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**PARTICIPATING ATTORNEY FOR  
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**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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<b>TINA RENNA,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>vs.</b>	:	<b>COMPLAINT</b>
	:	
<b>THE COUNTY OF UNION,</b>	:	
<b>NEW JERSEY,</b>	:	
	:	
<b>Defendant.</b>	:	

COMES NOW the Plaintiff, Tina Renna, by and through the undersigned counsel,  
and by way of complaint against the Defendant says:

**PARTIES**

1. The Plaintiff, Tina Renna, is an adult citizen of the United States and a resident of the Township of Cranford, Union County, New Jersey.

2. The Defendant, The County of Union, New Jersey (hereafter “the County”), is a body politic and corporate, created and existing under the laws of the State of New Jersey. In all respects set forth herein, the County and its officers and agents acted and will act under color of the law of the State of New Jersey.

## **JURISDICTION AND VENUE**

3. This action arises under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983. This Court has jurisdiction over this action under 28 U.S.C. §§1331, 1338 and 1343(a)(3) and (a)(4).

4. Additionally, this Court has jurisdiction to enter a declaratory judgment pursuant to 28 U.S.C. §§2201 and 2202, because there is presently a substantial controversy between the Plaintiff and the County involving adverse legal interests with respect to the matters set forth in this complaint.

5. Venue for this action properly lies in the District of New Jersey pursuant to 28 U.S.C. § 1391(b)(1) because the County is located within the State of New Jersey.

## **FACTS**

6. The Plaintiff is a citizen activist and producer of the television show “Union County Citizen’s Forum,” which focuses on the governance and political activities of the County of Union, New Jersey. Along with other citizens, the Plaintiff formed the Union County Watchdog Association in 2005.

7. The Plaintiff has been an outspoken critic of the County’s governing body, the Union County Board of Chosen Freeholders.

8. “Union County Citizen’s Forum” airs on the Township of Cranford’s public access cable television channel, Channel 35. The Plaintiff has produced the show, which has aired on Channel 35 since December 2009 and which consists primarily of a reading of the resolutions presented at the meetings of the Union County Board of Chosen Freeholders.

9. The Union County Board of Chosen Freeholders and other officials of the County objected to the airing of “Union County Citizen’s Forum” and viewed its content as critical of the Union County Board of Chosen Freeholders.

10. Soon after “Union County Citizen’s Forum” began airing, and in order to intimidate the Township of Cranford into refusing the Plaintiff access to Channel 35 to air the show, the County began a campaign of harassment against the Township of Cranford and Channel 35. This harassment consisted of, *inter alia*, accusing the Township of Cranford of failing to air meetings of the Union County Board of Chosen Freeholders and the County-produced “Freeholder Forum Show” on Channel 35 and bombarding the Township with requests under New Jersey’s Open Public Records Act for information concerning the activities of Channel 35.

11. Prior to September 2010, the Plaintiff included as a graphic illustration in “Union County Citizen’s Forum” a display of the Seal of the County of Union with a light shining on it. This display is a symbolic expression of the show’s purpose to shed light on the workings of the County government.

12. In a letter dated September 17, 2010 and signed by Union County Counsel Robert E. Barry, the County of Union demanded that the Township of Cranford cease and desist any display of the Seal of the County of Union in any way, including all television shows, because the Seal is a pending trademark and the display constitutes trademark infringement. The letter asserted that any display of the seal without the authorization of the County constitutes trademark infringement. A copy of this letter is attached to this Complaint as Exhibit A.

13. On information and belief, the Plaintiff alleges that the demand set forth in the letter was targeted at her and at the display of the Seal on episodes of “Union County Citizen’s Forum.”

14. At the time the September 17 letter was received by the Township of Cranford, the studio for Channel 35 was undergoing renovation and the Plaintiff was not taping any episodes of “Union County Citizen’s Forum.”

15. On September 21, 2010, the Plaintiff was informed of the existence of the September 17 letter, the demand made by the County that the Seal not be displayed on television shows, and the County’s assertion that such display constitutes trademark infringement in an e-mail message to the Plaintiff from Karen Durana, Executive Secretary Administration of the Township of Cranford. The Plaintiff also discussed the letter with Channel 35 station manager Ed Davenport.

16. In January 2011, the Plaintiff resumed taping of “Union County Citizen’s Forum,” but because of the County’s assertion that display of the Seal constitutes trademark infringement and the threat to pursue remedies available to the County, the Plaintiff has ceased displaying the spotlighted Seal in the background of the show.

17. Thereafter, the Plaintiff sought legal advice concerning her right to use the County Seal on her news and information show and the validity of the County’s claim to trademark protection for the Seal.

18. In a letter dated April 5, 2011 to County Counsel Barry, counsel for the Plaintiff demanded that the County withdraw its cease and desist demand concerning display of the County Seal, asserting that the County has no trademark protection for the Seal and that the Plaintiff’s display of the Seal in connection with news and information

programming is speech protected by the First Amendment to the United States Constitution. The letter included citations to authorities supporting the Plaintiff's right to display the Seal free of any trademark infringement liability. A copy of this letter is attached to this Complaint as Exhibit B.

19. The County responded in a letter dated April 21, 2011, asserting that the County can assert trademark protection and that its assertion of trademark rights in the Seal as against the Plaintiff does not chill or inhibit the Plaintiff's First Amendment rights. A copy of the letter is attached to this Complaint as Exhibit C.

20. The Plaintiff desires to resume using the spotlighted Seal of the County as a graphic background illustration for episodes of "Union County Citizens Forum."

21. The conduct of the County has created a real, reasonable and substantial apprehension of liability on the part of the Plaintiff with respect to a claim of trademark infringement.

22. The Plaintiff has engaged in a course of conduct that has brought her into adversarial conflict with the County concerning display of the Seal of the County.

23. The conduct of the County was taken for the purpose of and has actually resulted in suppressing and chilling expression of the Plaintiff that is protected by the First Amendment to the United States Constitution.

24. The conduct of the County in asserting trademark protection for the Seal of the County and in demanding persons cease and desist display of the Seal was taken with the intent and purpose of suppressing political speech of the Plaintiff.

#### **CLAIM FOR RELIEF**

25. The Plaintiff realleges and incorporates by reference the allegations in ¶¶ 1-24 set forth above.

26. The County does not have any right to claim trademark protection in the Seal of the County under either federal or state law because (a) seals and other insignias of governmental entities are precluded from trademark protection by statute, and (b) the County does not use the Seal in connection with the identification of any tangible good or some other commercial purpose.

27. Even if the County could claim trademark protection, the use of the Seal by the Plaintiff in connection with the provision of news, information and opinions is protected by the First Amendment and does not constitute infringement.

28. The County's actions in asserting trademark protection and threatening to seek infringement liability deprived the Plaintiff of her rights to free speech and expression under the First Amendment to the United States Constitution.

29. The County's actions in asserting trademark protection and threatening to seek infringement liability through the letters from County counsel constitute the policy of the County for which it is responsible.

30. The Plaintiff is entitled to a judgment declaring that she is allowed to display the spotlighted Seal of the County in connection with episodes of "Union County Citizen's Forum."

WHEREFORE, the Plaintiff respectfully requests that judgment be entered in her favor as follows:

A. that a declaratory judgment be entered pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., declaring (a) the County has no trademark rights

or protection with respect to the Seal of the County, and/or (2) the Plaintiff's display of the Seal of the County in connection with airing or broadcasting of "Union County Citizen's Forum" does not constitute trademark infringement;

B. that the Plaintiff be awarded costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 and 15 U.S.C. § 1117; and,

C. such other and further relief as the Court may deem proper.

Respectfully submitted,

/s F. Michael Daily, Jr.

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