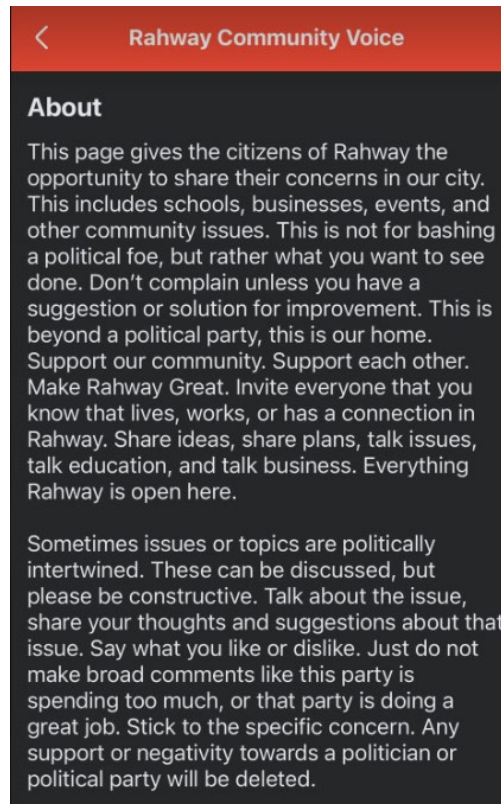
#### **PARTIES**

7. Plaintiff, ALAN R. LEVY, has been a resident of Rahway, NJ since 2003, is an attorney in good standing admitted to practice law in the State of New Jersey since 1999, is a duly elected member of the Union County Republican Committee and is active in local and municipal politics.

8. Plaintiff, LISA S. VANDEVER-LEVY, has been a resident of Rahway, NJ since 2003, is co-leader of Indivisible Rahway, a progressive grassroots political organization, was a candidate in the 2024 Democratic Primary for City Council in Rahway's 3<sup>rd</sup> Ward and is active in local and municipal politics.

9. Defendant, RAHWAY COMMUNITY VOICE, is self-described as “giving the citizens of Rahway the opportunity to share their concerns in our city. This includes schools, businesses, events and other community issues.”

10. Defendant, RAHWAY COMMUNITY VOICE, is self-described as follows:



11. By their own words, Defendants hold RAHWAY COMMUNITY VOICE out as a “public square” as defined by the New Jersey State Constitution and Common Law.

12. Defendant, THOMAS O’REILLY, who resides at 1105 Greslin Terrace – Rahway, NJ is a self-described “administrator” of RAHWAY COMMUNITY VOICE, a member of the Rahway Democratic Committee, and is a current member of the Board of Trustees of the Rahway Public Library appointed by the Democratic Mayor of Rahway.

13. Defendant, JOANNA PAPADAKIS, who resides at 1071 Briarcliff Drive – Rahway, NJ is a self-described “administrator” of RAHWAY COMMUNITY VOICE and is a former member of the Board of Education for the City of Rahway.

14. Defendant, BILL TOMKIEWICZ, who resides at 1203 Madison Hill Rd. – Rahway, NJ is a self-described “administrator” of RAHWAY COMMUNITY VOICE and is a current member of the Zoning Board of Adjustment for the City of Rahway.

15. At all relevant times, Defendants held actual and/or de facto control and jurisdiction over all of the complained matters involving RAHWAY COMMUNITY VOICE.

### **FACTUAL ALLEGATIONS**

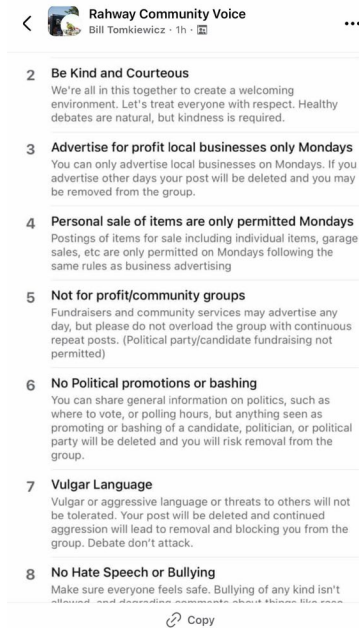
16. Plaintiffs, ALAN R. LEVY and LISA S. VANDEVER-LEVY are husband and wife who had been regular participants in RAHWAY COMMUNITY VOICE engaging in political discourse and “sharing their concerns” regarding the City of Rahway, for several years, prior to the complained matters.

17. As active members of RAHWAY COMMUNITY VOICE, Plaintiffs had regularly engaged in the activities of sharing their concerns, sharing ideas, talking issues, and discussing politically intertwined issues, all of which they were invited to do by Defendants.

18. Over the last several months, Plaintiffs were the target of censorship efforts by Defendants which included random instances of having comments deleted and being suspended from being able to comment for several days at a time.

19. Whenever Plaintiffs asked Defendants why their comments were removed or that they were suspended, Defendants never responded with any reasons.

20. Defendants claim to have rules for proper conduct of members in RAHWAY COMMUNITY VOICE, and regarding political comments, they are shockingly unreasonable, overbroad, vague, and contradictory.



21. These “rules” are both improperly vague on their face, they have been enforced against Plaintiffs in a brazenly biased manner.

22. On May 16, 2024, Plaintiff LISA S. VANDEVER-LEVY, posted a comment to RCV and other social media groups (see screenshot below), providing copies of sample ballots for the upcoming June 4, 2024 Primary Election for Rahway City Council, and advising people that there were several contested Primary elections. Even though Plaintiff was a candidate for this Primary election, Plaintiff clearly did not “promote” or “bash” any candidate or party. However, this still offended the Defendants, as they quickly deleted Plaintiff’s comment, and to add insult to injury, they suspended Plaintiff from any participation in RCV until AFTER the June 4, 2024 Primary Election.

**THE REAL VOICE OF RAHWAY!**  
 Top contributor Lisa Vandever · May 16 · 📷

This Union County sample ballot for the upcoming primary election provides a great illustration of the differences between "office block" and "county line" ballot designs.

The simple and concise sample up top is an office block design, as is newly required for this election by a court order, with Democratic candidates organized by office and given equal weight.

Meanwhile, the sample below shows the obvious impact of NJ's traditional "county line" design, driving the voter's attention to the party's endorsed candidates, and the resulting sprawl of any opposing Republicans over to the right into what's known as "Ballot Siberia."

(Sample is for Rahway, Ward 5. Additional Union County sample ballots can be found here: [<https://unioncountyvotes.com/sample-ballots/>]([https://unioncountyvotes.com/sample-ballots/?fbclid=IwZXh0bgNhZWQCMTAAR1ZqnPELdQZw4v78i454VrrmAgQzRsfRCGqgByzhUf2aa10EdlQAY28EBA\\_aem\\_Aa\\_gmiHfYBmwwlvzNtka4dyvVVbJhau-YfAXP\\_lkcajK2c8p66kKlexi5UR3IHzyuA\\_ru-xdwWX78Nn6OKBJKa45R](https://unioncountyvotes.com/sample-ballots/?fbclid=IwZXh0bgNhZWQCMTAAR1ZqnPELdQZw4v78i454VrrmAgQzRsfRCGqgByzhUf2aa10EdlQAY28EBA_aem_Aa_gmiHfYBmwwlvzNtka4dyvVVbJhau-YfAXP_lkcajK2c8p66kKlexi5UR3IHzyuA_ru-xdwWX78Nn6OKBJKa45R))

Like Comment Copy

All comments ▾

**Lisa Vandever** Author Top contributor  
 Welp, looks like this post just got me suspended over on RCV. I guess somebody over there doesn't want folks to be educated on the new design of the Democratic ballots.  
 19w Like Reply 3 🗨️

**Kristine De Jesus** Top contributor  
**Lisa**, the commitment to ignorance and fragility of those in public office (and their lackeys) is so telling that they're run for office is about power and control and not about the public good.  
 19w Sad Reply 2 🗨️

**Patrick S Deering**  
**Lisa Vandever** funny how the RcV blocks on there site but post on this page 🤔  
 19w Care Reply 3 🗨️

**Lisa Vandever** Author Top contributor  
 To be clear, I was actually referring to Rahway Community Voice not Rahway Dems. But easy to confuse... I believe they share an admin?  
 19w Like Reply 1 🗨️

**Rebecca Lynn** Admin Top contributor  
**Lisa Vandever** I know they don't allow political posts because they cause the nasties to come out of the woodwork but this was a non partisan informative post about NJ that effects us all. The problem is the people in the comments that are STILL there, not people like you who are trying to educate. Sorry that happened to you.  
 19w Like Reply 1 🗨️

**Lisa Vandever** Author Top contributor  
**Rebecca Lynn** Ah, no worries. Even though I'd made sure I wasn't advocating for/against a candidate or party, I thought it might end up getting deleted, since supposedly that happens automatically to any post that gets three admin reports.  
 I didn't expect to be suspended, however. I suspect that's **Tom O'Reilly's** attempt to keep me out of there until June 13. After the election, of course.  
 19w Like Reply Edited 1 🗨️

23. Even more distressing is that Defendant, THOMAS O'REILLY, has a long history of disregarding RCV's own rules and enforcing the rules in an arbitrary and capricious manner. Defendants do not even attempt to make a pretextual case that their compliance or enforcement of RCV's rules is ever made in a content-neutral manner.

**Rahway Community Voice**  
Admin Tom O'Reilly · Mar 31, 2022 · 🌐

**Mayor Raymond Giacobbe**  
Mar 31, 2022 · 🌐

Regarding the racist and misogynist comments made by Clark Mayor Sal Bonaccorso that were brought to light in a recently publishe... See more

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**City of Rahway**  
Office of the Mayor

Raymond A. Giacobbe  
Mayor

One City Hall Plaza  
Rahway, NJ 07065

Tel (732) 827-2009  
Fax (732) 574-0477  
mayor@cityofrahway.com

**STATEMENT REGARDING COMMENTS BY SAL BONACCORSO, MAYOR OF CLARK, NJ  
MARCH 31, 2022**

Regarding the racist and misogynist comments made by Clark Mayor Sal Bonaccorso that were brought to light in a recently published nj.com article, I unequivocally and in the strongest possible terms condemn them. There is absolutely no place in our society for not only this language but, more importantly, for the mindset these comments reflect. I am personally disgusted and disappointed to know that he would say such things.

On June 6, 2020, I joined a grassroots march to Clark's town hall, a peaceful protest organized by members of the Rahway community. In addressing the assembled crowd, I made the statement that "this man is not a racist" with regard to Mr. Bonaccorso. I regret my misjudgment of his character. It has become clear to me that the reason I had never heard him express racist or misogynist views is because he knew that I would not have tolerated it. Had I known then what I know now, my statement would have been much different.

Once again, let me be clear that I absolutely condemn Mr. Bonaccorso's comments and mindset, as well as anyone who would attempt to defend him in light of these revelations.


**Rahway Community Voice**  
Admin Tom O'Reilly · Jun 1, 2022 · 🌐

This wasn't during election season. This wasn't campaigning. This was Mayor Raymond Giacobbe working to help save lives and serve the community!!! This is where the trust was earned, when no one was watching!!!  
#RahwayAllDay

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**Mayor Raymond Giacobbe**  
May 29, 2020 · 🌐

I would like to express gratitude to the Union County Board of Chosen Freeholders for the donation of 5,000 surgical masks to the City. It was a pleasure t... See more



👍❤️ 24      9 comments

**Rahway Community Voice**  
Admin Tom O'Reilly · 3d · 🌐

This is not political it is an example of work done by one of our elected officials for a Rahway citizen and the community as a whole!!!

**This content isn't available right now**  
When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.

👍❤️ 12      1 comment

👍 Like    💬 Comment    🔄 Copy

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**Tom O'Reilly**  
3m · 🌐

Way to go Danni Newbury!!! Good government at work!!! #RahwayDemocrats2024 #VoteColumnA #RahwayDems #RahwayAllDay #ExperiencedLeadership

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**Lia Sa Ro**  
22h · 🌐

I want to give a special shout out and HUGE THANK YOU to council woman Danni Newbury City of Rahway !!! On behalf of myself... See more



24. Simply put, Defendants have engaged in a brazen pattern of conduct where they are allowed to “promote” or “bash” any politician they choose to, but if anyone dares to disagree with them, they are censored and/or kicked out.

25. In the weeks and months prior to the 2024 Municipal General Elections which are scheduled to take place on November 5, 2024, Defendants have dramatically increased their censorship efforts.

26. Beginning in early September 2024, a political controversy arose over the Rahway City Council significantly slashing the budget to the Rahway Public Library, which inspired several public protests and was a subject of local and state media coverage.<sup>1</sup>

UNION COUNTY

## N.J. library will cut hours, stop purchasing books due to 'incompetence,' mayor says

Updated: Sep. 05, 2024, 9:06 p.m. | Published: Sep. 05, 2024, 1:55 p.m.



By Brianna Kudisch | NJ Advance Media for NJ.com

**Update:** This story was updated with additional comments from Rahway Mayor Raymond Giacobbe about a vote scheduled for Friday to restore Saturday hours and programming at the library.

A local library in Union County is reducing its hours and programming due to "funding challenges" that have angered residents and prompted the mayor to publicly criticize library officials.



Advertisement

chowy

The screenshot shows a news article from 'Rahway Rising' titled 'RALLY, EMERGENCY MEETING LEAD TO REINSTATEMENT OF LIBRARY FUNDING'. The article is dated September 8, 2024, and is by Rebeka Humbrecht. It reports that within a week of the Rahway Public Library announcing the immediate halt of all programming, the library's Board of Trustees unanimously reinstated funding during an emergency meeting on Friday. The article also includes a call to action to 'Become a Patron!' and mentions that the library posted on social media Friday that all programming would be restored.

27. Plaintiffs have participated in several of the aforementioned peaceful public protests in which criticism had been expressed against the Mayor of the City of Rahway, members of the Rahway City Council, and members of the Board of Trustees of the Rahway Public Library.

28. Plaintiffs had also written and posted comments about the protests in RAHWAY COMMUNITY VOICE, all of which were quickly deleted without any explanation.

<sup>1</sup> Media Links: <https://www.nj.com/union/2024/09/nj-library-will-cut-hours-stop-purchasing-books-due-to-incompetence-mayor-says.html>; <https://www.tapinto.net/towns/rahway/sections/government/articles/rahway-public-library-announces-changes-due-to-funding-challenges-as-mayor-vows-to-address-issue-at-next-council-meeting>; <https://www.rahwयरising.com/rally-emergency-meeting-lead-to-reinstatement-of-library-funding/>

29. Even mere mentions of the media coverage with links to the articles (without any additional commentary) were quickly removed and deleted from RAHWAY COMMUNITY VOICE; again without any explanation.

30. Plaintiffs have been deemed to be political opponents of the Mayor of the City of Rahway, members of the Rahway City Council, members of the Board of Trustees of the Rahway Public Library, and the Defendants, over the issues surrounding the Rahway Public Library and other municipal political matters.

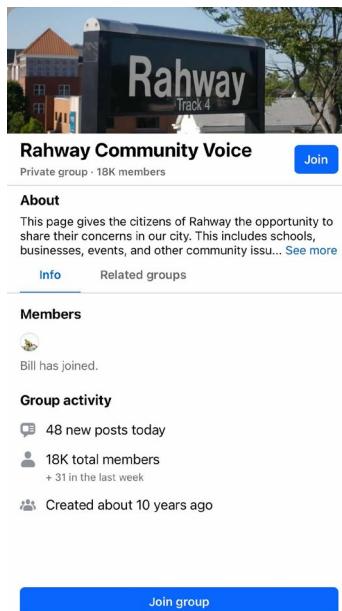
31. Defendant, THOMAS O'REILLY, was appointed to the Board of Trustees of the Rahway Public Library and has been the subject of political criticism by Plaintiffs and others.

32. Defendant, THOMAS O'REILLY, has made it his personal mission to silence and censor Plaintiffs along with anyone else who would dare express criticism of him or other public officials with the City of Rahway.

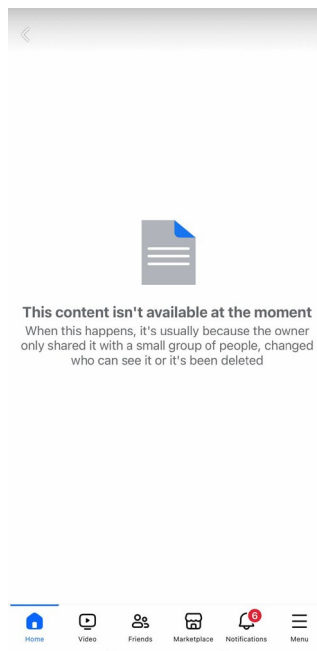
33. On or about September 24, 2024, Defendants employed the ultimate censorship maneuver by unilaterally and without warning "blocking" Plaintiffs from RAHWAY COMMUNITY VOICE, which not only permanently removes an individual from posting or reading comments in the group, but also prevents the blocked person from even seeing the existence of RAHWAY COMMUNITY VOICE on the Facebook platform.

34. After learning that Plaintiffs had been "blocked", on several occasions, Plaintiffs inquired to Defendants why this decision was made; and Defendants have willfully refused to provide any explanation or reason for why they were censored and blocked.

35. On September 29, 2024, Plaintiff, ALAN R. LEVY, learned that he was no longer "blocked" from seeing the existence of RAHWAY COMMUNITY VOICE, although his membership in RAHWAY COMMUNITY VOICE remains revoked. (see screenshot below)



36. Meanwhile, Plaintiff, LISA S. VANDEVER-LEVY remains “blocked” from RAHWAY COMMUNITY VOICE, and she is unable to even see the existence of RAHWAY COMMUNITY VOICE when searching for it. (see screenshot below)



37. No explanation has ever been given to Plaintiffs regarding any of the above-mentioned actions by Defendants, despite multiple inquiries.

38. Defendants' arbitrary and capricious actions have violated Plaintiffs' rights of free speech and assembly under the State Constitution and the common law, which has led to this civil action.

39. The fact that Defendants have violated Plaintiffs' rights of free speech and assembly so soon before the November 5, 2024, General Election is further evidence of their arbitrary and capricious actions, as well as the basis for why Plaintiffs require immediate relief and temporary restraints.

### **COUNT ONE**

#### **VIOLATION OF ARTICLE I OF THE NEW JERSEY CONSTITUTION**

40. Plaintiffs repeat and reallege the preceding paragraphs as if they were fully set forth at length herein.

41. The actions of Defendants described herein in prohibiting Plaintiffs from engaging in protected free speech activity is in violation of Article I, Paragraphs 6, 7 and 18 of the Constitution of the State of New Jersey.

42. By acting arbitrarily and capriciously in banning Plaintiffs, without identifying any reason, from participating in the "public square" known as RAHWAY COMMUNITY VOICE, is in violation of Article I, Paragraphs 6, 7 and 18 of the Constitution of the State of New Jersey.

43. Plaintiffs have suffered damages due to the above actions and violations.

44. Without an injunction, Plaintiffs cannot exercise their right to engage in free speech activity under Article I, Paragraphs 6, 7 and 18 of the Constitution of the State of New Jersey.

**WHEREFORE**, Plaintiffs demand the following relief:

- A declaration that Defendants' actions violated Plaintiffs' right to engage in free speech activity under Article I, Paragraphs 6, 7 and 18 of the Constitution of the State of New Jersey;
- Temporary and/or Permanent injunctive relief requiring Defendants to restore Plaintiffs' access to RAHWAY COMMUNITY VOICE, and cease interfering with Plaintiffs' exercise of their right of free speech;
- Reasonable attorneys' fees and legal expenses;
- Any other relief that the Court determines is equitable and just.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, Alan R. Levy, Esq., is hereby designated as trial counsel for Plaintiffs.

**CERTIFICATION PURSUANT TO R. 4:5-1**

I hereby certify that the matter in controversy is not the subject matter of any other action pending in court or pending arbitration proceeding, nor any other action or arbitration is contemplated.

I hereby certify and disclose that at this time we know of no other parties except those named herein that should be joined in this action.

Attorney for Plaintiffs



Date: September 30, 2024,

By: \_\_\_\_\_  
Alan R. Levy, Esq.