481-25E
OAL Dkt. No. EDU 15305-25
Agency Dkt. No. 294-9/25

New Jersey Commissioner of Education

Order on Emergent Relief

Casey Zimmer and Louis Gaudious,

Petitioners,

v.

Board of Education of the Township of Ocean, Ocean County,

Respondent.

The record of this emergent matter, the sound recording of the hearing held at the Office of Administrative Law (OAL), and the recommended Order of the Administrative Law Judge (ALJ) have been reviewed and considered.

Upon review, the Commissioner concurs with the ALJ that petitioners have failed to demonstrate entitlement to emergent relief pursuant to the standards enunciated in *Crowe v. DeGioia*, 90 *N.J.* 126, 132-34 (1982), and codified at *N.J.A.C.* 6A:3-1.6.

Accordingly, the recommended Order denying petitioners' application for emergent relief is adopted for the reasons stated therein. This matter shall continue at the OAL with such proceedings as the parties and the ALJ deem necessary to bring it to closure.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: October 10, 2025
Date of Mailing: October 10, 2025

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER DENYING
EMERGENT RELIEF
OAL DKT. NO. EDU 15305-25
AGENCY DKT. NO. 294-9/25

CASEY ZIMMER & LOUIS GAUDIOUS,
Petitioners,
v.
BOARD OF EDUCATION OF THE TOWNSHIP OF OCEAN,
Respondent.

Casey Zimmer and **Louis Gaudious**, petitioners, pro se

Athina L. Cornell, Esq., for respondents (Methfessel & Werbel, PC, attorneys)

BEFORE **WILLIAM T. COOPER III**, ALJ:

STATEMENT OF THE CASE

Casey Zimmer and Louis Gaudious (petitioners) bring an action for emergent relief against the Board of Education of the Township of Ocean (district or respondent) challenging the July 31, 2025, decision of the district affirming the superintendent's July 14, 2025, directive barring them from all district property unless prior written authorization were granted. Petitioners seek a stay of the directive pending a plenary hearing.

PROCEDURAL HISTORY

On July 14, 2025, the superintendent issued a directive to petitioners, based upon respondent's policies 9202, Civility, and 9160, Attendance at School Events, barring petitioners from all district property unless prior written authorization were granted. Petitioners appealed to the respondent on July 24, 2025. On July 31, 2025, respondent affirmed the directive as issued.

On August 7, 2025, respondent provided petitioners with limited access to school property for the purposes of medical emergencies, pick-up and drop-off, parent-teacher conferences, and meetings with the guidance counselor. On August 26, 2025, petitioners appeared at respondent's regularly scheduled public meeting seeking to have respondent reconsider its affirmation of the directive. On September 2, 2025, respondent's legal counsel advised petitioners that their request for reconsideration was denied.

On September 2, 2025, petitioners submitted an emergent appeal to the Department of Education, Office of Controversies and Disputes, challenging respondent's decision. The matter was transmitted to the Office of Administrative Law (OAL), where on September 2, 2025, it was filed as a contested case seeking emergent relief. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

Oral arguments regarding the application for emergent relief were conducted on September 12, 2025.

DISCUSSION AND FINDINGS OF FACT

Petitioners are the parents of students J.G. and S.G. (students), who both attend Ocean Township High School (High School). The students also are players on the High School football team. Petitioners requested and were granted a meeting with the head coach to discuss the students' roles on the football team. Respondent alleges that the discussion on July 10, 2025, digressed into yelling and shouting, and Louis Gaudious threatening the head coach. Respondent further alleged that the meeting was terminated, and as school personnel were exiting the room Casey Zimmer pushed the High School

principal from behind. The Ocean Township Police were called to the scene, and then the involved parties were directed to police headquarters so that statements could be taken. Petitioners deny that the meeting digressed into a yelling and shouting match, that any threats were made, and that school personnel were pushed.

On July 14, 2025, the superintendent issued a directive to petitioners, based upon respondent's policies 9202, Civility, and 9160, Attendance at School Events, barring petitioners from all district property unless prior written authorization were granted. Petitioners appealed to the respondent on July 24, 2025. On July 31, 2025, respondents affirmed the directive as issued.

On August 7, 2025, the superintendent provided petitioners with limited access to school property for the purposes of medical emergencies, pick-up and drop-off, parent-teacher conferences, and meetings with the guidance counselor. On August 26, 2025, petitioners appeared at respondent's regularly scheduled public meeting seeking to have respondent reconsider its affirmation of the directive. On September 2, 2025, respondent's legal counsel advised petitioners that their request for reconsideration was denied.

Arguments of the Parties

Petitioners

Petitioners argue that their entire family will suffer irreparable harm because:

1. The directive banning them from respondent's property prevents them from attending the students' football games. The students do not have their parents present to cheer them on and celebrate their achievements on the field;

2. Petitioners' son S.G. has a serious heart condition and it is unfair that his parents will be excluded from games and not immediately available if there is a medical emergency;

3. The students both desire to continue their football careers in college and petitioners' film all of their football games. The directive prevents petitioners from filming the games, thus

depriving the students of film footage essential for recruiting purposes;

4. Petitioners operate a non-profit youth football program and the ban from respondent's property punishes the children in the program;

5. The students have three younger brothers who look up to their brothers, and because of the ban they are also unable to attend the games.

Petitioners request emergent relief in the form of an order permitting them to attend Ocean Township High School football home games, pending the outcome of a plenary hearing on the underlying issue concerning the directive banning them from district property.

Respondent

Respondent maintains that petitioners' actions on July 10, 2025, specifically, inappropriate verbal attacks and physical aggression against staff members, were inappropriate and fell significantly short of the conduct expected of all visitors to school property. Respondent argues that petitioners' actions were in violation of Board of Education policies 9160, Public Attendance at School Events, and 9202, Civility, and that the decision to ban petitioners from district property is necessary to maintain peace and good order within district facilities and during public events.

DISCUSSION AND CONCLUSIONS OF LAW

The standards for emergent relief are set forth in Crowe v. DeGioia, 90 N.J. 126 (1982), and codified at N.J.A.C. 6A:3-1.6(b):

1. The petitioner will suffer irreparable harm if the requested relief is not granted;

2. The legal right underlying petitioner's claim is settled;

3. The petitioner has a likelihood of prevailing on the merits of the underlying claim; and

> 4. When the equities and interests of the parties are balanced, the petitioner will suffer greater harm than the respondent will suffer if the requested relief is not granted.

Petitioners bear the burden of satisfying all four prongs of this test. Crowe v. DeGioia, 90 N.J. at 132–34.

The **first consideration** is whether petitioners will suffer irreparable harm if the requested relief is not granted. "Irreparable harm is shown when money damages cannot adequately compensate plaintiff's injuries." Hornstine v. Twp. of Moorestown, 263 F. Supp. 2d 887, 911 (D.N.J. 2003) (citing Sampson v. Murray, 415 U.S. 61, 90 (1974)). "More than a risk of irreparable harm must be demonstrated." Cont'l Grp., Inc. v. Amoco Chems. Corp., 614 F.2d 351, 359 (3d Cir. 1980). "The requisite for injunctive relief has been characterized as a 'clear showing of immediate irreparable injury' or a 'presently existing actual threat'; [an injunction] may not be used simply to eliminate a possibility of a remote future injury, or a future invasion of rights, be those rights protected by statute or by the common law." Ibid. (citations omitted). This was further explained by the New Jersey District Court:

> A party seeking a preliminary injunction must make a clear showing of immediate irreparable injury. Establishing a *risk* of irreparable harm is not enough. A plaintiff has the burden of proving a clear showing of immediate irreparable injury. Mere speculation as to an injury that will result in the absence of any facts supporting such a claim, is insufficient to demonstrate irreparable harm.
>
> [Spacemax Int'l LLC v. Core Health & Fitness, LLC, 2013 U.S. Dist. LEXIS 154638 at 2 (D.N.J. Oct. 28, 2013) (internal citations and quotations omitted).]

Here, irreparable harm has not been established by petitioners. Petitioners offer only speculative examples of harm which are unfounded. Further, petitioners have been granted access for medical emergencies. As such, concerns about the potential medical needs of S.G. as a result of his heart condition have been addressed. Second, petitioners are not precluded from obtaining game films featuring both students and continuing any recruiting efforts on their behalf. Finally, the limitations placed on petitioners are the result

of their alleged conduct on July 10, 2025, conduct that if sustained would justify the issuance of the superintendent's July 10, 2025, directive.

I **CONCLUDE** that petitioners have not met their burden of establishing irreparable harm.

The **second consideration** is whether petitioners have shown their claim to be well settled. Petitioners challenge the basis for the issuance of the July 10, 2025, directive and claim that respondent's action affirming same was arbitrary, capricious, or unreasonable.

Local boards of education enjoy broad discretionary authority over school property and the daily functioning of public schools pursuant to N.J.S.A. 18A:11-1. See also N.J.S.A. 18A:20-20 (affords the board control over its lands and buildings). Indeed, local boards are required to provide for the health and safety of the students under their direction and charge pursuant to N.J.S.A. 18A:40–1 et seq. and N.J.A.C. 6:29–1.1 et seq. The board's action in barring these parents from attendance at athletics events was deemed a valid exercise of its authority and one which will not be disturbed in the absence of an affirmative showing that same was arbitrary, capricious, or unreasonable. E.g. Smith et al. v. Bd. of Educ. of Caldwell-West Caldwell, 1972 S.L.D. 232, 239 (when a board exercises its discretion in a fair and equitable manner, the Commissioner will not interpose his own judgment, even if it may differ on some occasions"); Kenny v. Bd. of Educ. of Montclair, 1938 S.L.D. 647, aff'd, State Board, 649, 653 (boards of education are vested with management of the public schools and "unless they violate the law or act in bad faith, the exercise of their discretion in the performance of duties imposed upon them is not subject to interference or reversal").

Based upon the limited record at this stage of the proceedings, I cannot conclude that the directive imposing the ban on district property was arbitrary, capricious, without a rational basis, or induced by improper motives. Accordingly, I **CONCLUDE** that petitioners have not shown that the discipline imposed was arbitrary, capricious, without a rational basis, or induced by improper motives.

The **third consideration** is whether petitioners have a likelihood of prevailing on the merits. It is well settled that the decisions of local boards of education are to stand undisturbed unless shown to be patently "arbitrary, without rational basis or induced by improper motives." J.M. by his Guardian D.M. v. Hunterdon Cent. Reg'l High Sch. Dist., 96 N.J.A.R.2d (EDU) at 419 (citing Kopera v. W. Orange Bd. of Educ., 60 N.J. Super. 288 (App. Div. 1960)).

I **CONCLUDE** that petitioners have not shown a likelihood of prevailing on the merits at this point in the proceedings.

The **fourth consideration** entails a balance of interests between the parties. Petitioners argue that the ban from district property is excessive and will have a detrimental impact on their family. However, respondent has an obligation to all the students, parents, and visitors to their facilities. Petitioners' arguments fail to recognize this obligation.

Therefore, I **CONCLUDE** that the equities weigh in favor of respondent.

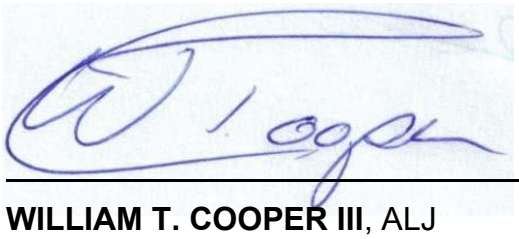
Having considered the parties' arguments and submissions, I **CONCLUDE** that petitioners have not met all four prongs of the standard for entitlement to emergency relief. For the foregoing reasons, I **CONCLUDE** that the request for emergent relief must be denied.

It is **ORDERED** that petitioners' motion for emergent relief is **DENIED**.

A telephone pre-hearing conference has been scheduled for September 29, 2025, at 3:00 p.m. A notice will be sent separately.

This order on application for emergency relief may be adopted, modified or rejected by **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. The final decision shall be issued without undue delay, but no later than forty-five days following the entry of this order. If

Commissioner of the Department of Education does not adopt, modify or reject this order within forty-five days, this recommended order shall become a final decision on the issue of emergent relief in accordance with N.J.S.A. 52:14B-10.



September 15, 2025
DATE

WILLIAM T. COOPER III, ALJ

Date Received at Agency

Date Mailed to Parties:

WTC/am/gd

APPENDIX

Witnesses

For petitioners

None

For respondent

None

Exhibits

For petitioners

P-1 Document outlining alleged irreparable harms

For respondent

R-1 Response to emergent relief request, legal memorandum, appendix, and certification of Kelly Weldon