Stuart J. Moskovitz, Esq.
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Pro Se

Township of Manalapan,

Plaintiff

vs.

Stuart Moskovitz, Esq., Jane Doe and/or John Doe, Esq. I-V (these names being fictitious as their true identities are presently unknown) and XYZ Corporation, I-V (these names being fictitious as their true corporate identities are currently unknown)

Defendants (s)

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

CIVIL ACTION

CERTIFICATION IN OPPOSITION TO PLAINTIFF'S APPLICATION (SIC) AND PLAINTIFF'S CROSS-APPLICATION

Defendant, Stuart J. Moskovitz, in opposition to what Plaintiff has styled as "Application to Vacate Order" and "Cross-Application to Bar Defendant" alleges as follows:

1. Mr. McCarthy has submitted papers purporting to be in support of both an Application and a Cross-Application, while basically covering the same ground as Mr. Weeks, in his Opposition papers.

2. It is unfortunate, and disconcerting to me as a taxpayer of the Township of Manalapan, that the taxpayers are being asked to pay Mr. McCarthy an hourly rate, and Mr. Weeks a 33 1/3 % contingent fee to duplicate each other's work.

3. Mr. McCarthy's papers, to state this as professionally as possible, are inappropriate. Were I to be more blunt, I would state they clearly belong in the trash. The only content that differs from a mere traveling of the same path that Mr. Weeks has taken for the Plaintiff, is an extraordinary allegation, rampant throughout Mr. McCarthy's papers, that somehow or other, I, Defendant, have an internet blog to which he refers as "DaTruthSquad."

4. This statement is false. It is malicious. It is intentionally prejudicial. It is intended to misrepresent facts to this Court to sway the Court from considering the motion before it on the law.

5. I do not own, control, manage or otherwise affiliate with any internet blog whatsoever. I don't even have a law firm blog. I don't even have a law firm web page. I am not "DaTruthSquad. I don't even know who the "DaTruthSquad" is.

6. Frankly, what seems more credible at this point is that Mr. McCarthy is himself "DaTruthSquad" and has fabricated those postings for the sole purpose of accusing me of making them. I make these statements, that I have nothing to do with DaTruthSquad, under oath.

7. This Court should demand that Mr. McCarthy come forward with any basis he has for alleging – not that he "thinks" I "might be" DaTruthSquad" – but that unequivocally I am DaTruthSquad. In that Mr. McCarthy has peppered his brief with reliance on such an absurd and pointless allegation, I would ask that this Court demand that Mr. McCarthy present his proofs of such statements made to this Court or face sanctions for intentionally deceiving this Court.

8. While Mr. McCarthy is quick to accuse me of violations of the Rules of Professional Conduct, he himself is in violation of several.

9. Mr. McCarthy is in violation of RPC 1.4 which requires a lawyer to communicate with his client. As this Court is aware, Mr. McCarthy has intentionally withheld information regarding this lawsuit from his client, the elected officials of the Township of Manalapan entrusted with the welfare of the taxpayers. RPC 1.4(a) indicates that a lawyer shall fully inform a prospective client of how, when, and where the client may communicate with the lawyer. To the contrary, Mr. McCarthy has advised the Township Committee that he will *not* keep them informed of this litigation and has "ordered" the Township Committeewoman running against the

candidate he is supporting not to remain in Executive Session when he is discussing this matter.

10. RPC 1.4(b) requires an attorney to keep his client informed about the status of a matter. As this Court is aware, the filing of this lawsuit came as a complete shock to at least several of the Township Committee members who never authorized it.

11. RPC 1.4(c) requires an attorney to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation. Neither Mr. McCarthy nor Mr. Weeks ever explained anything to their client; they never advised them they were going to commence litigation; they never advised them of the defense of the Tort Claims Act; they never advised them of the indemnification ordinance; they never advised them of the existence of the 2004 Order that was followed by Defendant and therefore might itself preclude a finding of negligence; they never advised them of the involvement of other professionals who would have to be named if this were a legitimate lawsuit, which, of course, clearly it is not.

12. RPC 3.3 prohibits a lawyer from knowingly making a false statement of material fact or law to a tribunal or offer evidence the lawyer knows to be false. Mr. McCarthy had no reason to believe the nonsense that I was posting anything on any blog site, but represented to this Court *extensively* that I was, attaching waves of such postings and claiming in his papers that they were mine. As to Mr. McCarthy's anticipated defense that he didn't *know* I don't have an internet blog site, RPC 3.3 (5) prohibits an attorney from failing to disclose to the tribunal a material fact knowing that the omission is reasonably certain to mislead the tribunal. Clearly Mr. McCarthy failed to inform the Court that he had no basis whatsoever for the absurd allegations,

forming the bulk of his papers, that I was posting on an internet web site the material he cited.

13. RPC 4.1 involving truthfulness in statements to others is equally applicable.

14. Mr. McCarthy is in violation of RPC 8.4 in that it is professional misconduct to engage in conduct involving dishonesty, fraud, deceit or misrepresentation, or to engage in conduct that is prejudicial to the administration of justice.

15. On pages 46 and 47 of his brief, Mr. McCarthy, attributing definitively the writings of DaTruthSquad as mine, states, "Defendant's writings are the agitated ramblings of a seemingly unstable person." They are not, of course my writings. It may be that they are indeed the ramblings of a seemingly unstable person. I would have no way of knowing. However, that statement best applies to Mr. McCarthy's accusations that these writings are mine, and to Mr. McCarthy's devoting his legal brief to them rather than the issues at hand.

Dated: August 12, 2007

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