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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-1894-21**

ENOMEN JOHN OKOGUN,

Complainant-Appellant,

v.

PRINCETON PUBLIC  
LIBRARY,

Respondent-Respondent.

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Submitted May 31, 2023 – Decided September 1, 2023

Before Judges Summers and Berdote Byrne.

On appeal from the New Jersey Division on Civil Rights, Department of Law and Public Safety.

Enomen John Okogun, appellant pro se.

Madden & Madden, PA, attorneys for respondent Princeton Public Library (Regina M. Philipps, on the statement in lieu of brief).

Matthew J. Platkin, Attorney General, attorney for respondent New Jersey Division on Civil Rights (Donna Arons, Assistant Attorney General, of counsel; Farn-Yi Foo, Deputy Attorney General, on the brief).

## PER CURIAM

Plaintiff Enomen John Okogun appeals the New Jersey Division on Civil Rights' (Division) dismissal of his complaint alleging racial discrimination by Princeton Public Library (Library) in temporarily banning him from the library. The Division determined it did not have jurisdiction because the complaint was time-barred and, alternatively, did not present a prima facie claim. We affirm.

### I

Beginning sometime in 2014, Okogun, who is Black, visited the Library. On numerous instances, Okogun felt racially targeted by Library staff who advised him that leaving his belongings unattended violated the Library's code of conduct. Okogun addressed his concerns with the Library's executive director, advising he would be making a formal racial discrimination complaint.

In June of 2018, these interactions reached a breaking point when Okogun was informed he had again defied the Library's code of conduct by leaving his belongings unattended, and the police were called. Okogun had a long discussion with an officer—whom he described as very professional and cordial—about whether he had broken any library rules. This discussion ended with the officer requesting Okogun leave for the day, which he agreed to do. Okogun was told he was banned from the Library for three months. To lift the

ban, Okogun would need to meet with the Library's executive director after the ban's conclusion. The ban stayed in effect because Okogun never met with the executive director.

On July 24, 2020, Okogun emailed a contact form to the Princeton Civil Rights Commission (CRC) alleging he was mistreated by the Library staff and the Princeton Police. On August 22, he received a letter from the CRC, stating his complaints were made beyond 180 days of the alleged incident, but it offered to facilitate a conversation with him and the Library during which he could "relate the details of the incident" and "think together about what might have gone differently on this occasion and how future incidents can be prevented or de-escalated." Okogun declined the CRC's offer.

On December 28, 2021, after learning about the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -42, and the Division, he filed an LAD complaint against the Library with the Division.

During a Division intake interview approximately a month later, the interviewer told him that even though the Division relaxed its 180-day statute of limitations period to file a complaint due to the COVID-19 pandemic, Okogun's complaint about the 2018 incident in the Library was still untimely. According to Okogun, the interviewer told him that, as of January 31, 2022, the

statute of limitations was extended to cover incidents from late 2019. The Division eventually issued a final agency decision on February 9, 2022, dismissing Okogun's complaint, stating it "failed to establish a prima facie case of discrimination under the [LAD]" and was filed "beyond the statute of limitations."

## II

Before us, Okogun argues his complaint is not time-barred due to the continuing violation doctrine. We disagree.

Okogun's contends that, even though he did not file his complaint within the pandemic-expanded statute of limitation period, his complaint was timely based on the continuing violation doctrine. He points to Wilson v. Wal-Mart Stores, 158 N.J. 263, 272 (1999), where the Court held the continuing violation doctrine provides that when one endures "a continual, cumulative pattern of tortious conduct, the statute of limitations does not begin to run until the wrongful action ceases." "[T]he conduct becomes . . . actionable because of its continuous, cumulative, synergistic nature." Id. at 273 (quotations omitted). He maintains the Library's discriminatory ban remained in effect as of the date he filed his complaint. Citing our decision in Bolinger v. Bell Atl., 330 N.J. Super. 300, 306 (App. Div. 2000), Okogun argues the equitable exception to the statute

of limitations created by the continuing violation doctrine dictates his complaint is not untimely.

We do not dispute Okogun's recitation of the continuing violation doctrine. However, his reliance on the doctrine to circumvent the Division's dismissal of his complaint as untimely is misplaced. The doctrine does not apply because there was no alleged discriminatory conduct by the Library within 180 days of Okogun filing his complaint. We agree with the Division that Okogun's temporary ban was a single, discrete act with a start date of August 1, 2018 and an end date of October 31, 2018.<sup>1</sup> Because Okogun has chosen not to visit or use the library, any continuing violation is the result of his own decision to ignore the process set forth by the Library to have the ban lifted by meeting with its executive director. Okogun's choice not to comply with the Library's terms does not create a continuous violation. Okogun did not allege that at least one act of discriminatory conduct occurred within the 180-day limitations period. There was no indication the Library conducted itself in such a manner that it would be unjust to apply the Division's statute of limitations period. See Freeman v. State, 347 N.J. Super 11, 31 (App. Div. 2002) ("[A]bsent a showing

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<sup>1</sup> The Library "join[ed] in the [Division]'s . . . brief and adopt[ed] and incorporate[d] the [Division]'s factual and legal arguments."

of intentional inducement or trickery by a defendant, the doctrine of [continuing violation] should be applied sparingly and only in the rare situation where it is demanded by sound legal principles as well as the interests of justice."). Accordingly, we conclude Okogun did not prove the Division acted in an arbitrary, capricious, or unreasonable manner when it determined his complaint was untimely filed. See In re Stallworth, 208 N.J. 182, 194 (2011) (holding an agency decision must be affirmed unless it is arbitrary, capricious, or unreasonable, or not supported by credible evidence); Bueno v. Bd. of Trs., Tchrs.' Pension & Annuity Fund, 422 N.J. Super. 227, 234 (App. Div. 2011) (ruling the burden of proving an agency's action was arbitrary, capricious, or unreasonable is on the challenger).

Okogun also contends the Division erred in finding he did not allege a prima facie case of racial discrimination. The Division failed to set forth the basis for its determination. However, because we have affirmed the Division's ruling that Okogun's complaint was untimely, we need not address the merits of its determination that he failed to allege a prima facie case of discrimination.

To the extent we have not addressed any arguments raised by Okogun, they lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(E).

Affirmed.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.

A handwritten signature in black ink, appearing to be 'JMA', written over the printed text of the clerk's title.

CLERK OF THE APPELLATE DIVISION