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Attorneys for Defendants
Teaneck Board of Education, Sebastian Rodriguez, Victoria Fisher,
Edward Ha, Nadia Hosein, Dennis Klein, Kassandra Reyes,
Jonathan Rodriguez, Denise Sanders, and Clara Williams
Our File No. TEA015
3479789

KEITH KAPLAN,

Plaintiff, Pro Se,

v.

TEANECK BOARD OF EDUCATION,
SEBASTIAN RODRIGUEZ, VICTORIA
FISHER, EDWARD HA, NADIA HOSEIN,
DENNIS KLEIN, KASSANDRA REYES,
JONATHAN RODRIGUEZ, DENISE
SANDERS, AND CLARA WILLIAMS,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-000121-24

Civil Action

**ANSWER
AND AFFIRMATIVE DEFENSES**

Defendants Teaneck Board of Education, Sebastian Rodriguez, Victoria Fisher, Edward Ha, Nadia Hosein, Dennis Klein, Kassandra Reyes, Jonathan Rodriguez, Denise Sanders, and Clara Williams, by way of Answer to the Verified Complaint, say:

INTRODUCTION

1. Defendants state that the allegations of Paragraph 1 constitute a legal conclusion to which no response is required.

2. Defendants admit the allegations of Paragraph 2.

3. Defendants state that the language used by the Legislature speaks for itself, and no response is required.

4. Defendants state that the allegations of Paragraph 4 constitute a legal conclusion to which no response is required.

PARTIES

5. Defendants lacks sufficient knowledge to admit or deny the allegations of Paragraph 5 and leave the Plaintiff to his proofs.

6. (A) Defendants admit that the Teaneck Board of Education is a government body. (B) Defendants admit that the individuals named were members of the Teaneck Board of Education in 2023.

7. Except to admit that Defendants reside in Teaneck, they deny the remaining allegations of Paragraph 7.

8. Defendants state that the allegations of Paragraph 8 constitute a legal conclusion to which no response is required.

COUNT ONE

9. Defendants admit that on January 4, 2023, the Teaneck Board of Education held an organization meeting.

10. Defendants state that the Agenda items cited by Plaintiff in Paragraph 10 speak for themselves as to their contents.

11. Defendants state that the allegations of Paragraph 11 constitute a legal conclusion to which no response is required.

12. Defendants state that the allegations of Paragraph 12 constitute a legal conclusion to which no response is required.

13. Defendants state that the allegations of Paragraph 13 constitute a legal conclusion to which no response is required, except to deny that there is or has been any “ongoing violation of OPMA.”

14. Defendants admit that from on or about January 1, 2020, until the Board Meeting of January 3, 2024, the Board sent meeting notices to only one newspaper.

15. Defendants deny the allegations of Paragraph 15.

COUNT TWO

16. Defendants state that the Minutes of the November 15, 2023, Board Meeting speak for themselves as to their content.

17. Defendants state that the Minutes of the November 15, 2023, Board Meeting speak for themselves as to their content.

18. Defendants state that the Minutes of the November 15, 2023, Board Meeting speak for themselves as to their content, but Defendants specifically deny that a vote was required in order to send the Plaintiff a letter.

19. Defendants state that the allegations of Paragraph 19 constitute a legal conclusion to which no response is required.

20. Defendants deny the allegations of Paragraph 20.

COUNT THREE

21. Defendants state that the Special Public Meeting Notice speaks for itself as to its terms and specifically denies that it was deficient. Minutes of the November 15, 2023, Board Meeting speak for themselves as to their content.

22. Except to admit that it noticed the meeting in only one newspaper, Defendants state that the allegations of Paragraph 22 constitute a legal conclusion to which no response is required.

23. Defendants deny the allegations of Paragraph 23.

24. Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

25. Defendants admit that there was a Board Meeting on December 13, 2023, and a Special Board Meeting on December 21, 2023, as is permitted by law.

26. Defendants admit the allegations of Paragraph 26 but deny the implication that there was anything improper about the attendance of Members Hosein and Sanders.

27. Defendants state that District Policy 0162 speaks for itself as to its content.

28. Except to state that portions of Paragraph 28 constitute legal conclusions to which no response is required, the Defendants deny the balance of Paragraph 28, including the dangling phrase "Secrecy As Default."

29. Defendants deny that they have a "pattern or practice" to withhold information and state that the balance of Paragraph 29 constitutes legal conclusions to which no response is required.

30. Defendants state that the Agenda for the December 21, 2023, Special Meeting speaks for itself as to its terms.

31. Defendants state that the Special Meeting Agendas speak for themselves as to their terms.

32. Defendants lack sufficient information to admit or deny what an "observer" would or would not know.

33. Except to state that the opening phrase of Paragraph 33 constitutes a legal conclusion as to which no response is required, Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

34. Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

35. Defendants lack sufficient information to admit or deny the allegations of Paragraph 35.

36. Defendants deny the allegations of Paragraph 36.

37. Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

38. Except to admit that the Board conducted an Executive Session on December 21, 2023, the Defendants state that the Agenda speaks for itself as to its terms.

39. Defendants deny the allegations of Paragraph 39.

40. Defendants state that the Agenda speaks for itself as to its terms.

41. Except to admit that notice was published in only one newspaper, the Defendants deny the allegations of Paragraph 41.

42. Defendants deny the allegations of Paragraph 42.

COUNT FOUR

43. Defendants lack sufficient information to admit or deny the allegations of Paragraph 43.

44. Defendants lack sufficient information to admit or deny the allegations of Paragraph 44.

45. Defendants lack sufficient information to admit or deny the allegation of Paragraph 45.

46. Defendants lack sufficient information to admit or deny the allegations of Paragraph 46.

47. Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

48. Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

49. Defendants state that the allegations of Paragraph 49 constitute legal conclusions as to which no response is required.

50. Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

COUNT FIVE

51. Defendants state that the allegations of Paragraph 51 constitute legal conclusions to which no response is required.

52. Defendants state that the allegations of Paragraph 52 constitute legal conclusions to which no response is required.

53. Defendants state the allegations of Paragraph 52 constitute legal conclusions to which no response is required.

54. Defendants state that the record of the Special Public Meeting will speak for itself as to its content.

55. Defendants state that the Agenda for the December 21, 2023, Special Meeting speaks for itself as to its terms.

56. Defendants state that the Agenda for the December 21, 2023, Special Meeting speaks for itself as to its terms.

57. Defendants deny the allegations of Paragraph 57.

58. Defendants deny the allegations of Paragraph 58.

59. Except to state that the first sentence of Paragraph 59 constitutes a legal conclusion to which no response is required, the Defendants deny the allegations of Paragraph 59.

60. Defendants deny the allegations of Paragraph 60.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Verified Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The Verified Complaint fails to conform to the requirements of N.J.S.A. 10:4-15.

THIRD AFFIRMATIVE DEFENSE

The claims set forth in the Verified Complaint are barred by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

The claims set forth in the Verified Complaint are barred by the corrective or remedial actions taken by the Teaneck Board of Education on January 17, 2024

FIFTH AFFIRMATIVE DEFENSE

The claims set for in the Verified Complaint are barred because the Teaneck Board of Education took no vote in Executive Session, as alleged.

SIXTH AFFIRMATIVE DEFENSE

The claims set forth in the Verified Complaint are barred because the Plaintiff failed to join indispensable parties pursuant to R. 4:28-1.

SEVENTH AFFIRMATIVE DEFENSE

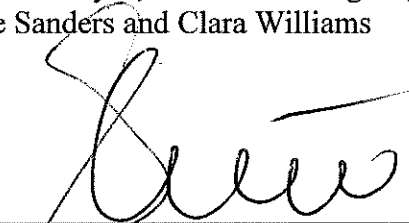
The claims set forth in Count Five of the Verified Complaint are barred because the Plaintiff seeks an impermissible Advisory Opinion.

EIGHTH AFFIRMATIVE DEFENSE

The claims set forth in Count Five of the Verified Complaint are barred because there is no case or controversy related to them before the Court.

WHEREFORE, the Defendants demand judgment dismissing the Verified Complaint, in its entirety, with prejudice and additionally awarding the Defendants attorneys fees and costs of suit and such other relief as the Court may deem appropriate.

WEINER LAW GROUP LLP
Attorneys for Defendants
Teaneck Board of Education,
Sebastian Rodriguez, Victoria Fisher,
Edward Ha, Nadia Hosein, Dennis Klein,
Kassandra Reyes, Jonathan Rodriguez,
Denise Sanders and Clara Williams

By: 
STEPHEN J. EDELSTEIN

Dated: 2/1/24

DESIGNATION OF TRIAL COUNSEL

Please take notice that pursuant to Rule 4:25-4, Stephen J. Edelstein Esq. is designated as trial counsel in this matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, and that no such action or arbitration proceeding is contemplated. I further certify that I am not aware of the identities of any other parties who should be joined in this action.

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Denise Sanders and Clara Williams

By: 
STEPHEN J. EDELSTEIN

Dated: 2/1/24

CERTIFICATION PURSUANT TO RULE R. 1:38-7(c)(1)

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

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Dated: 2/1/24

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-000121-24

Case Caption: KAPLAN KEITH VS TEANECK BOARD OF
EDUCATION

Case Initiation Date: 01/08/2024

Attorney Name: STEPHEN J EDELSTEIN

Firm Name: WEINER LAW GROUP LLP

Address: 629 PARSIPPANY RD PO BOX 438
PARSIPPANY NJ 070540438

Phone: 9734031100

Name of Party: DEFENDANT : WILLIAMS, CLARA

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

Document Type: Answer

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: KEITH KAPLAN? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO
Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

02/01/2024
Dated

/s/ STEPHEN J EDELSTEIN
Signed

