

LAW OFFICES OF
STUART J. MOSKOVITZ, ESQ.

819 HIGHWAY 33
FREEHOLD, NJ 07728
TEL. 732.431.1413
FAX 732.431.0798

EMAIL STUARTJ@MOSKOVITZ.ORG

STUART J. MOSKOVITZ, ESQ.*

*Admitted in NJ, NY and PA

NEW YORK OFFICE:
850 THIRD AVE. - 19TH FLOOR
NEW YORK, NY 10002
TEL. 212.822.2238

December 5, 2007

BY FAX and U.S. MAIL

Len M. Garza, Esq.
Ruprecht, Hart & Weeks, LLP
306 Main Street
Millburn, NJ 07041

Re: **Township of Manalapan v. Moskovitz**
Docket No. MON-L-2893-07

Dear Mr. Garza:

Please be advised that, pursuant to New Jersey Rule of Court 1:4-8, unless you rescind your recently filed Motion for Issuance of Letters Rogatory within 28 days, we will seek sanctions against you, not only for my legal fees to respond to the motion, but for punitive sanctions for numerous intentional and knowing factual misrepresentations contained therein.

In your papers, you continue the preposterous and false defamatory allegation that I am the blogger known as "daTruthSquad." In paragraph 8 of your Certification, you admit that I have denied that I am the blogger who authored daTruthSquad. You then state that "If this is not true, he has misrepresented to the court under oath and has violated earlier court orders." I have stated to the Court that I am not daTruthSquad, understandably so, since I am not daTruthSquad. So while your statement that if I am daTruthSquad is wrong I would have misrepresented to the Court under oath, is correct, it is not an issue in this case since I am not. That leaves Daniel McCarthy as the only attorney in this case who has made misrepresentations to the Court. Sadly, however, you have fashioned

your Motion in complete reliance on Mr. McCarthy's false statements under oath. Your further statement that if I were daTruthSquad, I would have "violated earlier court orders" is left unproven by your Certification, and understandably so, since it is a false statement by you, under oath.

I would have expected a competent attorney alleging that someone violated a court order to, at the least, include one example of such a violation. You did not. Your papers claim that you need to violate someone's first amendment rights because you need to know who daTruthSquad is to see if I violated the July 23, 2007 court order. But you do not include a single instance where even daTruthSquad published anything about this case between the date of the order and the date it was vacated. How on earth do you expect the court to find in your favor when you have so glaring an omission?

The fact is, Mr. McCarthy also failed to include a single instance of such a publication in his lengthy rant about daTruthSquad.

That leaves your motion unsupported by any factual allegation, continuing a vicious and defamatory series of lies presented to the court by your co-counsel in this case, causing your motion to be nothing but a frivolous waste of the court's time worthy of sanctions.

Your motion is returnable December 21, 2007. This would mean that my reply is due December 13, 2007. I hereby demand that you withdraw your motion no later than December 11, 2007. Under Rule 1:4-8, you would ordinarily have 28 days to withdraw your motion before a sanctions motion could be filed. However, since our papers are due on December 13, 2007, action needs to be taken prior to the expiration of that 28 day period. Accordingly, I request, as per Rule 1:4-8, that you either consent to an adjournment of your Motion, currently returnable December 21, 2007, or waive the balance of the 28-day notice period. If you do not request an adjournment, you will be deemed to have elected the waiver. Sanctions will be sought accordingly.

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Please feel free to contact me with any questions.

Very truly yours,



Stuart J. Moskowitz

SJM/slf3582

cc: Matt Zimmerman, Esq. /by fax
Frank Corrado, Esq. /by fax