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CLERK OF SUPERIOR COURT  
SUPERIOR COURT OF N.J.  
MERCER COUNTY  
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*Sue Regan*

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TAMIKA COVINGTON,

Plaintiff,

v.

CENTRAL JERSEY DISTRICT  
BOARD #193 OF I.A.A.B.O. CORP.  
a/k/a INTERNATIONAL ASSOCIATION  
OF APPROVED BASKETBALL  
OFFICIALS, BOARD 193; a New Jersey  
non-profit corporation;  
NEW JERSEY INTERSCHOLASTIC  
ATHLETIC ASSOCIATION, a New  
Jersey non-profit corporation;  
FRED DUMONT, in his official and  
individual capacity;

Defendants.

SUPERIOR COURT OF NEW JERSEY.  
LAW DIVISION  
MERCER COUNTY  
DOCKET NO.

*L19166-11*

COMPLAINT AND JURY DEMAND

Plaintiff Tamika Covington, by and through her counsel, by way of Complaint against Defendants, alleges and states as follows:-

**PARTIES**

1. Plaintiff Tamika Covington is a natural person residing in Trenton, New Jersey.
2. Defendant Central Jersey District Board #193 of I.A.A.B.O Corp., a/k/a International Association of Approved Basketball Officials, Board 193 ("Board 193") is a non-profit corporation organized and existing under the laws of New Jersey, with its principal place of business at 2280 Yardville Hamilton Square, Hamilton Square, New Jersey, 08690.

3. Defendant New Jersey State Interscholastic Athletic Association (NJSIAA) is a non-profit corporation organized and existing under the laws of New Jersey, with its principal place of business at 1161 Route 130 North, Robbinsville, New Jersey, 08691.

4. Defendant Fred Dumont has at all relevant times been the President of the Defendant Board 193.

**COUNT I – SEX DISCRIMINATION VIOLATION OF LAD  
(Against Defendant Board 193)**

5. Tamika Covington's lifelong professional passion is basketball.

6. In her youth, Ms. Covington was a star women's basketball player in the Trenton school district.

7. Ms. Covington also played Division I women's basketball for Temple University's women's team in the early 1990s.

8. Ms. Covington's goal and ambition is to become a full time basketball official in a professional basketball league.

9. In order to accomplish this goal, Ms. Covington must work her way up in the ranks, and develop her career, by working as a basketball official at the junior high and high school varsity level, and at amateur leagues and tournaments.

10. Ms. Covington has now worked as a basketball official in New Jersey and Pennsylvania for well over ten years.

11. In Central New Jersey, where Ms. Covington resides, the assignment of basketball officials to area junior high school games, high school varsity games, and other tournaments is made by Defendant Board 193.

12. Accordingly, in order to work as a basketball official in the Central New Jersey area, Ms. Covington must be "assigned" to officiate at any such game for the individual school or conference by Board 193.

13. Ms. Covington has now been a member of Board 193 for more than 10 years.

14. During that time, and continuing up to the present, Board 193 has systematically discriminated against Ms. Covington on the basis of sex by excluding and precluding her from officiating at men's basketball games, particularly at the varsity level.

15. Unlike her male counterparts, Board 193 has effectively relegated Ms. Covington to officiating almost exclusively at women's games, to the detriment of Ms. Covington's professional development and career as a basketball official.

16. Ms. Covington has repeatedly complained about this discriminatory treatment. Rather than taking any remedial measures, Board 193 has instead engaged in campaign of retaliation and continued discrimination against Ms. Covington.

17. Board 193 is organized and exists as a "chapter" of Defendant NJSIAA. In order to be assigned to officiate basketball games by Board 193, all of its member officials, including Ms. Covington, must be registered members of NJSIAA.

18. In engaging in its discriminatory acts against Ms. Covington, Board 193 has at all times been acting as an agent and on behalf of Defendant NJSIAA.

19. Board 193 operates as a closed shop "assignor" of basketball officials in the Central New Jersey area to schools, conferences, and tournaments.

20. All, or nearly all, of NJSIAA registered basketball officials that are assigned to basketball games at schools, conferences, and tournaments in Central New Jersey are assigned by Board 193.

21. The persons who assign basketball officials on behalf of Board 193 are Board 193 members and officers that hold the formal title of "Assignor." At all relevant times, these Assignors have included Robert Riley, Frank Partyka, Andy Kusnirik, and others.

22. The Assignors of Board 193 were placed into this role and position by Defendant Fred Dumont and/or the governing committee of the Board.

23. The Assignors at all relevant times understood themselves to be acting on behalf of Board 193, and were at all relevant times held out by Board 193 as Assignors acting on behalf of the Board.

24. It is the job of the Assignors of Board 193 to provide schools, conferences, and tournaments with basketball officials and to match officials with officiating employment opportunities at schools.

25. For the past ten years, Board 193, acting through its Assignors, has systematically discriminated against Ms. Covington on the basis of sex (and in retaliation for her complaints of sex discrimination) by failing and refusing to assign her to work as a basketball official at men's basketball games at schools, conferences, and tournaments.

26. Some or all of the Assignors, have acted at the specific behest of the discriminatory and retaliatory motives of the Board President, Defendant Dumont.

27. In refusing and failing to assign Ms. Covington to men's varsity games on the basis of her gender and sex, Defendant Board 193 has discriminated against Ms. Covington in violation of the New Jersey Law Against Discrimination N.J.S.A. 10-5-1 et seq.

28. As a result of Defendant Board 193's unlawful conduct, Ms. Covington has been subjected to job detriment and substantial economic loss.

29. Also as a result of Defendant Board 193's unlawful conduct, Ms. Covington has been subjected to mental anguish, embarrassment, humiliation, anxiety, and stress.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Interest;
- g. Equitable relief in the form of assignment to men's varsity basketball games;
- h. Any other relief that this Court deems just and equitable.

**COUNT II – RETALIATION IN VIOLATION OF LAD  
(Against Board 193)**

30. Plaintiff hereby incorporates and restates each of the above allegations as if set forth in full herein.

31. Defendant Board 193 has retaliation against Ms. Covington for her prior complaints of sex discrimination in violation of the New Jersey Law Against Discrimination as an "aider and abettor" to discrimination in violation of N.J.S.A. 10-5-12(e).

32. As a result of Defendant Board 193's unlawful conduct, Ms. Covington has been subjected to job detriment and substantial economic loss.

33. Also as a result of Defendant Board 193's unlawful conduct, Ms. Covington has been subjected to mental anguish, embarrassment, humiliation, anxiety, and stress.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Interest;
- g. Equitable relief in the form of assignment to men's varsity basketball games;.
- h.. Any other relief that this Court deems just and equitable.

**COUNT III – AIDER AND ABETTOR LIABILITY UNDER LAD  
(Against Defendant Board 193)**

34. Plaintiff hereby incorporates and restates each of the above allegations as if set forth in full herein.

35. In refusing and failing to assign Ms. Covington to men's varsity games on the basis of her gender and sex, and in retaliating against Ms. Covington, Defendant Board 193 has violated the New Jersey Law Against Discrimination as an "aider and abettor" to discrimination and retaliation in violation of N.J.S.A. 10-5-12(e).

36. As a result of Defendant Board 193's unlawful conduct, Ms. Covington has been subjected to job detriment and substantial economic loss.

37. Also as a result of Defendant Board 193's unlawful conduct, Ms. Covington has been subjected to mental anguish, embarrassment, humiliation, anxiety, and stress.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;

- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Interest;
- g. Equitable relief in the form of assignment to men's varsity basketball games;.
- h.. Any other relief that this Court deems just and equitable.

**COUNT IV – AIDER AND ABETTOR LIABILITY UNDER LAD  
(Against Defendant Dumont)**

38. Plaintiff hereby incorporates and restates each of the above allegations as if set forth in full herein.

39. Defendant Dumont has aided and abetted discrimination and retaliation against Ms. Covington in violation of the New Jersey Law Against Discrimination as an “aider and abettor” to discrimination and retaliation in violation of N.J.S.A. 10-5-12(e).

40. As a result of Defendant Dumont’s unlawful conduct, Ms. Covington has been subjected to job detriment and substantial economic loss.

41. Also as a result of Defendant Dumont’s unlawful conduct, Ms. Covington has been subjected to mental anguish, embarrassment, humiliation, anxiety, and stress.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;

- f. Interest;
- g. Equitable relief in the form of assignment to men's varsity basketball games;
- h.. Any other relief that this Court deems just and equitable.

**COUNT V – DISCRIMINATION IN VIOLATION OF THE LAD  
(Against Defendant NJSIAA)**

42. Plaintiff hereby incorporates and restates each of the above allegations as if set forth in full herein.

43. Unlike for the regular season, all basketball officials for post-season playoff games are assigned and chosen directly by the NJSIAA.

44. The date, time, and location of post-season playoff games is determined and designated by the NJSIAA.

45. Officials chosen by the NJSIAA to officiate at post-season playoff games enter into agreements with the NJSIAA for their services and sign waivers of liability for the benefit of the NJSIAA directly.

46. The NJSIAA compensates and pays the basketball officials it chooses to officiate at the post-season playoff games

47. All post-season game officials are required to wear the NJSIAA emblem and the NJSIAA sanctioned uniform.

48. All post season official are required to officiate post season games in accordance with NJSIAA rules, regulations, and guidelines.

49. The NJSIAA has systematically discriminated against Ms. Covington with respect to assignment of post-season games. The NJSIAA has systematically excluded women's officials, including Ms. Covington, from officiating at post-season men's games.

50. Indeed, not a single woman has ever been assigned by NJSIAA to officiate at a post-season men's varsity basketball game

51. In refusing and failing to assign Ms. Covington to men's post-season varsity games on the basis of her gender and sex, Defendant NJSIAA has discriminated against Ms. Covington in violation of the New Jersey Law Against Discrimination N.J.S.A. 10-5-1-et seq.

52. As a result of Defendant NJSIAA's unlawful conduct, Ms. Covington has been subjected to job detriment and substantial economic loss.

53. Also as a result of Defendant NJSIAA's unlawful conduct, Ms. Covington has been subjected to mental anguish, embarrassment, humiliation, anxiety, and stress.

WHEREFORE, Plaintiff demands the following damages and relief:

- a. Judgment in favor of the Plaintiff;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys fees;
- e. Costs of suit;
- f. Interest;
- g. Equitable relief in the form of assignment to men's varsity basketball games;.
- h. Any other relief that this Court deems just and equitable.

**COUNT VI – VICARIOUS LIABILITY UNDER PRINCIPLE/AGENCY LAW FOR  
AGENT'S VIOLATION OF THE LAD  
(Against Defendant NJSIAA)**

54. Plaintiff hereby incorporates and restates each of the above allegations as if set forth in full herein.

55. In addition to its own discriminatory acts during the post-season, Defendant NJSIAA is also responsible as a principle for the discriminatory conduct of its agent, Board 193, in refusing to assign Ms. Covington to men's varsity games during the regular season.

56. Defendant NJSIAA is a non-profit organization made up of 433 accredited public, private and parochial high schools in New Jersey.

57. The NJSIAA is headed by a governing body known as the Executive Committee, and its daily administration is carried out by the Executive Director.

58. The NSIAA sets the rules and regulations governing high school athletics for all its member schools, conducts post season tournaments, and crowns champions in thirty one sports, including men's and women's basketball.

59. The NJSIAA is governed by the NJSIAA Constitution and By-Laws.

60. The NJSIAA promulgates policies and rules regarding the conducting of interscholastic athletics that are binding on its member schools.

61. Moreover, NJSIAA requires that "no member school shall be a member of any league or conference not recognized, sanctioned or approved by the Association."

62. The NSJIAA has the power to "approve the certification or registration of officials and/or officials' chapter in all sports" and has the power to "establish the minimum requirements for testing, training, and evaluating officials."

63. Ms. Covington has at all relevant times been a registered member of NJSIAA, and is required to be so in order to be assigned to officiate at member schools games.

64. To become a NJSIAA-registered official, an applicant must pass a statewide examination administered by NJISAA.

65. The NJSIAA requires its registered official to “align themselves with an approved chapter of officials within” ninety days of passing the required exam.
66. Defendant Board 193 is such an “approved chapter” of the NJSIAA.
67. Each approved chapter of the NJSIAA, including Board 193, is required to “comply with all the provisions of the Constitution, Bylaws, and the Rules and Regulation of the NJSIAA; decision of the Executive Committee of the NJSIAA; and the tenets of agreements effected by the Officials’ Councils and the NJSIAA.”
68. In its Affiliation Agreement *with* Board 193, the NJSIAA specifically provides that it “will prohibit any member school from conducting a varsity interscholastic athletic contest in [Basketball], unless officiated by duly registered NJSIAA officials...”
69. In its Affiliation Agreement with Board 193, NJSIAA at all times reserves the right to “deny registration” to any Board 193 member that NJSIAA deems does not have sufficient officiating experience.
70. The NJSIAA makes attendance for its registered officials mandatory at certain meetings held by their respective approved chapters, including at Board 193.
71. The NJSIAA requires its chapters, including Board 193, to conduct meetings at which the NJSIAA rules and modifications are reviewed, and requires its registered officials to attend a minimum number of such meetings at the chapters.
72. The NSJIAA requires its chapters, including Board 193, to evaluate their members for continuing membership in good standing with the chapter and NJSIAA.
73. The NJSIAA sets rules and regulations for its chapters, including Board 193, whereby they are required to revoke registration for an official and by which such an official may be reinstated by the chapter.

74. The NJSIAA requires its registered basketball officials to pay dues to the NJSIAA, to wear a uniform prescribed by the NJSIAA that identifies the official as a "NJSIAA official," to apply game rules approved by the NJSIAA, and to comply with all regulations pertaining to sports officials that are adopted by the NJSIAA.

75. Under its Affiliation Agreement with Board 193, the NJSIAA provides liability insurance at the level of \$1,000,000 per occurrence basis for all its registered officials.

76. In its Affiliation Agreement with Board 193, the NJSIAA establishes itself as the as the entity to which all "appeals" of any disputes involving a registered official member of Board 193 can be made.

77. In its Handbook for Officials that NJSIAA distributes to all registered officials, it specifically provides that "The chapter must agree to grant the NJSIAA the final authority for testing, training, and evaluating procedures adopted by the Chapter." (emphasis added) Accordingly, the NJSIAA at all times has retained authority and power over Board 193's testing, training, and evaluation procedures.

78. The NJSIAA requires its member schools, conferences, and tournaments to exclusively use NJSIAA-registered officials that are assigned to officiate basketball games by the NJSIAA's approved chapters.

79. Board 193 is given its authority to assign NJSIAA-registered basketball officials to NJSIAA member schools, conferences and tournaments *through* its status as a chapter of the NJSIAA.

80. In assigning NJSIAA-registered basketball officials to NJSIAA member schools, conferences and tournaments, Board 193 was at all times acting as a servant and agent of the

NJSIAA, which is vicariously liable for the discriminatory acts of Board 193 against Ms. Covington.

81. Board 193 is a servant and agent of the NJSIAA for the purpose of assigning officials because the NJSIAA at all relevant times retained the final power and authority for such assignments.

82. Board 193 is a servant and agent of the NJSIAA because the NJSIAA at all relevant times maintained the power and authority to control the manner and means of assignment of Board 193 officials.

83. Board 193 is a servant and agent of the NJSIAA because the NJSIAA at all relevant time consented to have Board 193 act on its behalf in the assignment of NJSIAA registered officials to NJSIAA member schools, conferences, and tournaments.

84. In addition to having a master/servant relationship with respect to the assignment of basketball officials, NJSIAA and Board 193 had a master/servant relationship with respect to for other purposes as well, including the training of officials, evaluations of officials, and administrative matters.

85. Accordingly, NJSIAA is further vicariously liable for Board 193's discrimination against Ms. Covington because Board 193 was aided by its master/servant relationship with the NJSIAA in these other *non*-assignment functions.

86. Additionally, NJSIAA is further vicariously liable for Board 193's discrimination against Ms. Covington because, in discriminating against Ms. Covington, Board 193 at all times acted with the apparent authority of the NJSIAA.

87. The NJSIAA at all relevant times held out Board 193 to Ms. Covington and others that Board 193 is its agent in assigning NJSIAA-registered officials to NJSIAA member schools, conferences, and tournaments.

88. Ms. Covington at all relevant times reasonably believed and acted in reliance on her belief that Board 193 was the NJSIAA's agent. Ms. Covington at all times believed and understood that in order to officiate basketball games at NJSIAA member schools, conferences, and tournaments, she was required by the NJSIAA to join an approved chapter; in this case, Defendant Board 193.

89. Accordingly, the NJSIAA is vicariously liable for the discriminatory acts of Board 193 against Ms. Covington because of its manifestation of apparent authority in Board 193 for the assignment of basketball officials to NJSIAA member schools, conferences, and tournaments during the regular season.

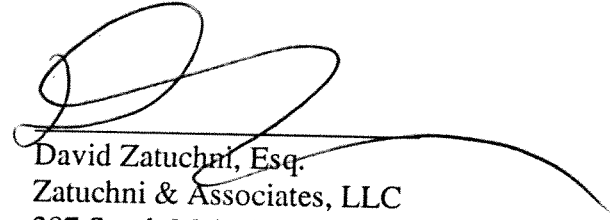
90. As a result of Defendant NJSIAA's unlawful conduct, Ms. Covington has been subjected to job detriment and substantial economic loss.

91. Also as a result of Defendant NJSIAA's unlawful conduct, Ms. Covington has been subjected to mental anguish, embarrassment, humiliation, anxiety, and stress.

WHEREFORE, Plaintiff demands the following damages and relief:

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- b. Compensatory damages;
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- f. Interest;

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- h. Any other relief that this Court deems just and equitable.



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609-243-0300  
Counsel for Plaintiff Tamika Covington

Dated: July 27, 2011

**CERTIFICATION AS TO RELATED MATTERS**

I hereby certify that this matter in controversy is not the subject of other actions pending in any court or arbitration proceedings, or any such contemplated other actions or arbitration proceedings.




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Counsel for Plaintiff Tamika Covington

Dated: July 27, 2011

**DESIGNATION OF TRIAL COUNSEL**

David Zatuchni, Esq. is hereby designated as trial counsel in this matter.

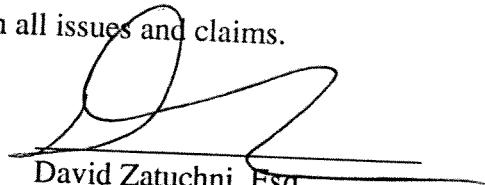


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Dated: July 27, 2011

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues and claims.



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