

FILED IN  
CLERK'S OFFICE

IN THE LAKE SUPERIOR COURT  
CROWN POINT, INDIANA  
THOMAS R. PHILPOT,  
CLERK LAKE CIRCUIT COURT  
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STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )  
 )  
GENE DEFELICE, )  
 )  
 ) Plaintiff )

v- )  
 )  
 )  
 )  
PROFESSOR SAUL LERNER, )  
 )  
HOWARD COHEN, )  
 )  
CHANCELLOR, PURDUE )  
 )  
UNIVERSITY CALUMET, )  
 )  
C/O HOWARD COHEN, )  
 )  
CHANCELLOR AND )  
 )  
PURDUE UNIVERSITY )  
 )  
C/O MARTIN JISCHKE, )  
 )  
PRESIDENT )  
 )  
 ) Defendants. )

CAUSE NO.

COMPLAINT

**COUNT 1**

Comes now, Gene Defelice by counsel, and states:

1. On or about March 26, 2003, Professor Saul Lerner of Purdue University Calumet who was then and still is the department head of the department history and political science, denied Professor Gene Defelice for the second consecutive year, the opportunity to teach summer school and therefore he lost income in excess of \$18,000.00.
2. Saul Lerner is the department head of the department in which Gene Defelice is assigned.
3. Professor Saul Lerner of Purdue University Calumet and Purdue University, retaliated against Gene Defelice in denying him the opportunity to teach summer school in retaliation for his use of free speech, both in the classroom and in public

and/or continued harassment pattern that has existed because Purdue University Calumet and the Department of History and Political Science do not like Gene Defelice's ideas. This is in violation of his first amendment rights or in retaliation against him because he brought complaints against Professor Saul Lerner.

4. That Professor Saul Lerner arbitrarily and capriciously made the summer school assignments within the department which Gene Defelice works and failed to do so in a fair manner thus, denying Gene Defelice due process.

5. The tort against Gene Defelice has been perpetrated against him as a continuing tort. The most recent incident of which is set forth above. The previous department head, Doris Pierce, initiated the wrongful harassment and related pay loss because she disapproved of the materials of Professor Defelice was exposing his students, to-wit, such materials as a communist newspaper and other liberal materials.

6. That harassment has been in the form of curtailing his classes and assignments, lowering enrollment in his classes and in general, censoring or limiting the material used, or that he would expose the University, the public and his students to. The harassment has also been in limiting his contact with students and thus, limiting his ability to express views within the university system.

7. The systematic harassment has included having students spy and report on Gene Defelice and to advise students falsely that others were having problems with him.

8. That harassment has included accepting hearsay as gospel from students without allowing Gene Defelice to respond and then acting and reacting to the hearsay without giving Defelice a chance to respond or correct the record.

9. The continuing harassment has caused him to receive lesser amounts in his merit pay raises in that his merit pay raises have been reduced below that of the average pay raise which he should have received when that average is compared against the university.

10. The harassment and the lower pay has occurred not only because of the retaliation against him in granting him lesser pay for expressing his liberal views, but also has occurred because it necessitated Gene Defelice to spend time defending himself against the harassment and thus, limited the time he had available for publishing articles. This created a vicious circle limiting his ability to obtain the appropriate merit pay raise he should have received.

11. Professor Saul Lerner has excluded Defelice from department search committees for history hires and has failed to recognize his request for scholarly release times both of which have limited his credentials and therefore, his ability to obtain raises.

WHEREFORE, Gene Defelice, requests that judgment be entered against Saul Lerner, Purdue University Calumet, and Purdue University in a sum that will reasonably compensate him for the monies that he has lost and for such other relief as the Court finds appropriate and that, Gene Defelice, requests that the proposed discipline and all references to it be removed from his file and that he be appropriately compensated for the damages that he has incurred and that in the future he be treated the same as all professor's of the university instead of being singled out for special treatment concerning evaluations and other occurrences at the university. That the actions of Saul Lerner were done on behalf of the defendant, Purdue University Calumet and

Purdue University and therefore, they are liable for his actions

Respectfully submitted,

FUNK & FOSTER



R. CORDELL FUNK 7022-45  
5253 Hohman Avenue  
Hammond, IN 46320  
219-933-4700

**COUNT II**

Comes now, Gene Defelice, and for his action against Howard Cohen, Purdue University Calumet, and Purdue University, states:

1. On or about June 7, 2004, Howard Cohen was the chancellor of Purdue University Calumet. On that date he sent a letter to professor Gene Defelice who is the professor in the Department of History and Political Science at Purdue University Calumet. The June 7<sup>th</sup> letter specifically disciplined professor Gene Defelice by denying him any salary increase for the 2004-2005, school year. This action was characterized as "measured disciplinary action" by Howard Cohen in his letter of June 7, 2004.

2. That letter was sent in retaliation for professor Gene Defelice's opposition to various Purdue policies and/or professor Gene Defelice exposing his students to critical viewpoints regarding some American political process in policies.

3. That the aforesaid letter concerning the proposed discipline was arbitrary and capricious and it did not afford Gene Defelice due process.

4. The actions of Howard Cohen, singled professor Gene Defelice out and

treated him differently than others at the university.

5. The actions of Howard Cohen in this regard violate the university's harassment procedure and policy.

6. The actions of Howard Cohen were based on false information and false charges.

7. The acts of Howard Cohen were without proper investigation which would have revealed that they were false charges.

8. The actions were based in part on items that were not ordinarily considered within the meaning of teaching performance and therefore, were not being evenly applied to Gene Defelice as they were to others in the university.

9. The acts of Howard Cohen in seeking to impose the discipline were contrary to the university policy and its established practice, not to impose sanctions on faculty members without affording them procedural due process in a hearing.

10. Hearings have repeatedly been requested by professor Gene Defelice and those requests for hearings have been denied, thus, denying him due process and violating his civil rights.

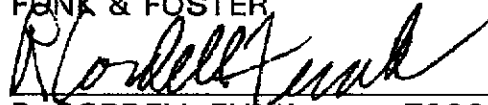
11. The acts of Howard Cohen wrongfully violated Gene Defelice his civil rights and his contracts with the university.

WHEREFORE, Gene Defelice, requests that the proposed discipline and all references to it be removed from his file and that he be appropriately compensated for the damages that he has incurred and that in the future he be treated the same as all professor's of the university instead of being singled out for special treatment concerning evaluations and other occurrences at the university. That the actions of

Howard Cohen were done on behalf of the defendant, Purdue University Calumet and Purdue University and therefore, they are liable for his actions. That Gene Defelice requests that he receive appropriate damages to compensate him for the income he lost as a result of the mis-guided "measured disciplinary action" of chancellor Howard Cohen, as stated in his letter of June 7, 2004.

Respectfully submitted,

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