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**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, GENERAL EQUITY
OCEAN COUNTY**

JEREMY M. GLAPION,

Plaintiff,

v.

LEISURE VILLAGE WEST ASSOCIATION, INC.,

Defendant.

Docket No.:

Civil Action

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1. On August 5, 2026—one week after election ballots were mailed and twenty-six days before voting concluded on August 31—the Leisure Village West (“LVW”) Board of Trustees (“Board”) adopted a member conduct policy (“Speech Policy”) that prohibits speech it unilaterally classifies as uncivil, hostile, significantly unprofessional, demeaning, or profane, and permits immediate disciplinary suspension without a prior opportunity for a hearing.

2. The Speech Policy is staggering in its scope: it applies not to just to members, such as Plaintiff, but to tenants, guests, and other residents, and, by its terms, “to ... communications in any form or medium ... regardless of where the communication originates or is received[.]”

3. Notably, the policy leaves “guests” undefined and imposes no temporal limitation on an owner’s responsibility for guest communications. Because it expressly reaches

communications occurring outside of LVW, it plausibly exposes an owner to penalties for otherwise covered speech by anyone who has ever visited that owner, even after the visit has ended.

4. The Speech Policy supplies no standard separating protected, sharply worded criticism from speech that the Board would characterize as “[un]civil”, “hostile”, “unprofessional”, “demeaning”, or “profan[e]”.

5. The Board lacked the authority to pass the Speech Policy.

6. The Board is authorized to enact rules “relative to the operation, use and occupancy of the units, common elements and Association facilities”.

7. The Speech Policy far exceeds this authorization, which requires a nexus to LVW property, by substituting a nexus to subject matter, purporting to cover any communication that has “a substantial connection to the Association, its operations, or the community”.

8. Penalties for violating the Speech Policy include “immediate suspension of a Member’s rights and privileges”, which the Board has indicated it believes includes *voting rights*, prior to a hearing.

9. A Member has no meaningful recourse for a wrongful suspension of such rights. Restoring a wrongfully suspended right after the relevant opportunity to exercise that right has passed cannot restore the participation lost during the suspension. This is especially so if the Board suspends voting rights until after an election.

10. Article I, § 9(B) of the Bylaws requires an opportunity for a hearing before a suspension for a conduct violation.

11. In other words, the Board gave itself power to police private speech about LVW

wherever it occurs, make owners answerable for covered communications by their guests, tenants, and other residents without requiring the owner's knowledge or participation, and suspend the privileges of its most vocal critics before the hearing opportunity the Bylaws require.

12. Because the Board lacked the authority to promulgate the Speech Policy and lacks the authority to enforce it on the terms provided therein, the Speech Policy is void *ab initio*.

13. Even if the Board had authority under the Bylaws to adopt the Speech Policy, its restrictions are so broad and vague as to be unconstitutional on their face and chill protected community-governance speech. N.J. Const. art. I, ¶ 6.

14. Accordingly, Plaintiff, the owner of a unit in LVW and therefore subject to the policy, seeks a declaration that the policy exceeds the Board's authority and independently violates the New Jersey Constitution, together with preliminary and permanent injunctive relief against its enforcement and a new election for the Board seats filled on August 31, 2026, under N.J.S.A. 15A:5-23.

PARTIES, JURISDICTION, AND VENUE

15. Plaintiff Jeremy M. Glapion owns the unit a [REDACTED] in Leisure Village West, Manchester Township, Ocean County, New Jersey.

16. By virtue of that ownership, he is a member of the Association subject to its valid governing documents and rules. Bylaws art. I, § 3(g).

17. Plaintiff was a member entitled to vote in the Association's August 31, 2026 Board election under Article I, § 11 of the Bylaws.

18. Defendant Leisure Village West Association, Inc. (the "Association") is a New Jersey nonprofit corporation that administers the common affairs of Leisure Village West's

condominium unit owners and maintains the community's common elements. Its principal office is at 959 Buckingham Drive, Manchester, New Jersey 08759.

19. The Association acts through its Board of Trustees. The Board adopted the Speech Policy on the Association's behalf.

20. This Court has jurisdiction under the New Jersey Constitution and N.J.S.A. 2A:16-50 to -62 to determine the parties' rights under the governing instruments and to grant declaratory and equitable relief.

21. N.J.S.A. 15A:5-23 also authorizes this Court to review the challenged member election and order a new election or other appropriate relief.

22. Venue is proper in Ocean County under Rule 4:3-2 because the Association and the affected property are located in this County and the challenged action occurred here. The Chancery Division, General Equity, is the appropriate division under Rule 4:3-1(a)(1) because the principal relief sought is equitable.

THE BYLAWS

23. The Association's Bylaws, attached as Exhibit A, identify unit owners and co-owners as members and bind owners, tenants, occupants, and other specified persons to the Bylaws and valid Association rules. Bylaws art. I, §§ 2–4.

24. Article VI, Section 1 grants the Board lawful powers necessary for administration of Association affairs and operation and maintenance of Leisure Village West, except matters reserved by law, the Bylaws, or otherwise to members, owners, or others.

25. Article VI, Section 1(n) specifically authorizes reasonable rules "relative to the operation, use and occupancy of the units, common elements and Association facilities".

26. Article IX, Section 1 authorizes enforcement of the Bylaws and rules promulgated pursuant to them.

27. Article IX, Section 2 authorizes fines for violations of Association rules and the Master Deeds or Bylaws, subject to express limitations.

28. Article I, Section 9(B) permits suspension of certain rights for violations of published rules governing use of common elements and the conduct of persons using them, or nonmonetary covenants of the Master Deeds.

29. It requires an opportunity for a hearing before suspension, limits suspension for a single violation to thirty days, and permits continuation until a continuing violation is abated.

THE SPEECH POLICY

30. On July 6, 2026, Community Manager Thomas Hasko emailed to LVW members a draft Member Conduct Policy and a draft Social Media Policy, set to be voted on at the August 5, 2026 Board meeting. The accompanying email is attached hereto as Exhibit B. The attachments to the email can be found in the original agenda for the August 5, 2026 Board meeting, attached at Exhibit C (Social Media Policy at PDF Pages 16-20; Member Conduct Policy at PDF Pages 21-24).

31. That same day, Plaintiff Glapion sent to Mr. Hasko and Association counsel Michael Polulak an “Objection and Notice of Legal Deficiencies in Member Conduct Resolution Draft (June 30, 2026) and Social Media Resolution Draft (June 26, 2026)”. This letter is attached hereto as Exhibit D.

32. In this letter, Plaintiff Glapion challenged, among other things, the policies’ reach beyond Association property, the incivility standards, owner liability for others’ communications,

and the Board's discretion to impose sanctions.

33. Plaintiff's July 6 letter also invoked Article I, ¶ 6 of the New Jersey Constitution and the protections for community-governance and political speech recognized in *Dublirer v. 2000 Linwood Ave. Owners, Inc.*, 220 N.J. 71 (2014), and *Mazdabrook Commons Homeowners' Ass'n v. Khan*, 210 N.J. 482 (2012).

34. On July 31, 2026, Defendant revised the agenda for the August 5 meeting, writing that "the proposed Policy Resolution Relating to Social Media and Public Communications has been removed from the agenda. ***The language contained in that proposed policy has been summarized and incorporated into the proposed Policy Resolution Relating to Member Conduct***, Section 1, Letter G." (Emphasis added.) The revision notice is attached as Exhibit E, and the revised agenda is attached as Exhibit F.

35. The emphasized language in the notice confirms that withdrawing the separate Social Media Policy did not end the Board's effort to regulate communications and the Board incorporated that intent into the proposed member conduct policy.

36. That same day, Plaintiff sent a second written objection, attached hereto as Exhibit G.

37. In this letter, Plaintiff acknowledged withdrawal of the separate Social Media Policy and certain revisions to the conduct policy, but challenged the revised paragraph 1(g), which expressly extended the conduct policy to communications regardless of location, and was intended to incorporate the withdrawn social media policy.

38. Specifically, ¶ 1(c) of the Speech Policy broadly prohibits acts that disrupt or cause disruption of the expectations of peaceful enjoyment and a safe and healthy work environment

described in paragraphs 1(a)–(b). Its listed violations include both physical misconduct and the speech restrictions alleged here.

39. It also prohibits “[v]erbal abuse, harassment, incivility”, “hostile communications”, “aggressive confrontational behavior”, and repeated conduct intended to “intimidate, demean, or interfere with another person”. Speech Policy at ¶ 1(c)(3).

40. Paragraph 1(c)(4) takes this even further by prohibiting incivility, which it defines as “significantly unprofessional, abusive, harassing, hostile, or demeaning conduct directed toward another person”.

41. Paragraph 1(c)(5) prohibits profanity, slurs, and obscene gestures used in a confrontational manner.

42. Paragraph 1(g) expressly reaches conduct and communications in every form or medium, including oral, written, electronic, and digital communications, whether addressed to an individual or distributed to a group or broader audience.

43. There is no geographic limitation; it expressly applies “regardless of where the communication originates or is received”.

44. The policy does not require use of Association equipment, an Association-operated forum, communication during working hours, or direct delivery to an employee, as Plaintiff suggested in correspondence with Mr. Polulak. As it stands, moving a discussion to a private forum does not remove the asserted disciplinary authority.

45. Paragraph 1(g) further permits the Board to evaluate content, context, manner, audience, frequency, surrounding circumstances, and cumulative effect.

46. Paragraph 1(f) makes the Board the decisionmaker on whether conduct is abusive,

harassing, intimidating, uncivil, or otherwise prohibited.

47. Paragraph 1(f) further invokes the Board’s “reasonable discretion” and the totality of the circumstances, then declares the enumerated acts “illustrative and not exhaustive”. An owner therefore cannot determine the universe of prohibited acts simply by reading the list.

48. The same officials whose decisions are criticized thus decide whether the criticism’s language, repetition, and reach make it punishable.

49. At the August 5 Board meeting,¹ residents repeatedly pressed Association counsel Michael Polulak and Board members to identify the boundary between protected criticism and punishable conduct.

50. When asked what criteria or rubric the Board would use to distinguish permissible criticism from a violation subject to a fine, Mr. Polulak simply read from the policy and the intent stated therein. August 5 Board meeting, 2:04:41–2:05:27.

51. More problematically, when pressed further for a dividing line between protected speech and prohibited speech, Board member Maiocco responded that “you have to trust that the people that you put in here in power will do the right thing”. *Id.* at 2:08:10–2:08:25.

52. A short time later, Board member Leslierandal indicated that the policy permitted disagreement with the Board “as long as it’s done in a civil manner”. *Id.* at 2:08:45–2:08:59.

53. In other words, when members asked how they could know the boundary between protected and prohibited speech, the responses made civility—which is determined in the sole discretion of the Board being criticized—the condition of protected criticism.

¹ Available at <https://www.youtube.com/watch?v=2i7kdjv1jUM>, last accessed Sept. 28, 2026

54. Later, when Mr. Polulak was asked again what defines harassment, he responded that “it’s subjective and it depends on context . . . What’s harassing to one person is not necessarily harassing to another”. *Id.* at 2:14:36–2:14:48. He further identified “frequency”, “loudness”, and “aggressiveness” as factors without defining those terms or explaining how they distinguish forceful criticism from punishable conduct.² *Id.* at 2:15:01–2:15:18.

55. This vagueness appears to be a feature, not a bug. When asked to make the Speech Policy more specific as to whom it protects and applies, Mr. Polulak indicated that it was intentionally drafted broadly to give “enough leverage for the Board where there’s a situation that they have to address, they are permitted to address”. *Id.* at 1:55:53-1:56:03.

56. Mr. Polulak further argued that, without a policy, the Board lacked guidance, and described the Speech Policy as providing “some kind of something for the Board” to decide whether speech was inappropriate. *Id.* at 2:14:44–2:15:01.

57. Mr. Polulak’s position seeks to reframe an unlawful power grab as a power limitation. Contrary to Mr. Polulak’s position, without anything in place, the Board does not have *any* authority to regulate speech beyond its Bylaws; they’re not left with a blank slate to do so.

² Using “aggressiveness” and “loudness” as factors in a subjective decision on civility is extremely problematic, given the history of racially biased perceptions of “aggressiveness”, “loudness” and civility. See, e.g., Daphna Motro et al., *Race and Reactions to Women’s Expressions of Anger at Work: Examining the Effects of the “Angry Black Woman” Stereotype*, 107 J. Applied Psychol. 142 (2022) (discussing Rasinski and Czopp’s 2010 finding that “when viewing a debate on college scholarships, university students rated black female speakers as ruder than white female speakers, even when the content of the message was the same.”); Rose Hackman, *‘It’s Like We’re Seen as Animals’: Black Men on Their Vulnerability and Resilience*, Guardian (July 12, 2016, 11:49 AM EDT), <https://www.theguardian.com/world/2016/jul/12/black-men-america-violence-vulnerable-detroit>, last accessed Sept. 21, 2026 (citing study showing “[i]n America, black men have historically been depicted as aggressive, hypersexual, and violent.”). Whether a speaker risks fine for speech should not depend—actually or potentially—on their identity.

58. The Speech Policy contains other overbroad provisions that are ripe for abuse.

59. For example, Paragraph 1(c)(10) reaches conduct resulting in intervention by law enforcement without expressly requiring a determination that the underlying conduct was unlawful.

60. In other words, under ¶ 1(c)(10), if a Board member calls the police on an LVW Member for a tweet or email and the police respond, that LVW Member is subject to discipline under this new policy, even if the police find no unlawful conduct.

61. Further, ¶¶ 1(d)–(e) extend the policy to members, tenants, guests, and other residents.

62. Paragraph 1(e) imposes no requirement that an owner authorize, know of, participate in, or have an opportunity to prevent another adult's offending communication. Read with paragraph 1(g), the policy extends that responsibility to covered communications regardless of where they originate or are received. It supplies no separate geographic exception for derivative liability.

63. Ultimately, the Board ended discussion and adopted the member conduct policy unchanged from the form to which Plaintiff objected. The adopted member conduct policy is attached hereto as Exhibit H.

64. On August 9, 2026, Mr. Polulak confirmed to Plaintiff in writing that the Board had adopted the Speech Policy and had not authorized rescission. He reiterated Declaration Section 10 and Bylaws Article VI, Sections 1 and 1(n), and Article IX, Sections 1 and 2 as sources of authority.

THE PURPORTED CRITICISM EXCEPTION

65. Throughout the Board meeting, Mr. Polulak pointed to § 3 of the Speech Policy which he claimed protected speech.

66. Indeed, § 3 ostensibly announces protection for good-faith communications.

67. Paragraph 3(a) says the policy regulates conduct rather than viewpoints or opinions. Paragraph 3(b) permits concerns, complaints, criticism, disagreement, suggestions, and opinions about Board and management actions, decisions, performance, expenditures, and other Association affairs but only “provided such communications do not otherwise constitute conduct prohibited by this Policy”.

68. That last condition returns the speaker to the problematic and vague prohibitions on incivility, hostility, and demeaning expression. The policy supplies no independent standard separating a caustic assessment of a Board member’s competence from the demeaning communication prohibited by paragraph 1(c)(4).

69. Paragraph 3(c) says criticism, negativity, controversy, unpopularity, embarrassment, persistence, discomfort, or offense does not “standing alone” establish a violation. It does not say that combining those features with the label “demeaning” or “hostile” remains protected. The Board can invoke two descriptions of the same criticism as though the second supplied a separate act of misconduct.

70. The operative terms supply no boundary between pointed criticism of an identified Trustee’s or manager’s performance and prohibited “demeaning” or “significantly unprofessional” conduct. They likewise supply no boundary separating persistent advocacy from a prohibited cumulative pattern when the supposed misconduct consists of the advocacy’s repetition or tone.

71. The exception therefore supplies no independent protection against punishing criticism as incivility. It leaves the Board to decide whether the criticism is the prohibited conduct.

72. For example, consider the statements “Board member Sally Doe is doing a bad job”, “Board member Sally Doe is a hack doing a bad job”, and “Board member Sally Doe is doing such a bad job I think my dog could do better”. Each expresses a judgment about performance. The latter two add an epithet or obvious exaggeration. The Speech Policy supplies no standard for identifying which of these statements, if any, are punishable, instead depending on the sensitivities and whims of the Board or the identity of the speaker.

73. In addition, even if the Board would not consider any of the three statements actionable from their content—which is impossible to know and changes with the sensibilities of each Board member and the identity of the speaker—paragraph 1(c)(10) creates another route to discipline: a Board member could call the police and claim harassment, thereby invoking police intervention prompted by one of those statements and making the speech punishable.

74. The Speech Policy thus operates almost without meaningful limitation and burdens the substance of community debate. It makes participation depend on anticipating how the subjects of that criticism will classify it.

THE BYLAWS DO NOT DELEGATE GENERAL AUTHORITY OVER PRIVATE GOVERNANCE SPEECH

75. In pre-litigation correspondence, Mr. Polulak identified both Article VI §§ 1 *and* 1(n) of the Bylaws as sources of the Board’s authority to adopt the Speech Policy.

76. As discussed above, the introductory paragraph of the Bylaws, Article VI, § 1, serves as the general administrative clause. It confers lawful powers necessary to administer Association affairs and operate and maintain Leisure Village West, subject to matters reserved to

others. Its list of powers is nonexclusive.

77. Article VI, § 1(n) specifically authorizes reasonable rules “relative to the operation, use and occupancy of the units, common elements and Association facilities”. It identifies the subject matter of the Board’s rulemaking power.

78. Section 1(n) does not authorize the Board to punish private governance speech merely because it concerns Association affairs.

79. The Bylaws do *not* delegate a general power to discipline owners for the tone, content, audience, or persistence of private governance discussion.

80. Reading the general administrative clause in § 1 to authorize this policy would erase § 1(n)’s subject-matter limitation: any private discussion about the Association would become regulable merely because it concerns Association affairs.

81. The Board has asserted precisely that reach through paragraph 1(g), coupled with the prohibitions on hostile and demeaning expression, without requiring an obstruction of property use or work independent of the Board’s judgment that the expression is uncivil, hostile, or demeaning.

82. Article XIII prescribes procedures for amending the Bylaws. On information and belief, the Board adopted the Speech Policy as a rule, without amending the Bylaws or another superior governing instrument to supply the powers it asserts.

83. Paragraph 5(d) of the Speech Policy purports to supersede conflicting earlier resolutions; it does not and cannot amend the Bylaws.

THE SPEECH POLICY IMPOSES DISCIPLINE NOT PERMITTED BY THE BYLAWS

84. Paragraph 4(a) of the Speech Policy authorizes fines under the Association’s then-

current fining policy and suspension of membership rights and privileges in accordance with the Master Deed and Bylaws.

85. Article I, § 9(B) of the Bylaws instead states: “No such suspension [of rights and privileges] shall be taken by the Board until the Unit Owner is afforded an opportunity for a hearing in accordance with due process”.

86. Section 9(B) also limits suspension for a single violation to thirty days and permits indefinite suspension only until a continuing violation is abated.

87. The Bylaws contain no express emergency exception to these requirements.

88. Paragraph 4(c) of the Speech Policy, on the other hand, authorizes the Board to impose an immediate suspension of membership rights and privileges if it determines that a “violation endangers the health, safety or welfare of others”.

89. Although paragraph 4(c) allows the suspended member to participate in ADR to contest the violation, the suspension remains “in place until the Association has confirmed that the threat to others no longer exists”.

90. A right to contest discipline after suspension begins does not provide the hearing opportunity the Bylaws require before suspension. Nor does paragraph 4(c) set a deadline for the Association to make its threat determination.

91. At the August 5 Board meeting, a resident stated that the Board had previously overturned an ADR decision. Mr. Polulak responded by acknowledging that ADR decisions are nonbinding. August 5 Board meeting, 1:58:02–1:58:13.

92. Further, the Board cannot replace the Bylaws’ continuing-violation requirement for indefinite suspension with its own prediction of future harm.

93. The Board adopted this disciplinary mechanism immediately after ballots had been mailed for the August 31, 2026 election and before voting concluded. Members had an immediate interest in discussing the qualifications and performance of those governing the community throughout that period.

94. The tabled separate Enforcement and Fines Schedule for Violations proposed suspension of an owner's voting rights "to the extent permitted under the Association's Master Deed or By-Laws". Exhibit F, PDF p. 23, § IV(1). That proposal raises the question whether the Board reads the governing documents to permit voting suspension for conduct violations.

95. Article I, § 9(A) of the Bylaws authorizes suspension of "membership and voting rights" *only* for unpaid assessments.

96. Section 9(B) omits that express grant. It addresses "rights and privileges" in a paragraph beginning with rules governing use of common elements and the conduct of persons using them, and also reaches nonmonetary Master Deed covenants. Article I, § 8(b) expressly links § 9 to suspension of the use and enjoyment of general common elements.

97. Article I, § 11 separately defines good standing for voting in Board elections and guarantees voting eligibility to members who meet that definition, including members with a pending, unresolved dispute concerning assessed charges initiated through a qualifying alternative to litigation or pertinent court action. It does not identify a conduct violation, standing alone, as a ground for loss of voting eligibility.

98. The Board tabled the proposed Enforcement and Fines Schedule for Violations. That proposal is not an adopted grant of authority. The Speech Policy, however, still authorizes suspension of membership rights and privileges, subject to the Master Deed and Bylaws. Speech

Policy ¶ 4(a).

99. The Board adopted the Speech Policy immediately during the voting period for the August 31 election, burdening the governance discussion that informs members' votes.

100. Allowing the Board also to suspend immediately the voting rights of its most vocal critics—or even leaving open that interpretation—is an additional threat to member participation.

101. Declaratory relief is needed to confirm that the Board lacks the authority to suspend voting rights for conduct violations of the type discussed herein.

EVEN IF THE BYLAWS DID DELEGATE AUTHORITY OVER PRIVATE SPEECH, THE SPEECH POLICY IS UNCONSTITUTIONAL

102. Article I, ¶ 6 of the New Jersey Constitution protects freedom of speech, including against unreasonably restrictive action by private entities in circumstances presented by common-interest communities. Plaintiff's ownership and membership interests include a direct stake in discussing how this community is governed.

103. As the New Jersey Supreme Court has stated, "speech about matters of public interest, and about the qualifications of people who hold positions of trust, lies at the heart of our societal values." *Dublirer v. 2000 Linwood Ave. Owners, Inc.*, 220 N.J. 71, 87 (2014).

104. Plaintiff's criticism of Board decisions and performance concerns the use, management, and governance of the community in which he owns property. That speech is compatible with the community's residential purposes. His interest in communicating it outweighs the Association's asserted interest in shielding officials from its hostile or demeaning tone.

105. The Speech Policy reaches private conversations and online discussions that

consume no Association resources and interrupt no Association work. It reaches conversations occurring both on and off Association property. The Association's interests in safety, property use, and employee protection do not require a power to punish those communications merely because officials find them uncivil.

106. The speech restrictions are substantially overbroad: they reach ordinary criticism, ridicule, repeated advocacy, and private governance discussions across every medium, extending far beyond threats, physical misconduct, and actual operational obstruction. The same provisions are impermissibly vague because they supply no intelligible boundary between protected criticism and prohibited demeaning expression and leave that determination to its subjects.

107. The resulting deterrence is built into the policy. A member must either temper criticism to avoid the Board's undefined incivility standard or risk discipline. Section 3's conditional assurances do not cure the prohibitions that create that choice.

THE POLICY IS PRESENTLY DETERRING PLAINTIFF FROM SPEAKING

108. Plaintiff Glapion is presently afraid to speak about Association affairs because he cannot determine when the Board will classify his criticism as punishable incivility, hostility, demeaning conduct, or a prohibited pattern. That fear is affecting his willingness to speak now.

109. In addition, Plaintiff's mother currently resides in his LVW unit. Plaintiff fears that this good-faith challenge to the Speech Policy could expose her to retaliation.

110. Plaintiff Glapion wants to express his views on Board decisions and performance and to participate in community discussion without risking discipline under those standards. His written objections establish his continuing involvement in those subjects. The Speech Policy expressly reaches him as an owner-member and reaches those subjects as Association-related

communications.

111. This fear arises from the policy's text, the Board's adoption of this policy after Plaintiff's specific objections, the Board's retained power to determine violations, and the authorized penalties. The conditional criticism protections leave that mechanism in place. Counsel's defense of measures against serious harassment does not remove the broader operative prohibitions on incivility and demeaning speech.

112. The injury is the participation the policy is suppressing while it remains enforceable. The policy's reach across media and locations prevents Plaintiff Glapion from avoiding that burden simply by moving an Association-related discussion to another forum. The same provisions deter other covered speakers from forceful governance discussion.

113. Plaintiff Glapion seeks prospective relief from the policy and its disciplinary machinery, together with relief addressing the August 31 election as alleged below. His claim does not depend on a fine already having been assessed, a vote already having been denied, or a scheduled speaking event. His present self-censorship is the injury requiring relief; he need not first submit to discipline to experience the deterrent effect alleged here.

114. A declaration of invalidity and injunction against enforcement would remove the challenged source of that injury. A later damages award cannot restore the participation deterred while the policy remains in force.

THE SPEECH POLICY TAINTED THE AUGUST 31, 2026 ELECTION

115. "Speech is an essential mechanism of democracy, for it is the means to hold officials accountable to the people. The right of citizens to inquire, to hear, to speak, and to use information to reach consensus is a precondition to enlightened self-government and a necessary

means to protect it. The First Amendment has its fullest and most urgent application to speech uttered during a campaign for political office.... [P]olitical speech must prevail against laws that would suppress it, whether by design or inadvertence.” *Citizens United v. Federal Election Com’n*, 558 U.S. 310, 339-40 (2010).

116. “No form of political speech is entitled to greater constitutional protection than [core political speech.]” *Clinton v. Ohio Elections Com’n*, 514 U.S. 334, 347 (1995).

117. “Speech about matters of public interest, and about the qualifications of people who hold positions of trust, lies at the heart of our societal values.” *Dubler v. 2000 Linwood Ave. Owners, Inc.*, 220 N.J. 71, 87 (2014) (in context of homeowners board election).

118. Ballots for the August 31, 2026 Board election were mailed on July 29.

119. The Board adopted the Speech Policy one week after that mailing and twenty-six days before voting concluded.

120. Members who previously submitted ballots could change their ballots at the August 31 election meeting, and members who had not yet voted could vote in person.

121. During the period from adoption through the close of voting, the Speech Policy’s prohibitions and disciplinary provisions applied to discussion of Board performance and Association governance.

122. The policy contained no exemption for election-related advocacy, which were subject to the same undefined incivility standards discussed herein.

123. Between the Speech Policy’s adoption and the August 31 election, Plaintiff’s fear of discipline caused him to withhold or temper criticism of Board decisions and performance that he otherwise would have expressed in community discussion before members finalized their

votes.

124. The Board thus placed members discussing its stewardship in the position of having to predict whether the Board would label their criticism uncivil, hostile, or demeaning.

125. The same officials whose performance members were entitled to evaluate retained the power to classify that criticism as a disciplinary offense.

126. The resulting self-censorship impaired the exchange of views through which members could assess the Board's performance and the direction of Association governance before voting concluded. That discussion remained capable of influencing members who had not yet voted and members who could change previously submitted ballots on August 31.

127. The election was held and certified on August 31, 2026. The seats filled in that election are the "Challenged Seats." The persons elected for three-year terms were: Jane Siegmund, Mark Kasiewniak, and Al D'Amato.

128. An injunction against future enforcement would restore the opportunity to speak going forward, but it would not restore the opportunity to influence the August 31 election through the discussion suppressed before voting concluded. Leaving the election undisturbed would preserve the governance consequences of an election conducted under the challenged restrictions.

129. Plaintiff therefore seeks a new election for the Challenged Seats after the unlawful restrictions are restrained and members have a meaningful opportunity to discuss Board performance, candidates, and Association affairs before voting. The requested relief would return that choice to the members through an election unburdened by those restrictions.

COUNT ONE
DECLARATORY RELIEF UNDER N.J.S.A. 2A:16-50 TO -62: THE SPEECH POLICY EXCEEDS THE
BOARD'S AUTHORITY

130. Plaintiff incorporates the preceding factual allegations.

131. The Uniform Declaratory Judgments Law, N.J.S.A. 2A:16-50 to -62, permits determination of the parties' rights and the construction and validity of the governing instruments. As an owner-member bound by those instruments and presently deterred by the Speech Policy, Plaintiff has a direct interest in that determination.

132. An actual controversy exists. Plaintiff has challenged the Board's authority in writing, the Board adopted the disputed policy, and Association counsel defended its authority and confirmed that rescission had not been authorized. The policy remains an asserted source of disciplinary power over Plaintiff's speech.

133. The Speech Policy exceeds the authority delegated by Article VI, § 1(n) by regulating private communications based on their connection to Association affairs, without requiring a nexus to the operation, use, or occupancy of community property. The general administrative clause does not erase that specific limitation.

134. Provisions requiring compliance with valid rules and permitting enforcement do not independently authorize the substantive restrictions imposed here. Nor may the Board amend the governing instruments' limits through a subordinate resolution.

135. Plaintiff seeks a declaration that the Speech Policy is beyond the Board's delegated authority and void, and preliminary and permanent relief against its enforcement. Alternatively, he seeks invalidation of the offending provisions and their enforcement mechanisms if the Court determines that valid provisions can be severed.

COUNT TWO
DECLARATORY AND INJUNCTIVE RELIEF FOR VIOLATION OF THE NEW JERSEY CONSTITUTION

136. Plaintiff incorporates the factual allegations preceding Count One.

137. The Speech Policy violates Article I, ¶ 6 of the New Jersey Constitution by unreasonably restricting protected speech concerning community governance, including Plaintiff's criticism of Board decisions and performance.

138. The restrictions burden Plaintiff in his capacity as an owner-member with a direct interest in community governance. Their application to private discussions and communications imposes a substantial expressive burden without a corresponding intrusion upon Association property or operations that justifies that burden.

139. The prohibitions on incivility, hostility, and demeaning expression, coupled with the unrestricted geographic and media reach, cumulative-pattern assessment, and derivative owner liability, encompass a substantial range of protected governance speech in relation to the policy's legitimate applications. Section 3 preserves those same prohibitions and therefore does not cure their overbreadth.

140. Those provisions also fail to provide a discernible standard separating protected criticism from prohibited expression. The Board's reliance on reasonableness, context, and objective facts does not supply the missing substantive boundary, leaving speakers to guess how their criticism will be classified.

141. Plaintiff is presently censoring his participation because of those restrictions and the disciplinary consequences they authorize. The injury continues while the policy remains enforceable.

142. Plaintiff seeks a declaration that the Speech Policy is facially invalid for substantial

overbreadth and vagueness and unreasonably restricts his protected governance speech. He seeks preliminary and permanent injunctive relief against enforcement, or, alternatively, invalidation and restraint of the offending provisions if the Court determines they are severable.

COUNT THREE
DECLARATORY AND INJUNCTIVE RELIEF AGAINST UNAUTHORIZED SUSPENSIONS

143. Plaintiff incorporates the factual allegations preceding Count One.

144. Paragraph 4(c) conflicts with Article I, § 9(B) of the Bylaws by permitting immediate disciplinary suspension before the owner receives the required opportunity for a hearing. Post-suspension ADR does not satisfy that express pre-suspension requirement.

145. Paragraph 4(c) also authorizes suspension for a completed violation to continue beyond thirty days until the Association confirms that a threat has ended. Section 9(B) instead permits indefinite suspension only while a violation continues, until its abatement.

146. The references to the Master Deed and Bylaws in paragraphs 4(a) and 5(a) do not authorize paragraph 4(c)'s conflicting procedure or duration. The Board cannot create those exceptions through a rule that is subordinate to the Bylaws.

147. Plaintiff seeks a declaration that paragraph 4(c)'s immediate-suspension exception and its authorization of suspension beyond the Bylaws' limits are invalid, together with preliminary and permanent relief against enforcement of those provisions. Independently, Plaintiff seeks a declaration that neither paragraph 4(a) nor paragraph 4(c) authorizes suspension of voting rights for conduct violations. These grounds require relief even if another portion of the Speech Policy survives.

COUNT FOUR
REVIEW OF THE AUGUST 31, 2026 ELECTION AND NEW-ELECTION RELIEF UNDER N.J.S.A.
15A:5-23

148. Plaintiff incorporates the factual allegations preceding Count One.

149. N.J.S.A. 15A:5-23 authorizes a member entitled to vote at an election to seek judicial review of that election upon notice to the persons elected, the corporation, and others as the Court directs. It authorizes the Court to confirm the election, order a new election, or grant other relief as justice requires. Plaintiff invokes that statute in his capacity as a member entitled to vote at the August 31, 2026 election.

150. The Board imposed the challenged restrictions after ballots had been mailed and before voting concluded, despite Plaintiff's two written objections and the questions raised at the August 5 meeting. Those restrictions subjected criticism of Board performance to discipline imposed by the Board itself, on the unauthorized and unconstitutional terms alleged in Counts One through Three.

151. As alleged above, those restrictions deterred Plaintiff's participation in the discussion before voting concluded and materially impaired the process by which members could exchange views about Association governance before choosing their representatives. The injury concerns the conditions under which members formed and expressed their electoral judgments.

152. Prospective invalidation of the Speech Policy alone would leave the results of that impaired process in place. A new election, preceded by a meaningful opportunity for discussion free of the unlawful restrictions, is necessary to remedy the election-related injury alleged here.

153. Plaintiff requests judgment setting aside the August 31, 2026 results for the Challenged Seats and ordering a new election for those seats on a Court-approved schedule, with the unlawful restrictions and disciplinary provisions restrained. Plaintiff seeks lawful notice, eligibility, and nomination procedures and sufficient time for candidate discussion and member advocacy before voting.

154. Plaintiff requests prompt adjudication of this count while a new election can still provide meaningful relief for the terms at issue. *See Verna v. Links at Valleybrook Neighborhood Ass'n, Inc.*, 371 N.J. Super. 77, 94 (App. Div. 2004) (recognizing its authority to order a new election when a board acts *ultra vires*, but declining that relief after the challenged one-year terms had expired and subsequent elections had occurred).

155. He also requests directions for notice to the persons elected and any other interested persons, and for any joinder necessary to adjudicate their interests before the election results are set aside.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jeremy M. Glapion requests judgment against Defendant Leisure Village West Association, Inc., as follows:

A. Declaring the Speech Policy void and unenforceable because it exceeds the Board's delegated authority and independently violates Article I, ¶ 6 of the New Jersey Constitution;

B. Preliminarily, on a supported application, and permanently enjoining Defendant and those acting on its behalf who are properly bound by the order from enforcing the Speech Policy, including by imposing or collecting fines, suspending rights or privileges, or demanding

removal of protected communications under threat of discipline;

C. Alternatively, if the Court determines that valid provisions can be severed, declaring the challenged speech restrictions and their associated derivative and cumulative enforcement provisions invalid and enjoining their enforcement against persons subject to them; or, if the Court limits the personal scope of relief, granting that protection to Plaintiff, including against derivative discipline;

D. Declaring paragraph 4(c) invalid to the extent it authorizes suspension without the hearing opportunity required by Article I, § 9(B) of the Bylaws or beyond the duration permitted by that provision, and enjoining enforcement of those terms;

E. Declaring that no provision of the Speech Policy, including paragraphs 4(a) and 4(c), authorizes suspension of voting rights for conduct violations;

F. Directing Defendant to notify its members of the judgment and any injunction through the channels it ordinarily uses to communicate Association rules;

G. Under N.J.S.A. 15A:5-23, setting aside the August 31, 2026 election results for the Challenged Seats and directing Defendant to conduct a new election for those seats, with the unlawful restrictions and disciplinary provisions restrained and under a Court-approved schedule allowing meaningful discussion and advocacy before voting, subject to lawful notice, eligibility, and nomination procedures;

H. Providing for notice to the persons elected and any other persons the Court directs, any necessary joinder, and prompt adjudication of Count Four so that effective election relief remains available;

I. Awarding allowable costs and such other relief as the Court deems just and

equitable;

J. Granting such other and further relief that the Court deems just.

Dated: September 28, 2026

s/ Jeremy M. Glapion

Jeremy M. Glapion

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