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UNIITED STATES DISRTICT COURT
DISTRICT OF NEW JERSEY

WALL HERALD CORPORATION, Plaintiff, - against – SHAUN GOLDEN; MONMOUTH COUNTY SHERIFF'S OFFICE; COUNTY OF MONMOUTH; MONMOUTH COUNTY PARK SYSTEM; JOHN AND JANE DOE SHERIFF OFFICERS 1-5; AND JOHN AND JANE DOE MONMOUTH COUNTY PARK RANGERS 1-5, Defendants.	*Civil Action No.:* **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, AND DAMAGES**

Plaintiff, Wall Herald Corporation ("**WHC**") by its attorneys Meyner and Landis, LLP, complaining of the defendants herein, alleges as follows:

I. PARTIES

1. At times relevant hereto, Plaintiff is and was a New Jersey Corporation and the owner of Monmouth Executive Airport ("**Airport**") located at 1717 Route 34, Wall Township, New Jersey 07727.

2. At all times relevant hereto, Defendant Shaun Golden ("**Golden**") is the elected Monmouth County Sheriff. Golden is also the Monmouth County GOP Chairman. Golden is responsible for the administration of the Monmouth County Sheriff's Office.

3. At all times relevant hereto, Defendant Monmouth County Sheriff's Office ("**Sheriff's Office**") is a County Sheriff's Office organized and existing under the laws of the State of New Jersey.

4. At all times relevant hereto, the County of Monmouth (the "**County**"), was and is a governmental entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business at One East Main Street, Freehold, New Jersey, which controls the Monmouth County Park System at 805 Newman Springs Road, Lincroft, New Jersey.

5. At all times relevant hereto, the Monmouth County Park System (the "**Park System**") (Golden, Sheriff's Office, the County and the Park System are collectively hereinafter referred to as the "**Defendants**") was and is a governmental entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business at 805 Newman Springs Road, Lincroft, New Jersey.

6. John and Jane Doe Sheriff's Officers 1-5 are fictitious names representing unidentified former and current employees of the Sheriff's Office operating under the supervision of Golden and are sued in their individual capacities but remain unknown to WHC at this time.

7. John and Jane Doe Monmouth County Park Rangers 1-5 are fictitious names representing unidentified former and current employees of the Park System operating under the supervision of the County and are sued in their individual capacities but remain unknown to WHC at this time.

II. JURISDICTION AND VENUE

8. This is a civil rights action for deprivation of constitutional rights under color of state law, brought pursuant to 42 U.S.C. §1983, together with pendent state claims.

9. The Court has jurisdiction over WHC's federal claim pursuant to 28 U.S.C. § 1331, as an action arising under the Constitution of the United States, and 28 U.S.C. § 1343(a)(3), to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States; and over WHC's pendent state claims under 28 U.S.C. § 1367.

10. The Court has authority to grant declaratory and injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2001 *et* seq.

11. The Court has authority to award costs and attorney's fees pursuant to 42 U.S.C § 1988.

12. Venue is properly laid in the District of New Jersey, pursuant to 28 U.S.C §1391(b), because all Defendants reside in this district, and the events giving rise to this claim occurred in this district.

13. At all times relevant hereto, Golden, the Sheriff's Office, the County, the Park System and the John and Jane Doe defendants were persons acting under color of state law acting with conduct that deprived WHC of rights, privileges, or immunities secured by the Constitution or laws of the United States and State of New Jersey.

III. FACTUAL BACKGROUND

A. Background on the County's Intention to Condemn

14. Two days after election day, on November 9, 2023, the Monmouth County Board of Commissioners (the "**Commissioners**") passed a Resolution (the "**Resolution**") providing that, among other things, the County wished to "explore possible alternatives to preserve the airport."

15. The Resolution falsely implied that the Airport has been subject to opening and closing at the "whim and fancy" of current ownership.

16. The County sent the Resolution to the Airport in the evening after the November 9, 2023 meeting without any notice whatsoever in advance.

17. According to the Resolution, the County is looking to "explore possible alternatives to preserve" the lots owned by WHC (Block 917, Lots 13, 13.01, 13.04, 14.01, 66 and 66.01 located in Wall Township, New Jersey) but also adjacent lots in common ownership with WHC owned by South 34 LLC (Block 917, Lots 62, 68 and 14) and KNM Wall LLC (Block 917, Lot 64) (collectively the "**Airport Lots**").

18. Combined the Airport Lots total 746.4 acres of property in Wall Township (the "**Township**").

19. Although the Airport Lots combined total 746.4 acres, airport operations consist of only approximately 340 acres.

20. Following the Resolution, the County sought to inspect the Airport in advance of condemnation pursuant to N.J.S.A. 20:3-16.

21. On May 22, 2024, the County inspected the Airport. Director Commissioner Thomas Arnone ("**Arnone**") was the only County Commissioner present for the inspection. Also in attendance was Golden, County employees, attorneys and outside public relations professionals.

22. Following the inspection the County has continued to express to WHC that it is looking to either purchase the Airport Lots or move forward with eminent domain proceedings and ultimately condemn the Airport Lots.

23. Essentially the County is looking to take over a private operating business simply to run the same business themselves at a considerable cost and with financial risk to the County taxpayers.

24. In a Star Ledger article from June 10, 2024, the Ledger quoted Arnone at a State of the County event calling it "a little pet peeve of mine," where he complained that other counties have airports and Monmouth does not.

25. On September 12, 2024, the County Commissioners approved a $180,000 contract with Merchant Aviation of Summit, New Jersey to conduct a feasibility study of the County's operation of the Airport.

26. The County has also hired special counsel to represent the County with respect to its condemnation efforts. According to a September 19, 2024 article from "InsiderNJ", as of July 2024 the County has already paid that firm nearly $250,000 – and formal condemnation proceedings have not yet begun.

27. The present owner of WHC purchased the stock of WHC in 2013.

28. Since purchasing the stock of WHC in 2013 WHC has invested millions of dollars towards improvements and debt reduction.

29. Since purchasing the stock of WHC in 2013 WHC paid off more than $2.5 million in back property taxes accumulated and owed by the former airport owner to Wall Township. WHC is presently current on all property tax obligations.

30. Since purchasing the stock of WHC in 2013 WHC has constructed a safety perimeter around the Airport, repaired non-functioning runway lights, financed the design of new instrument approaches and engaged in considerable runway and taxiway repairs.

31. The Airport is one of the Township's largest taxpayers, contributing almost $900,000 in property taxes to the Township annually.

32. According to Arnone's public statements, Wall Township "will lose no revenue to their taxpayers through this transition" – implying that the tax burden will be spread out among the County so Monmouth County residents (including Wall Township residents) will suffer the burden of paying those taxes to Wall Township that private ownership pays now.

33. The president of WHC is Alan Antaki.

34. Mr. Antaki is an aviation enthusiast and has repeatedly affirmed that he is not interested in selling the Airport Lots.

35. Mr. Antaki has repeatedly sought to discuss alternatives to condemnation or purchase with the County, but the County has refused to discuss those alternatives.

B. <u>The Relationship Between the County and Sheriff's Office</u>

36. The County is overseen by the Commissioners.

37. The director of the Commissioners is Arnone.

38. The Commissioners are responsible for preparing and adopting the County budget which includes the budget of the Sheriff's Office.

39. The Park System was created in 1961 by the Commissioners.

40. The Commissioners are the governing body of the County and oversee the Park System through the Monmouth County Board of Recreation Commissioners.

41. The Sheriff's Office conducts law enforcement activities throughout the County and works in tandem with Park System rangers at certain County events.

42. Golden is the "Chief Executive" of the Sheriff's Office which is a 605-member, $68 million County agency.

C. <u>County and Sheriff's Department Interference in the Past</u>

43. In 2019 the Airport applied to the National Disaster Medical System (NDMS) Federal Coordinating Center (FCC) to designate the Airport a national disembarkation site and a key player in America's national disaster response.

44. The NDMS was established in March of 1983 by President Reagan as a partnership between the Department of Health and Human Services, Department of Defense, Department of Veterans Affairs, Federal Emergency Management Agency, State and local governments, and the private sector.

45. The purpose of creating a nationwide medical response system is to supplement state and local medical resources during a natural or man-made emergency or disaster, and to provide backup medical support to the Department of Defense and Veterans Affairs medical care systems during an overseas conflict.

46. The NDMS is designed to care for the victims of an incident that exceeds the medical care capability of an affected state, region, or federal medical response.

47. A NDMS designation would make Monmouth Executive Airport and the Monmouth County Office of Emergency Management ("**County OEM**"), overseen by the County, Sheriff's Office and Golden, a patient receiving site if a national disaster overwhelms another state's local emergency response operations.

48. A NDMS designation would have provided for numerous training exercises for County emergency response and law enforcement, paid for by the federal government.

49. A NDMS designation would have also made both the Airport and County OEM eligible for significant grants from Federal agencies.

50. In the NDMS Operations Plan Executive Summary of January 20, 2020 Monmouth-Executive Airport (KBLM) was proposed for designation to, among other things: "[p]rovide access to the identified hangar and apron for responding personnel and vehicles, to conduct patient reception operations, including administration, operations and staging of patients."

51. According to the NDMS Executive Summary, the NDMS is designed to care for the victims of an incident that exceeds the medical care capability of an affected state, region, or federal medical response. It can treat large numbers of patients resulting from a major peacetime disaster or a national security emergency involving a conventional military conflict.

52. In order to receive approval from NDMS the local County Office of Emergency Management must agree to the plan.

53. The County OEM is a division of the Sheriff's Office overseen by the Sheriff's Office and Golden.

54. Despite being afforded the opportunity to serve a vital role in assisting disaster victims from other states, bring more Federal funding to the County and create favorable press and exposure for the Airport and the County, the County OEM was uncooperative with federal officials.

55. In a May 6, 2021 email to Mr. Antaki from Paul Malool (NDMS Federal Coordinator) Malool said:

> "I need to update you all. I, 100 % agree that KBLM's (KBLM is the FAA's designated identifier code for Monmouth Executive Airport) involvement with NDMS would be a

tremendous benefit not only for the airport but for the local and county departments. **However, I had tremendous push back from Monmouth County OEM that they will not support the NDMS program at Monmouth Executive Airport. IF we were activated, I need the support not only from the airport but from local, county and state.** I have reached out to the NJ State Office of Emergency Management to meet with and discuss us going further. I am not done with KBLM!"

56. As a result of the push back from County OEM, the Airport did not receive the NDMS designation.

57. There is no justifiable reason why the County would not be elated at the opportunity to participate in the NDMS program and receive federal law enforcement support and grants.

58. Although the County had an opportunity to play a key role in helping fellow Americans who are beset by disaster, the County and the Sheriff's Office were more interested in furthering the County's efforts to sabotage the Airport, at the expense of County constituents, than to help the County and the Airport.

D. The Monmouth County Fair and Deprivation of WHC's Constitutional Rights

59. The County hosts an annual fair at 1500 Kozloski Road, Freehold, New Jersey 07728.

60. The County fairgrounds are a public forum.

61. In light of the County's anticipated condemnation, on July 28, 2024, WHC sent three employees to the Monmouth County Fair to distribute leaflets (the "**Leaflets**") related to the County's intent to condemn. A true copy of one of the Leaflets is attached hereto as "**Exhibit 1[1].**"

62. Shortly after WHC's employees began to distribute the Leaflets, WHC's employees were approached by Park Rangers and told they were not allowed to distribute the Leaflets.

63. WHC's employees were then escorted to a parking lot outside of the fairgrounds.

[1] The website address on Exhibit 1 has been edited to reflect the correct website which had a typo in an initial version of the Leaflets.

64. Upon information and belief, WHC's employees were escorted by both Park rangers and Sheriff's Office officers.

65. Upon information and belief, the Sheriff's Office officers and Park System rangers' actions were directed by the County, Sheriff's Office and Golden.

66. Ironically, during the interaction, a Park System employee advised WHC's employees that they were not removed completely from the property because of their "First Amendment rights" but the WHC employees were nonetheless directed to stand in front of two marked Sheriff's Office police vehicles and told they could not approach any individuals walking by.

67. After visitors to the fair continued to approach WHC's employees, WHC's employees were then escorted by Park System rangers and/or Sheriff's Office officers to an approximately 10 foot x 10 foot spray painted box and told they could not leave the box, nor distribute the Leaflets unless someone approached and asked for one.

68. At no time were WHC's employees advised of any County policy prohibiting or otherwise imposing restrictions on the distribution of informational Leaflets either inside or outside the County fair.

69. The distribution of the Leaflets are protected speech.

70. The Defendants acted in concert to violate WHC's First Amendment rights to free speech by restricting and prohibiting the distribution of leaflets on a matter of significant public concern in a public forum.

71. The Defendants' actions were intended to restrict WHC from educating the public on the County's intentions, the financial risk and substantial costs involved in the County's anticipated seizure of the Airport.

IV. SUBSTANTIVE ALLEGATIONS

FIRST COUNT
(Violation of First Amendment, as applied to the States under the Fourteenth Amendment)

72. WHC re-alleges and incorporates paragraphs 1 through 71 as if fully set forth herein.

73. WHC has the right, protected under the First Amendment to the United States Constitution, to distribute leaflets containing information about the County's plan to violate private property rights and condemn the Airport.

74. WHC's distribution of the Leaflets is an expressive activity protected under the First Amendment.

75. By WHC's distribution of leaflets, WHC was exercising its right to engage in expressive activities under the First Amendment.

76. Defendants deprived WHC of the rights secured by the United States Constitution which apply to Corporations and individuals alike under 42 U.S.C. § 1983.

77. By removing WHC's employees from the County fairgrounds and then forcing WHC's employees to stand in a hastily created 10x10 spray-painted box in front of two marked Sheriff's Office vehicles, WHC's right of free speech has been violated.

78. Defendants' actions are motivated in whole or in part by their desire to assist the County with its condemnation efforts and prevent County citizens from obtaining information on the anticipated condemnation.

79. The actions of Defendants described herein are further related to the County, Golden and the Sheriff Office's ongoing attempts to interfere with the Airport and ultimately condemn the Airport Lots.

80. WHC has suffered damages for which Defendants are liable as a result of WHC's inability to express its views in a public forum.

81. As a proximate result of Defendants' violation of WHC's First Amendment rights, WHC was injured as set forth above.

WHEREFORE, WHC demands judgment in its favor and against Defendants as follows;

A. For compensatory damages;

B. For punitive damages;

C. For appropriate declaratory and injunctive relief, including an order of the Court directing Defendants to cease any further harassment of WHC for the exercise of its constitutional rights of free speech and expression;

D. For costs and attorney's fees pursuant to 42 U.S.C. § 1988;

E. For all other appropriate relief.

SECOND COUNT
(Violation of New Jersey State Constitution)

82. WHC re-alleges and incorporates paragraphs 1 through 81 as if fully set forth herein.

83. Defendants' actions, as described above, violated WHC's rights of free speech and expression under Article I, Paragraphs 6 of the New Jersey Constitution.

84. Article I, ¶ 6 of the New Jersey Constitution states, in relevant part, "Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press."

85. WHC has been deprived of a clearly established constitutional right guaranteed by Article I, ¶ 6 of the New Jersey Constitution in that WHC has been deprived of its freedom of speech and expression while in a traditional public forum, including, but not limited to, its right to distribute leaflets on the County fairgrounds.

86. WHC has suffered damages for which Defendants are liable as a result of WHC's inability to express its views in a public forum.

87. As a proximate result of Defendants' violation of WHC's rights under the New Jersey Constitution, WHC was injured as set forth above.

WHEREFORE, WHC demands judgment in its favor and against Defendants as follows;

A. For compensatory damages;

B. For punitive damages;

C. For appropriate declaratory and injunctive relief, including an order of the Court directing Defendants to cease any further harassment of WHC for the exercise of its constitutional rights of free speech and expression;

D. For costs and attorney's fees pursuant to 42 U.S.C. § 1988;

E. For all other appropriate relief.

Date: September 20, 2024

MEYNER AND LANDIS LLP

Matthew P. Dolan, Esq.
Attorneys for Plaintiff
Wall Herald Corporation

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Protect Private Property Rights In Monmouth County

Stop the Monmouth County Commissioners from spending ***hundreds of millions of your tax dollars*** to seize and take over the privately-owned, public-use Monmouth Executive Airport in Wall Township.

County Commissioner Thomas Arnone is the driving force behind the plan to violate private property rights so the government can take the 740-acre airport owned by the Antaki family for the past 10 years.

Why does Arnone want the county to own an airport? What are his plans? What will his plan cost taxpayers?

Go to https://www.PPRMonmouth.com to learn more about the county's plan to violate property rights and stick you with the bill.

Call Commissioner Arnone and tell him to stop the Monmouth County land grab:

County office: (732) 431-7396
Work: (732) 222-2000

Or email his office at:

thomas.arnone@co.monmouth.nj.us