

WEINER LESNIAK LLP

ATTORNEYS AT LAW

www.weinerlesniak.com

ROY G. LOCKE
Member of the Firm

rlocke@weinerlesniak.com

November 6, 2013

Via FedEx:

Guaranteed Subpoena
2009 Morris Avenue
P.O. Box 2248
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:

Moniker Online Services LLC
Sponsoring Registrar for
GOBOOKIE.ORG
1800 SW 1st Avenue, Suite 440
Portland, OR 97201

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:am
Enclosures
693331_1

WEINER | LESNIAK LLP

ATTORNEYS AT LAW
www.weinerlesniak.com

MARK A. TABAKIN
Member of the Firm

mtabakin@weinerlesniak.com

November 6, 2013

Moniker Online Services LLC
Sponsoring Registrar for
GOBOOKIE.ORG
1800 SW 1st Avenue, Suite 440
Portland, OR 97201

**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**

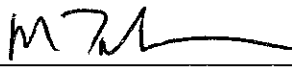
Dear Sir/Madam:

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 Moniker Online Services LLC since it is indicated as the sponsoring registrar for Gobookie.org, the website where the materials that are the subject of the investigation of the theft and unauthorized publication of confidential documents identified as the "Montclair Assessment" were downloaded by a person, or a certain persons, currently unknown, who is/are the subject of this investigation.

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
A Member of the Firm

MAT:eac
Enclosure

693215_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

691912_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: Moniker Online Services LLC
Sponsoring Registrar for
GOBOOKIE.ORG
1800 SW 1st Avenue, Suite 440
Portland, OR 97201

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:

- The full name, address, e-mail address and any other identifying information as to the individual or individuals who downloaded to gobookee.org, the Montclair Assessment-Sponsored High Speed Downloads – montclair assessment [Full Version], 5870 dl's@3518 KB/s; montclair assessment – Fast Download, 7567 dl's@3059 KB/s; montclair assessment – Direct Download, 7063 dl's@2516 KB/s, as indicated on **Exhibit**

B, annexed hereto and made a part hereof. This download occurred on or about October 25, 2013.

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 bylaw.

WEINER LESNIAK LLP
Attorneys for Montclair Board of Education

By: 
MARK A. TABAKIN, ESQ.

Dated: November 6, 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

EXHIBIT B

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montclair assessment

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MONTCLAIR STATE UNIVERSITY CENTER FOR ACADEMIC DEVELOPMENT AND ASSESSMENT Stone Hall
Rooms 125, 127, 129, 131 Upper **Montclair, Montclair, NJ 07043**

http://www.montclair.edu/media/montclairedu/sdcl/cada/tutorref_2.pdf



[MONTCLAIR STATE UNIVERSITY CENTER FOR ACADEMIC DEVELOPMENT ...](#)

MONTCLAIR STATE UNIVERSITY CENTER FOR ACADEMIC DEVELOPMENT AND ASSESSMENT Morehead
Hall Rooms 139-145 Upper **Montclair, Montclair, NJ 07043** TUTOR RECOMMENDATION FORM

<http://www.montclair.edu/media/montclairedu/sdcl/cada/tutorref.pdf>



MONTCLAIR STATE UNIVERSITY

revised 4/17/12 the graduate school **montclair** state university notification of completion of the qualifying **assessment** and notification of admission to doctoral candidacy

<http://www.montclair.edu/media/montclairedu/csam/Doctoral-Forms.PDF>



New Jersey Department of Education - **Montclair** Public Schools

New Jersey Department of Education School Self-**Assessment** for Determining Grades Under the Anti-Bullying Bill of Rights Act . Meets NJDOE Requirements: **Montclair** ...

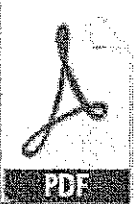
<http://www.montclair.k12.nj.us/WebPageFiles/2155/hib.pdf>



MONTCLAIR PUBLIC SCHOOLS

MONTCLAIR PUBLIC SCHOOLS . ASSESSMENT SCHEDULE . 2011 ~ 2012 . Grade Test(s) Testing Dates (Make-up) 3 . NJASK– New Jersey **Assessment of Skills and Knowledge**

<http://www.montclair.k12.nj.us/WebPageFiles/16/assessment-schedule.pdf>



MSIC MON Internal Radio Communications Recommendations

“**Montclair** Base, this is **Montclair** Neighborhood Damage **Assessment** Team One, we have an injured person at 1 5 2 3 Oakland Drive, and request a First Aid Team.

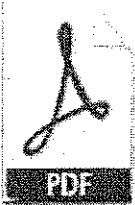
<http://www.montclairsic.org/pdf/MSICMONInternalRadioCommunicationsRecommendations.pdf>



Montclair State University - Metro Energy Solutions

energy **assessment** of all MSU facilities, including the cogeneration plant. ... **Montclair State University Project: Campus-wide Comprehensive Energy Analysis**

http://www.metroenergysolutions.com/CaseStudy_Montclair_State_Unv_Energy_Audit.pdf



MONTCLAIR PROPERTY OWNERS ASSOCIATION 2011 REGIME ASSESSMENTS

MONTCLAIR PROPERTY OWNERS ASSOCIATION 2011 REGIME ASSESSMENTS ... The Insurance **Assessment** can be paid a year in advance in January for a discounted rate of \$1460.00:

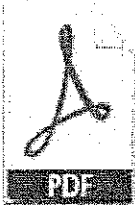
http://montclairpoa.com/images/regime_fees_2011.pdf



Ontario-Montclair School District

Student Assessment Assistant Page 1 Ontario-Montclair School District . CLASS SPECIFICATION . Student Assessment Assistant . GENERAL PURPOSE

[http://www.omsd.k12.ca.us/departments/HumanResources/classified/Classified Job Descriptions/Student Assessment Asst.pdf](http://www.omsd.k12.ca.us/departments/HumanResources/classified/Classified%20Job%20Descriptions/Student%20Assessment%20Asst.pdf)



REQUEST FOR PROPOSAL FO R PRO FESSIO NAL ENGINEERING SERVICES ...

Engineering Bureau 219 N. Fullerton Avenue **Montclair**, NJ 07042 tel: 973-509-5702 fax: 973-783-7703 Page 1 of 1
October 4, 2013

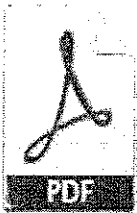
<http://www.montclairnjusa.org/dmdocuments/RFP-Road-Assessment.pdf>



Montclair State University

Montclair State University School of Business Department of Economics and Finance ... comparative **assessment** of these decision rules as they pertain to public

<http://msuweb.montclair.edu/~lebelp/Econ50801.pdf>



[Assessing the Role of Risk in Growth and Development](#)

Upper **Montclair**, New Jersey 07043 Assessing the Role of Risk ... sovereign debt ratings by private firms in its **assessment** of lending decisions. It also is

<http://msuweb.montclair.edu/~lebelp/PLBAssessingRisk903.pdf>



[Ordinance amending **Montclair** Code Chapter 293 \(Special ...](#)

Ordinance amending **Montclair** Code Chapter 293 (Special Improvement District) to Permit **Assessment** of Tax Exempt Properties subject to a Financial Agreement.

http://www.montclairjusa.org/dmdocuments/O_11_075.pdf



[ONTARIO-MONTCLAIR SCHOOL DISTRICT - OMSD Home Page](#)

Ontario-**Montclair** School District **assessment** and identifies, designs, implements, and adapts school intervention activities for children 0 to 21 years old.

[http://omsd.omsd.k12.ca.us/departments/HumanResources/classified/Classified Job Descriptions/Intervention Specialist BHRC.pdf](http://omsd.omsd.k12.ca.us/departments/HumanResources/classified/Classified%20Job%20Descriptions/Intervention%20Specialist%20BHRC.pdf)



[COMMUNITY HEALTH ASSESSMENT FOR THE - Bloomfield NJ](#)

Montclair State University ... The Community Health **Assessment** is also funded in part by a grant from the Partners for Health Foundation,

[http://www.bloomfieldtwpnj.com/health/documents/BDHHS Community Health Assessment May 2013 FINAL\(2\).pdf](http://www.bloomfieldtwpnj.com/health/documents/BDHHS%20Community%20Health%20Assessment%20May%202013%20FINAL(2).pdf)



[Watershed Characterization and **Assessment** of WMA 3](#)

WMA 3 – Executive Summary ES-1 The vision of WMA 3 is clean and plentiful water and a healthy ecosystem for now and the future. Through comprehensive management and ...

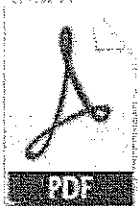
<http://pages.csam.montclair.edu/pri/pdf/WMA3.pdf>



[Annual Institutional Profile of Montclair State University, 2012](#)

Annual Institutional Profile of Montclair State University, 2012 11 D. Student Outcomes ... All assessment data related to Institutional Effectiveness are being

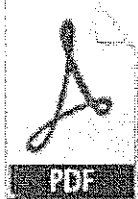
<http://www.nj.gov/highereducation/IP/IP2012/Montclair/D.pdf>



[FOR ENGLISH LEARNERS - OMSD Home Page](#)

Assessment Coordinator (SPAC) assigned to each school who will initiate the reclassified ... Ontario-Montclair School District Master Plan for English Learners ...

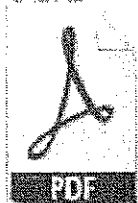
http://omsd.omsd.k12.ca.us/departments/lss/academics/EL_Documents/Master_Plan_for_English_Learners.pdf



[SCHOOL IMPROVEMENT PLAN FOR STUDENT ACHIEVEMENT](#)

Montclair and Board by 5% (Past assessment we closed it 5.5%) students a 90 % of Primary girls, 70% Primary Boys and 65% of Junior students

http://www.hdsb.ca/montclair/ParentResources/Documents/School_Improvement_Plan_Math_20122013.pdf



[MONTCLAIR SCHOOL OF ACADEMICS & ENRICHMENT](#)

Assessment Plan. The Montclair School Improvement Plan (SIP) provides an analysis of CSAP scores and the significant improvements that have been achieved to date.

<http://www.cde.state.co.us/sites/default/files/documents/choice/download/sb130/montclairinnovationplanandapplication.pdf>

[More results >>](#)

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