

RUPRECHT, HART & WEEKS, LLP
306 Main Street
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(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 Movant attorney's Motion to Quash and For a Protective Order.

2. 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 also stated in the certification attached with our motion for issuance of letter rogatory currently before this Court, on July 23, 2007, the Court filed an Order ("July 23rd

Order") ordering, among other things, that pending a hearing on the order to show cause scheduled for August 20, 2007, "the Plaintiff, Township of Manalapan, including Township elected officials, employees, and Township attorneys and staff, and Defendant, Stuart J. Moskovitz, Esq., are enjoined and restrained from: Communicating with the press and the public concerning the subject matter of this litigation".

4. 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"). Google, Inc. owns www.blogger.com ("Blogger.com"), the blogging website that hosts daTruthSquad.

5. 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.

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

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

8. Plaintiff's counsel served Google, Inc., with a subpoena on September 26, 2007 ("September 26th Subpoena") seeking information related to the Poster's identity.

9. On October 9, 2007, Google responded by letter stating, among other things, that California law provides for a mechanism, issuance of letter rogatory, for obtaining a subpoena from a California court for use in judicial proceedings pending in other state court jurisdictions.

10. In late October 2007, via a series of phone calls and email correspondence, we were informed by Matt Zimmerman, Esq. ("the Poster's Attorney"), of Electronic Frontier Foundation, that he and his organization represent the Poster (referred to by Mr. Zimmerman in his papers as "Doe".)

11. Over the following weeks, phone conversations between Plaintiff's counsel and the Poster's Attorney ensued whereby the time frame for compliance with the subpoena was extended and Poster's Attorney requested and demanded Plaintiff's counsel withdraw the September 26th Subpoena.

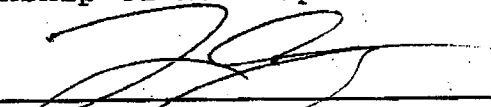
12. Plaintiff's counsel refused to withdraw the September 26th Subpoena in light of our rights to seek the information sought by the subpoena.

13. In accordance with California law regarding out-of-state subpoena requests, on December 4, 2007, Plaintiff's counsel filed the motion for issuance of letter rogatory currently returnable before this Court on December 21, 2007.

14. The Poster's Attorney has filed a motion for admission *pro hac vice* in addition to filing a motion to quash and for protective order, all currently returnable before this Court on December 21, 2007.

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