

Edward L. Barocas, Esq. - 026361992
Jeanne LoCicero, Esq. - 024052000
American Civil Liberties Union
of New Jersey Foundation
89 Market Street, 7th Floor
P.O. Box 32159
Newark, New Jersey 07102
Tel: (973) 642-2086
Fax: (973) 642-6523

Attorneys for Plaintiff

Assessmentgate (a pseudonym),
Plaintiff,
v.
Montclair Board of Education,
Defendant.

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: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: Essex County
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: Docket No. *L 9391-13*
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: Civil Action
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ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS

THIS MATTER being brought before the court by Edward Barocas and Jeanne LoCicero, attorneys for pseudonymous Plaintiff Assessmentgate, seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the verified complaint and certification filed herewith; and it appearing that the immediate or irreparable damage will probably result before notice can be given and a hearing held and for good cause shown

IT IS on this 5th day of December, 2013, ORDERED that Defendant Montclair Board of Education shall appear and show cause before the Superior Court at the Essex County

Courthouse in Newark, New Jersey, at 9 (a.m./p.m.), or as soon thereafter as counsel can be heard, on the 9th day of January, 2013, why an Order should not be entered:

- A. Permitting Plaintiff to proceed pseudonymously;
- B. Quashing Defendant's Subpoena to Google Inc.;
- C. Enjoining the Defendant from issuing subpoenas seeking the identity of Assessmentgate without a making a showing to the Court;
- D. Enjoining the Defendant from issuing subpoenas pursuant to N.J.S.A. 18A:6-19 or -20 unless and until a hearing is scheduled for an existing controversy or dispute under school laws;
- E. Enjoining the Defendant from issuing subpoenas pursuant to N.J.S.A. 18A:6-19 or -20 commanding documents to be produced in advance of a hearing;
- F. Granting attorney's fees and costs of suit pursuant to N.J.S.A. 10:6-2(f); and
- G. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that pending the return date herein:

- A. Defendant's subpoena to Google Inc. is temporarily stayed and quashed;

B. Defendant's subpoenas seeking any of Plaintiff's identifying information are temporarily stayed and quashed;

C. Defendant is to provide to Plaintiff within 24 hours all subpoenas authorized by MBOE's resolution dated November 1, 2013 that have been issued; and *(that reference plaintiff)*

D. Defendant is temporarily enjoined from issuing subpoenas commanding information about Plaintiff's identity.

And it is further ORDERED that:

1. The defendant may move to dissolve or modify temporary restraints herein contained on two (2) days notice to Edward Barocas or Jeanne LoCicero.

2. A copy of this order to show cause, verified complaint, legal memorandum and supporting certifications submitted in support of this application be served upon the Defendant within 3 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

3. Plaintiff must file with the court its proof of service of the pleadings on Defendant no later than three days before the return date.

4. Defendant shall file and serve a written response to this order to show cause and the request for an order quashing its subpoena and proof of service by December 30th, 2013. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these

offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

f. You must send a copy of your opposition papers directly to Judge Thomas R. Vena, whose address is 479 Dr. Martin Luther King, Jr Blvd, Newark, NJ 07102 ~~New Jersey~~.

You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ 30 and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.

5. Plaintiff must file and serve any written reply to Defendant's order to show cause response, as well as proof of service of the same, by January 6th, 2013. The reply must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply must be sent directly to the chambers of Judge Thomas R. Vena.

6. If Defendant does not file and serve a response to this order to show cause, the application will be decided on the papers received as of the return date and relief may be granted by default, provided that Plaintiff files a proof of service and a proposed form of order as described below.

7. If Plaintiff has not already done so, a proposed form of order addressing the relief sought (along with a self-

addressed return envelope with return address and postage) must be submitted to the court no later than three days before the return date.

7. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include a \$ 135 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this

Order, the court may enter a default against you for the relief plaintiff demands.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling a Lawyer Referral Service. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

9. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than 7 days before the return date.



THOMAS R. VENA, J.S.C. S.C.