

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. Moskovitz, 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., IN SUPPORT
OF MOTION FOR ISSUANCE OF
LETTER ROGATORY

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 support of Plaintiffs' Motion for the Issuance of a Letter Rogatory allowing Plaintiffs to take the deposition of and serve the attached subpoena on Google, Inc.

2. Google, Inc.'s corporate headquarters are located at 1600 Amphitheatre Parkway, Mountain View, CA 94043.

3. The underlying lawsuit involves plaintiff's, Township of Manalapan ("the Township"), legal malpractice action against defendant and former Township attorney, Stuart Moskowitz, Esq.

4. 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. Moskowitz, Esq., are enjoined and restrained from: Communicating with the press and the public concerning the subject matter of this litigation" (emphasis added). (See Copy of July 23rd Order, annexed as Ex. A.)

5. 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").

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

7. The character on daTruthSquad known as "da Mosked Man" is obviously the defendant, Stuart Moskowitz.

8. Defendant has denied he is the blogger who authors daTruthSquad.

9. If this is not true, he has misrepresented to the court under oath and has violated earlier court orders.

10. Accordingly, Plaintiff respectfully requests that this Court issue the annexed Letter Rogatory so that Plaintiff may take the deposition of and serve the attached subpoena on Google, Inc.

to determine whether defendant is the Poster and owner of the blog, daTruthSquad, which is vital to this litigation.

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 4, 2007