

Patrick Duff (Pro Se)

PATRICK DUFF,

Plaintiff,

v.

WENDY MITCHELL, GARY  
CATRAMBONE, AND THE TOWNSHIP OF  
DELRAN.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BURLINGTON

DOCKET NO.:

Civil Action

**COMPLAINT FOR DEFAMATION,  
INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS, FIRST  
AMENDMENT VIOLATIONS,  
FRAUDULENT MISREPRESENTATION**

Plaintiff, by way of complaint against Defendants, by and through undersigned counsel, hereby state as follows:

### **INTRODUCTION**

1. This is an action for defamation, intentional infliction of emotional distress, first amendment violations, and fraudulent misrepresentation.

### **PARTIES, JURISDICTION and VENUE**

2. Plaintiff Patrick Duff (“Mr. Duff”) is an individual residing at  
in Camden County, New Jersey.

3. Defendant Gary Catrambone is an individual residing at  
5 in Burlington County.

4. Defendant Wendy Mitchell (“Ms. Mitchell”) is an individual residing at  
in Burlington County, New Jersey.

5. Defendant Delran Township (“Delran,” “the Township”) is a municipality located at 900 S. Chester Ave, Delran 08075, in Burlington County, New Jersey.
6. The Court has jurisdiction over the parties to, and subject matter of, this action.
7. Venue is proper before this Court.

### **FACTS COMMON TO ALL COUNTS**

8. Plaintiff Mr. Duff is an activist and independent journalist who grew up in Delran.

9. On August 5th of this year Mr Duff underwent a 10.5 hour surgery where a nearly 10 inch tumor was removed from his colon at Cooper hospital, and he was later diagnosed with high risk stage two cancer.

10. On July 28th of this year Mr Duff got his first colonoscopy, which is when he first learned that the diverticulitis that he was diagnosed with for several years, was actually a massive cancerous tumor.

11. Mr. Duff researches and investigates various state, local and municipal political matters in New Jersey and reports about them on his website. ( <https://rabblrouser.blog> )

12. Mr. Duff began investigating Delran with regard to a retirement party the Township held for local soccer star Carli Lloyd (“Ms. Lloyd”) in October 2021.

13. On October 15, 2021, Mr. Duff published an article to his website, “How Much Did Delran Spend on the Lloyd Celebration?” (<https://rabblrouser.blog/2021/10/15/howmuch-did-delran-spend-on-lloyd-celebration/>), simply giving the costs of the two hour party, which changed over the next couple of weeks.

14. The costs that were given per an OPRA response from Delran Township were originally \$37,000, but after much questioning and digging, the costs actually turned out to be just under \$100,000, which Plaintiff reported on over the next

two weeks as he found new information.

15. Even though the original article was simply relaying the costs, it caused a stir on social media, and in the community of Delran.

16. Plaintiff posted the article on several FaceBook groups associated with Delran, with dozens of people chiming in, but shortly after he posted the article, he was blocked and banned from two of the three major groups associated with Delran.

17. Plaintiff quickly learned that Ms Mitchell was the moderator for one of the two groups which banned and blocked the plaintiff, and plaintiff also found communications showing that Ms Mitchell asked the moderator of the other FaceBook group to also ban and block Mr Duff.

18. In response to this controversy, Delran's Mayor Gary Catrambone released a statement on Facebook on October 19, 2021.

19. Mayor Catrambone's Facebook page was operated at that time by then Communications Director for the Township, Defendant Ms. Mitchell.

20. The October 19th statement falsely claimed that Mr. Duff had alleged that "bribery and coercion" took place in regards to a donor to the Carli Lloyd party, who also had a variance set to be heard the month after the party, yet Plaintiff never once claimed such a thing.

21. The October 19th statement did not refer to Mr. Duff by name, but instead stated that allegations were being made against Delran by "a nonresident.", which was referring to the Plaintiff who does not reside in Delran.

22. At almost the exact same time that Mayor Catrambone's message was released on Facebook, Ms. Lloyd posted to her nearly 2 million followers of Facebook, "For those in Delran questioning it (Patrick Duffy who isn't even a Delran resident) Enough. Go focus on something else other than this."

23. Ms. Lloyd's post was then re-posted by Ms Mitchell to her Facebook page, as well as the Facebook page that Ms Mitchell is the moderator of.

24. Mr. Duff then began receiving hateful messages from supporters of Ms. Lloyd, the Township, and the Mayor.

25. On October 26, 2021, Mr. Duff spoke at a Township Council meeting, where he put Mayor Catrambone on the spot by asking about the costs of the Lloyd party. Mayor Catrambone attempted to avoid the question, but Mr Duff demanded an answer.

26. Obviously embarrassed, Mayor Catrambone finally admitted that the cost of the Lloyd party was not only \$37,000, as previously reported, but it was over \$90,000.

27. On October 29, 2021, a person called Paul Verner, while claiming to be a police officer, threatened to shoot Mr. Duff in the face, warning him to stay offline regarding any investigations into Delran.

27. December 7th, 2021 WHYY [published an article](#) with Mr Duff's allegations of bid splitting, and the conflict of interest in the mayor Hiring his Nephew, which put Mayor Catrambone on the hot seat.

29. In December 2021, Mr. Duff published the [statement of Jim Dunphy](#) on his website regarding a \$300,000 settlement paid by the township to a landscaper that the Mayor, along with Township Officials, harassed in the hopes that they would sell the property to the Township so the Mayor could house the Delran Historical Society, a group Mayor Catrambone helped found.

30. These articles provoked a raft of hateful, anonymous messages and threats to Mr. Duff, mostly from a core group of people who had some type of connection to Mayor Catrambone, and or Ms Mitchell.

31. On January 4, 2022, Mayor Catrambone, in a Township council meeting, read a statement where— by way of indicating that he had nothing to hide—he called for the State of New Jersey to investigate him over the allegations made by Mr Duff of bid splitting, and the conflict of interest in hiring his nephew. Delran's own audit for 2021 proved that the bid splitting alleged by Mr Duff, did occur.

32. The following day, January 5, 2022, a blog appeared, called "[Sunlight is the Best Disinfectant](#)".

33. The blog has only four posts. The subject of each is Mr. Duff.

34. The blog was created solely to disparage Mr. Duff.

35. Ms. Mitchell was the full-time, salaried Director of Communications for Defendant Delran Township at the time she created and authored the blog, working directly under the tutelage of Gary Catrambone.

36. The first post on the blog, dated January 5, 2022 and titled, “[Money Grows on Trees for Patrick Duff](#),” alleges that Mr. Duff misappropriated monies from a private fund established to finance a memorial plaque in the town of Maple Shade, New Jersey.

37. The aforementioned blog post also accuses Mr. Duff of fraud, and compares him to a NJ couple and homeless person who were recently sent to prison for using a gofundme campaign to scam people out of hundreds of thousands of dollars.

38. The second post on the blog, dated January 7, 2022 and titled, “[NJ’s ‘Rabble Rouser’ Fakes Cancer to Sell THC Oil to Desperate Victims](#),” accuses Mr. Duff of faking cancer in order to sell various wellness products to “desperate cancer patients”.

39. The third post on the blog, dated January 17, 2022 and titled “[The Road Patrick Duff Should Have Taken](#),” exposes several criminal records in Mr. Duff’s background.

40. The aforementioned (third) post also reiterates the prior allegations against Mr. Duff (from the first post) of misappropriation of funds.

41. The fourth and final post on the blog, dated January 18, 2022 and titled “[Patrick Duff Goes a Bridge Too Far](#),” castigates Mr. Duff for an article he published wherein he speculates about the reason why a Delran teenager committed suicide by jumping from the Tacony Palmyra Bridge on January 7, 2022.

42. The aforementioned blog post also disparages Mr. Duff as “sick” for making, in his capacity as a journalist, a public records request of the New Jersey Bridge Commission related to the aforementioned suicide.

43. On January 25th of 2022, Mayor Gary Catrambone made a public comment

speaking about the blog in question that had been created by the person he was personally training, Wendy Mitchell, claiming “last week (I) became aware of a new blog that seemed to be focusing on one individual. While (I) fundamentally disagree with the narrative on the first blog as the manipulation of facts during Council meeting over the last few months...This blog, if created by a Delran resident, is not helping.”.

44. On August 10, 2022, Mr. Duff discovered that Defendant Mitchell, then Delran Director of Communications, was the author of the blog, and sent proof to the Township.

45. Within hours of this, Ms. Mitchell was terminated from her position by Delran.

46. Even though it was proven that Ms Mitchell was the blogger, and the termination letter suggested Ms Mitchell to have no contact with Delran Employees or officials, yet Mr Catrambone was seen in online postings just 3 days later with Ms Mitchell attending a birthday party.

47. As a result of Defendants’ wrongdoing, Plaintiff Mr. Duff hereby asserts the following causes of action against Wendy Mitchell, Gary Catrambone and Delran Township, whom he seeks to hold liable:

### **FIRST COUNT**

#### **Defamation: Libel *Per Se***

48. The Petitioner references and incorporates Paragraphs 1 through 46 as set forth herein at length.

49. To establish defamation under New Jersey law, Plaintiff must show that Defendant (1) made a false and defamatory statement concerning Plaintiff, (2) communicated the statement to a third party, and (3) had a sufficient degree of fault. *Reed v. Scheffler*, 218 F. Supp. 3d 275, 281–82 (D.N.J. 2016) (citing *Mangan v. Corporate Synergies Group, Inc.*, 834 F.Supp.2d 199, 204 (D.N.J.

2011)) (citing *Singer v. Beach Trading Co.*, 379 N.J.Super. 63, 79, 876 A.2d 885 (App. Div. 2005)).

50. New Jersey Supreme Court describes defamation as “false defamatory words, written and published, injurious to the reputation of another or exposing him to hatred, contempt or ridicule or subjecting him to a loss of the good will and confidence entertained towards him by others . . . .” *Leers v. Green*, 24 N.J. 239, 251, 131 A.2d 781, 787 (1957).

51. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth at length herein.

52. Defendant Wendy Mitchell was working as Delran Township under the direct tutelage of Gary Catrambone when she published false statements concerning Plaintiff, in writing, to third parties.

53. Defendant’s publications are false statements of fact and are made with actual malice, and/or negligently.

54. Defendant Mitchell libeled Plaintiff under the direct tutelage of Gary Catrambone, and did so in her capacity as the communications director of Delran Township.

55. Defendant’s statements are defamatory *per se* because they falsely accuse Plaintiff of committing fraud, and theft, and accusing Mr Duff of lying about having a serious disease, a serious disease, colon cancer, that he did in fact have.

56. As a direct and proximate result of Defendant’s, Plaintiff has suffered and will continue to suffer economic injury, mental anguish, humiliation, shame, and impairment to his reputation, and is entitled to compensatory and punitive damages, and such other relief as the Court deems just and equitable.

## **SECOND COUNT**

### **Intentional Infliction Of Emotional Distress**

57. The Petitioner references and incorporates Paragraphs 1 through 46 as set

forth herein at length.

58. Under New Jersey law, to establish a prima facie claim for intentional infliction of emotional distress, a plaintiff must show: “(1) that the defendant intended to cause emotional distress; (2) that the conduct was extreme and outrageous; (3) that the actions proximately caused emotional distress; and (4) that plaintiff’s emotional distress was severe.” *Witherspoon v. Rent- A-Center, Inc.*, 173 F. Supp. 2d 239, 242 (D.N.J. 2001) (citing *Buckley v. Trenton Savs. Fund Soc’y*, 544 A.2d 857 (N.J. 1988))

59. In the instant matter, the Defendants engaged in the defamatory conduct specifically with the intent to cause emotional distress to the Plaintiff in retaliation for their political activism and exposure of corruption within the Democratic Party in New Jersey which a part of the cause of the false and defamatory blog post in the instant matter.

60. Defendants in this case acted maliciously with the direct intent of emotionally distressing Mr Duff.

61. Defendant Delran Township published false statements concerning Plaintiff, in writing, to third parties.

62. Defendant’s publications are false statements of fact and were made with actual malice, and/or negligently.

63. Defendant Delran Township employed Wendy Mitchell who was under the direct tutelage of Gary Catrambone, who intentionally libeled Plaintiff in hopes to silence him through intimidation.

64. Defendant’s statements are defamatory *per se* because they falsely accuse Plaintiff of a crime and of misconduct in connection with his trade or profession.

65. As a direct and proximate result of Defendant’s libel, Plaintiff has suffered and will continue to suffer economic injury, mental anguish, humiliation, shame,

and impairment to his reputation, and is entitled to compensatory and punitive damages, and such other relief as the Court deems just and equitable.

### **THIRD COUNT**

#### **Delran Township and Wendy Mitchell's Interference in Plaintiff's Speech & Press Freedoms. First Amendment Violation.**

66. The Petitioner references and incorporates Paragraphs 1 through 46 as set forth herein at length.

67. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs as if set forth at length herein.

68. The New Jersey Constitution, art. I, ¶ 6, guarantees freedom of speech and of the press.

69. Defendant Mitchell interfered or attempted to interfere by threats, intimidation or coercion with Plaintiff's exercise or enjoyment of his right to freedom of speech under the New Jersey Constitution.

70. Defendant Mitchell interfered or attempted to interfere by threats, intimidation or coercion with Plaintiff's exercise or enjoyment of his right to freedom of speech under the New Jersey Constitution.

71. Defendant Mitchell interfered or attempted to interfere by threats, intimidation or coercion with Plaintiff's exercise or enjoyment of his right to freedom of the press under the New Jersey Constitution.

72. As a direct and proximate result of Defendant Mitchell's interference in the exercise or enjoyment of his substantive rights under our State Constitution, Plaintiff has suffered and will continue to suffer economic injury, mental anguish, humiliation, shame, and impairment to his reputation, and is entitled to compensatory and punitive damages, attorney's fees and all costs of bringing this action, in addition to pre- and post-judgment interest, and such other relief as the Court deems just and equitable.

### **FOURTH COUNT**

#### **FRAUDULENT REPRESENTATION**

73. The Petitioner references and incorporates Paragraphs 1 through 46 as set forth herein at length.

74. The elements of fraud under New Jersey's common law are "(1) a material misrepresentation of a presently existing or past fact; (2) knowledge or belief by the defendant of its falsity; (3) an intention that the other person rely on it; (4) reasonable reliance thereon by the other person; and (5) resulting damages." *Gennari v. Weichert Co. Realtors*, 691 A.2d 350, 367 (N.J. 1997).

75. In the instant matter, the Defendants have engaged in a material representation of the Plaintiff of presently existing or past fact with knowledge and belief of the falsity of the claim in a specific effort to induce the reliance of others.

76. Both Mr Catrambone and Ms Mitchell were employed by Delran Township when they made the defamatory misrepresentations about Mr Duff presented in paragraphs 1-46.

77. The New Jersey Constitution, art. I, ¶ 6, guarantees freedom of speech and of the press.

78. Defendant Delran Township interfered or attempted to interfere by threats, intimidation or coercion with Plaintiff's exercise or enjoyment of his right to freedom of speech under the New Jersey Constitution.

79. Defendant Mitchell interfered or attempted to interfere by threats, intimidation or coercion with Plaintiff's exercise or enjoyment of his right to freedom of the press under the New Jersey Constitution.

80. As a direct and proximate result of Defendant Delran Township's interference in the exercise or enjoyment of his substantive rights under our State Constitution, Plaintiff has suffered and will continue to suffer economic injury, mental anguish, humiliation, shame, and impairment to his reputation, and is

entitled to compensatory, punitive, and per se damages

**PRAYER FOR RELIEF**

WHEREFORE, it is hereby respectfully requested that this Honorable Court grant judgment in favor of the Plaintiff as follows:

81. COMPENSATORY DAMAGES - for the damages complained of herein in an amount to be determined in a trial by jury.

82. PUNITIVE DAMAGES - for the torts complained of herein and in an amount to be determined in a trial by jury.

83. PER SE DAMAGES - for the torts complained of herein and in an amount to be determined in a trial by jury.

84. INJUNCTIVE RELIEF requiring the Defendants to desist from their defamatory conduct complained of herein as well as remove the defamatory content from the internet.

85. COSTS AND FEES associated with the instant action

86. ANY AND ALL OTHER APPLICABLE RELIEF



Respectfully Submitted, \_\_\_\_\_

November 30th, 2022

PATRICK DUFF (PRO SE)

