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IMO November 8, 2022 General Election for
the Office of Trenton City Council

SUPERIOR COURT OF NEW JERSEY
CIVIL DIVISION
MERCER COUNTY

Damian Malave,

DOCKET NO.: MER-L-2029-22

Petitioner,

Certification of

Respondent Jenna Figueroa Kettenburg

v.

Brandon Garcia, Trenton City Clerk, et al.,

Respondents

**CERTIFICATION OF
JENNA FIGUEROA KETTENBURG**

Jenna Figueroa Kettenburg, of full age, hereby certifies and says:

(1) I am a respondent in this case, and am a candidate for Trenton South Ward Council, in the above-captioned matter. As such I am familiar with the facts of this Certification, which I make in opposition to Petitioner Damian Malave’s Amended Complaint seeking to prohibit me from running under my commonly known name Jenna Figueroa Kettenburg.

(2) I make this Certification in response to the last-minute new argument raised by Petitioner Malave. Earlier this morning, December 6, 2022, seven days before the December 13, 2022 Runoff Election which is already underway; 28 days after the November 8, 2022 General Election during which I appeared on the ballot as Jenna Figueroa Kettenburg with no objection whatsoever from Mr. Malave; and 85 days after the September 13, 2022 Ballot Drawing at which I was placed on the ballot as “Jenna Figueroa

Kettenburg” with no objection whatsoever from Mr. Malave, Petitioner Malave at nearly the twelfth hour as now filed an Amended Complaint raising the rather astonishing suggestion that I should be removed from the ballot (and Mr. Malave accordingly anointed as the completely unopposed winner!) because Mr. Malave, after failing to file an Objection for the past 85 days, now comes to this Court, very belatedly complaining that I appear on the December 16, 2022 ballot as “Jenna Figueroa Kettenburg”, exactly as I had appeared, without objection, on the November 8, 2022. ballot as “Jenna Figueroa Kettenburg”.

(3) Edwin Figueroa is the only father I have ever known. I have always been told that he is my biological father, and, more importantly, even if he were to have technically been my stepfather, or just my mother’s partner of more than 35 years, the fact is that he is the only father I ever known. From my babyhood, through my elementary school, middle school, and high school years, he was the father who was always there, until I left home for college, and whenever I visited home throughout my early adulthood years until he sadly passed away when I was 38 years old. At the time of his funeral (*see Exhibit A hereto, my father’s Obituary notice*) no distinction was made in the listing of his children as to children, step-children, step-siblings, half-siblings. Much as in many other loving blended families throughout the State of New Jersey in recent generations, we all viewed one another as family. I am hurt, saddened, and disgusted by Mr. Malave’s insulting and ungentlemanly attacks on me and my parents. Mr. Malave should be ashamed of dragging my parents into his desperate attacks on me.

(4) My love for the only father I have ever considered to be my father is why I have proudly used the name “Jenna Figueroa Kettenburg”, and at times even “Jenna Kettenburg Figueroa”) throughout my entire adult life, including since I began working in the Office of Public Defender in Trenton in 2004, at 23 years old (*see Exhibit B hereto, my business card from those years*). I note that have never had a cardboard hard-copy business card in my present position, as business cards are all but obsolete in the present business and professional world, but *see Exhibit C hereto, my Linked-In page* showing

me in my present position as a Principal Investigator in the State of New Jersey Division of Children and Families as “Jenna Figueroa Kettenburg”.

(5) I have also used the name “Jenna Figueroa Kettenburg” throughout this campaign. *See Exhibit D hereto, the News reports of my announcement of candidacy back on March 1, 2022*, including photos of me behind the podium at my announcement, behind the campaign posters listing the announcement of the candidacy of “Jenna Figueroa Kettenburg” for South Ward Council. *See also Exhibit E hereto, the News reports of my filing of Petitions in July 2022*, reporting my candidacy of “Jenna Figueroa Kettenburg” for South Ward Council. *See also Exhibit F hereto*, copies of Petition pages bearing the name “Jenna Figueroa Kettenburg” for South Ward Council. New Jersey election Petitions are submitted in counterparts, and with the small space to fit my name in, one can see that many Petitions have my name listed as “Jenna Figueroa Kettenburg”, some as “Jenna L. Figueroa Kettenburg”, and some as “Jenna L.F. Kettenburg”. In any case, by the time of the Ballot Drawing by the Clerk on September 13, 2022 (*see Exhibit G hereto*) I was correctly listed on the November 8, 2022 Ballot (which included the sample ballots, the mail-in ballots, and the machine ballots) as “Jenna Figueroa Kettenburg”, with no objection whatsoever from Mr. Malave, who only now, 85 days later, very belatedly raises his groundless objections.

(6) I have been commonly known as Jenna Figueroa Kettenburg, and as the proud daughter of Edwin Figueroa, by members of the Trenton community, for many years. Mr. Malave’s implications that I somehow plucked that name out of thin air, are disgusting and insulting.

(7) As my attorney has previously presented to this Court, it is well-established in New Jersey that a candidate may appear on the ballot using a variant of their legal name. Thus, even going back decades, New Jersey ballots have seen James Earl Carter appear as “Jimmy Carter”, William W. Bradley appear as “Bill Bradley”. More recently, Willard M. Romney appeared on the ballot as “Mitt Romney”. Tomasz P. Malinowski has appeared on the ballot as “Tom Malinowski” and Thomas H. Kean Jr. has appeared on the ballot as

“Tom Kean”. Congressman “Ernest Scott Garrett” appeared on the ballot as “Scott Garrett”. U.S. Senate candidate Robert J. Hugin appeared on the ballot as “Bob Hugin”. Notwithstanding the straw-man arguments raised by Petitioner Malave and his counsel, I think this Court can safely surmise that each of those individuals most likely signed Deeds and Mortgages and various legal documents, and had Driver’s Licenses, and held Bank Accounts, and had Birth Certificates, that most likely were all signed under or listed under their full legal names of “Thomas H. Kean Jr.” or “William W. Bradley” or “Robert J. Hugin” or the like, *but they nonetheless were permitted to appear on the ballot as “Tom Kean” or “Bill Bradley” or “Bob Hugin”* because Mr. Malave’s straw-man test of deeds or documents or driver’s licenses does not determine choice of name on the ballot.

(8) Similarly, as my attorney also previously detailed for this Court, using family surnames or maiden names as middle names is a very commonplace practice by professional women in elected and public office by women throughout New Jersey and the country. A former Governor of New Jersey was on the ballot as Christine Todd Whitman. In New Jersey our Assignment Judges include Lisa Miralles Walsh, Marlene Lynch Ford, and Deborah Silverman Katz. Our N.J. Supreme Court includes Justice Rachel Wainer Apter. N.J. Appellate Division Judges include Maritza Berdote Byrne, Mary Gibbons Whipple, and Greta Gooden Brown. New Jersey Federal Judges include Madeleine Cox Arleo, Norah McCann King, and Leda Dunn Wettre.

(9) United States Supreme Court Justices adopting that practice presently include Ketanji Brown Jackson and Amy Coney Barrett, and previously included Ruth Bader Ginsburg and Sandra Day O’Connor. As noted, a former Governor of New Jersey was Christine Todd Whitman, and statewide elected officials in other states include Governor Michele Lujan Grisham of New Mexico and U.S. Senator Catherine Cortez Masto of Nevada (both of whom happen to appear on the ballot with Hispanic middle names in states with many Hispanic voters, a natural consequence which Mr. Malave would somehow insist was unworthy) as well as U.S. Senator Shelley Moore Capito and former U.S. Senators Kay Bailey Hutchinson and Blanche Lambert Lincoln. News reports on this litigation have since noted that longtime New Jersey Supreme Court Justice

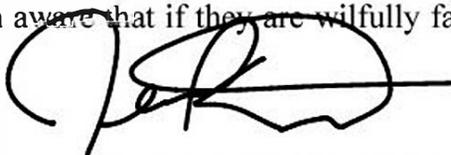
Virginia Long went by that name judicially and professionally, notwithstanding that her legal name was Virginia Long Weiner. Today, Justice Rachel Wainer Apter sits on our N.J. Supreme Court. Mr. Malave's desperate efforts to attack my appearing on the ballot under my full name are an insult to me and to every woman.

Conclusion

(10) The relief sought by Plaintiff in today's Amended Complaint includes the rather astonishing demand that this Court enter an order "Directing Respondents, Brandon Garcia, Trenton City Clerk, remove the name Jenna Figueroa Kettenburg from any municipal ballot". For the reasons set forth above and in my attorney's previous filings with this Court, that requested relief is, first, here sought far past the statute of limitations, due to Mr. Malave's Laches in not raising same from the September 13, 2022 Ballot Drawing date until December 8, 2022, 85 days later. Second, it is preposterous based on the factual arguments set forth above, including many decades of past practice in New Jersey ballots permitting both male and female candidates to run under some variant of their legal names. Third, it also fails as a matter of law, based on the caselaw presented by my attorney showing that were such relief to be granted (leaving Mr. Malave conveniently unopposed on the ballot, leaving the voters with no choice of candidates), same would be at variance with a long line of well-established New Jersey Supreme Court and Appellate Division caselaw.

(11) I therefore respectfully ask that the relief sought in the Amended Complaint be denied, and that the South Ward Council Runoff Election, already well underway, be held on December 13, 2022 as scheduled, and as previously Ordered by this Court.

I hereby certify that the foregoing statements made by me are true to the best of my information, knowledge and belief. I am aware that if they are wilfully false, I am subject to punishment.



Date: December 6, 2022

Jenna Figueroa Kettenburg

Exhibits
to
Certification of Jenna Figueroa Kattenburg

— *filed separately* —