

RUPRECHT, HART & WEEKS, LLP
306 Main Street
Millburn, New Jersey 07041
(973) 379-2400
Attorney for Plaintiff, Township of Manalapan

TOWNSHIP OF MANALAPAN,

Plaintiff(s),

v.

Stuart J. Moskowitz, Esq.

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY
DOCKET NO. MON-L-2893-07

CIVIL ACTION

**CERTIFICATION OF COUNSEL,
LEN M. GARZA, ESQ.**

LEN M. GARZA, ESQ., of full age, being duly sworn according to law, upon his oath, deposes and says:

1. I am an attorney at law of the State of New Jersey and an Associate in the law firm of Ruprecht, Hart & Weeks, L.L.P. I am familiar with the matter herein and submit this Certification in opposition to Defendant's Motion For Sanctions.

2. As stated in our other certifications accompanying motions currently before this Court, the underlying lawsuit involves plaintiff's, Township of Manalapan ("the Township"), legal malpractice action against defendant and former Township attorney, Stuart Moskowitz, Esq.

3. As we have recounted in other certifications, sometime in 2007, and possibly earlier, an unknown individual ("the Poster")

began posting various diatribes concerning the matters in this action on an internet blog located at <http://www.datruthsquad.blogspot.com> ("DaTruthSquad").

4. From the statements made anonymously by the individual ("the Poster") publishing on daTruthSquad, the character on daTruthSquad known as "da Mosked Man", appears to be the defendant, Stuart Moskovitz.

5. Via his statements in open court and through affidavit, Defendant has repeatedly denied that he is the blogger who authors daTruthSquad.

6. If Defendant's denials are not true, he has knowingly misrepresented to the court under oath and has violated earlier court orders.

7. In order to determine whether the defendant has made and continues to make knowing misrepresentations to the Court regarding his involvement with daTruthSquad, Plaintiff's counsel served Google, Inc., the owner of the blogging website that hosts daTruthSquad, with a subpoena on September 26, 2007 ("September 26th Subpoena") seeking information related to the Poster's identity.

8. Defendant now files this motion seeking sanctions against plaintiff counsel and special counsel (collectively "Township Counsel") in connection with the September 26th Subpoena and various statements Township Counsel has made throughout these proceedings which defendant alleges are false.

9. In response to defendant's groundless motion for sanctions, we now file opposition supported by the arguments in our attached opposition brief. We also respectfully request this

Court assess sanctions against the defendant in light of his improper motion for sanctions currently before this Court.

10. Annexed hereto as Exhibit A is a true and correct copy of the hourly log of my time spent on preparing and drafting these opposition papers.

11. Attorneys fees of plaintiff's firm, Ruprecht, Hart & Weeks, LLP, resulting from required opposition to defendant's motion:

- **Associate Fees:** As detailed in Exhibit A, associate work hours regarding this matter totaled 10.2 at an hourly rate of \$200.00 totaling **\$2,040.00**.
- **Partner Fees:** **\$1,000.00** appearance fee for partner, David Weeks' travel time, mileage and attendance at oral argument in Freehold, New Jersey.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

RUPRECHT, HART & WEEKS, LLP
Attorneys for Plaintiff
Township of Manalapan

BY: 

LEN M. GARZA, ESQ.

Dated: December 12, 2007