

WEINER | LESNIAK LLP

ATTORNEYS AT LAW

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ROY G. LOCKE
Member of the Firm

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November 7, 2013

Via Federal Express

Guaranteed Subpoena

2009 Morris Avenue

Union, New Jersey 07083

**Re: In the Matter of the Investigation of John Doe(s) and/or
Jane Doe(s), Staff Member(s) in the Montclair Public Schools
Our File No.: MBOE-146**

Dear Sir/Madam:

Enclosed please find a cover letter, an original and one (1) copy of Subpoena Duces Tecum, to be served upon:

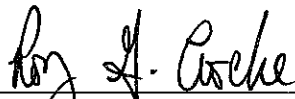
Google Inc.
c/o Corporation Service Company
830 Bear Tavern Road
West Trenton, NJ 08628

Kindly serve same as soon as possible. Once service has been effectuated, please provide me with the proof of service.

Thank you for your assistance in this matter.

Very truly yours,

WEINER LESNIAK LLP

By: 
Roy G. Locke
A Member of the Firm

RGL:eac
Enclosures

693607_1

WEINER | LESNIAK LLP

ATTORNEYS AT LAW

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MARK A. TABAKIN
Member of the Firm

mtabakin@weinerlesniak.com

November 7, 2013

Via Guaranteed Subpoena Service

Google Inc.
c/o Corporation Service Company
830 Bear Tavern Road
West Trenton, NJ 08628

**Re: In the Matter of the Investigation of John Doe(s) and/or
Jane Doe(s), Staff Member(s) in the Montclair Public Schools
Our File No.: MBOE-146**

Dear Sir/Madam:

Enclosed please find an original and one (1) copy of a Subpoena Duces Tecum which I have issued on behalf of the Montclair Board of Education, County of Essex, State of New Jersey. We have issued this Subpoena to Google LLC, since it is indicated as issuer of the gmail address believed to have been used by an anonymous person or unknown persons who are the subject of the investigation of the theft and unauthorized publication of confidential documents identified as the "Montclair Assessment."

You may fax to me the information that is the subject of the Subpoena at the fax number indicated above. If you have any questions, please do hesitate to call me.

Very truly yours,

WEINER LESNIAK LLP

By: Mark A. Tabakin
Mark A. Tabakin
A Member of the Firm

MAT:eac
Enclosure

cc: (w/enc., via Federal Express)
Google Legal Investigations Support
1600 Amphitheatre Parkway
Mountain View, CA 94043
Attn: Custodian of Records and Legal Investigations

693593_1

Mark A. Tabakin, Esq. - 028121990
WEINER LESNIAK LLP
629 Parsippany Road
P.O. Box 438
Parsippany, New Jersey 07054-0438
Phone: (973) 403-1100 Fax: (973) 403-0010
Attorneys for Montclair Board of Education
Our File No. MBOE-146
693606_1

IN THE MATTER OF THE
INVESTIGATION OF JOHN DOE(S) and/or
JANE DOE(S), STAFF MEMBER(S) IN THE
MONTCLAIR PUBLIC SCHOOLS

BEFORE THE MONTCLAIR BOARD OF
EDUCATION, COUNTY OF ESSEX,
STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

SUBPOENA DUCES TECUM

TO: Google Inc.
c/o Corporation Service Company
830 Bear Tavern Road
West Trenton, NJ 08628

In accordance with N.J.S.A. 18A:6-19 and 20 and the Resolution of the Montclair Board of Education (the "Board"), dated November 1, 2013 (annexed hereto and made a part of as **Exhibit A**), and in anticipation of the investigatory hearing to be held before the Board of John Doe and/or Jane Doe, the Board demands that you produce the following materials at the office of counsel for the Board, Weiner Lesniak LLP, 629 Parsippany Road, Parsippany, New Jersey 07054 (Facsimile 973-403-0010), attention Mark A. Tabakin, Esq., by the close of business on November 18, 2013:

- Any and all information relating to the personal identification for the user "assessmentgate@gmail.com," including without limitation, the full name, address(es), email or gmail addresses, telephone number, alternate email addresses, ISP information, and computer IP addresses used.

You may satisfy this Subpoena by forwarding the requested information to the Board's counsel at the address or facsimile number listed above on or before November 18, 2013.

Questions concerning this Subpoena should be directed to Mark A. Tabakin, Esq. at (973) 403-1100.

Failure to produce the requested information by the date noted may subject you such penalties provided by law.

WEINER LESNIAK LLP
Attorneys for Montclair Board of Education

By: Mark A. Tabakin
MARK A. TABAKIN, ESQ.

Dated: November 7, 2013

This Subpoena is authorized by the President of the Montclair Board of Education.

EXHIBIT A

THE PUBLIC SCHOOLS

Montclair, New Jersey

RESOLUTION RE: AUTHORIZATION TO CONDUCT INVESTIGATION/HEARINGS

WHEREAS, the Montclair Board of Education has been provided with sufficient basis for believing that there has been an unauthorized release of proprietary/confidential District tests/assessments by District staff; and

WHEREAS, the act of releasing proprietary/confidential tests/assessments by District employees without authorization subjects such employees to disciplinary action, up to and including termination; and

WHEREAS, in anticipation of disciplinary hearings of John Doe(s) and/or Jane Doe(s) to be held before the Board, N.J.S.A. 18A:6-19 and 20 empowers the Montclair Board of Education with authority to issue subpoenas to any person within this State to provide relevant documents and/or appear before the Board to provide testimony regarding the unauthorized release of proprietary/confidential District tests/assessments by District staff; and

WHEREAS, pursuant to this authority, the Montclair Board of Education wishes to act as a Committee of the Whole for the purpose of conducting hearings regarding the suspected unauthorized release of proprietary/confidential District tests/assessments, as well as investigating other incidents of conduct contrary to the Board's best interest, as may be disclosed by further investigation; and

WHEREAS, the Montclair Board of Education wishes to appoint independent counsel for the purpose of prosecuting the investigation and hearings;

NOW, THEREFORE, BE IT RESOLVED that the Montclair Board of Education appoints Mark A. Tabakin, Esq., to conduct this investigation and hearings pursuant to the terms of his appointment as General Counsel to the Board; and

BE IT FURTHER RESOLVED that Mark Tabakin, Esq., is vested with the authority to issue subpoenas in the name of the Montclair Board of Education for the purpose of obtaining relevant documentation and/or testimony, and to take such other action as lawfully permitted in furtherance of this resolution to conduct the necessary investigation and prosecute hearings before the Board.



Brian Fleischer
Chief Operating Officer

APPROVED BY ACTION OF THE
MONTCLAIR BOARD OF EDUCATION
NOVEMBER 1, 2013