

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

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

Defendants.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET NO. BER-L-000121-24

**NOTICE OF MOTION TO
ENFORCE LITIGANT'S RIGHTS**

TO: Stephen J. Edelstein, Esq.
WEINER LAW GROUP LLP
629 Parsippany Road
Parsippany, New Jersey 07054-0438

Attorneys for Defendants:

Teaneck Board of Education, Sebastian Rodriguez, Victoria Fisher,
Edward Ha, Nadia Hosein, Dennis Klein, Cassandra Reyes, Jonathan
Rodriguez, Denise Sanders, and Clara Williams

PLEASE TAKE NOTICE that on August 30, 2024 at 9:30 a.m, the undersigned will move before the Honorable Carol Novey Catuogno, at the Bergen County Superior Court at the Bergen County Courthouse in Hackensack, New

NOTICE OF MOTION TO ENFORCE LITIGANT'S RIGHTS

Jersey, or virtually, or as soon thereafter as Plaintiff can be heard for an Order Enforcing Litigant's Rights pursuant to R. 1:10-3 and assessing penalties against Defendants Teaneck Board of Education, et al.

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the attached Certification of Keith S Kaplan and Exhibits in support of the Motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to R. 1:6-2, it is requested that the court consider this motion on the papers.

A proposed form of order is attached.



Keith S Kaplan
Plaintiff, Pro Se

Dated: August 20, 2024

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

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

Defendants.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET NO. BER-L-000121-24

**CERTIFICATION OF KEITH S
KAPLAN, IN SUPPORT OF
PLAINTIFF’S MOTION TO
ENFORCE LITIGANT’S RIGHTS**

I, **Keith S Kaplan**, being of full age, certify as follows:

1. I am Plaintiff, pro se in the matter Keith Kaplan vs. Teaneck Board of Education, et al., BER-L-000121-24.
2. I make this Certification in support of Plaintiff’s Motion to Enforce Litigant’s Rights, through which Plaintiff seeks enforcement of an order entered by this court on July 18, 2024 (“Order”) against defendants Teaneck Board of Education, et al. (“Defendants”) that

CERTIFICATION OF KEITH S KAPLAN, IN SUPPORT OF PLAINTIFF’S MOTION TO ENFORCE LITIGANT’S RIGHTS

compels Defendants to, among other things, “reimburse Plaintiff for his costs in the amount of \$400 within **30 days** of the date of this order.” (emphasis in original)

3. Counsel for Defendants appeared on July 18, 2024, were heard regarding costs / fees and instructed by the Court as to their requirement to reimburse Plaintiff within 30 days, to wit: August 19, 2024.
4. On July 18, 2024, the Court entered a copy of the Order which is attached to this certification as Exhibit A.
5. On July 19, 2024, Plaintiff delivered a copy of the Order to Defendants at their offices, 651 Teaneck Road, Teaneck, NJ 07666.
6. The Order is enforceable in accordance with R. 1:10-3.
7. Defendants may expend funds only upon approval of the Board of Education N.J. Stat. § 18A:19-1, et seq.
8. Defendants may only act as a body, at meetings, adequately noticed pursuant to the Open Public Meetings Act (“OPMA”).
9. Defendants may notice a meeting upon 48 hours notice.
10. At no time between the date the Order was entered and the date of this Certification, has a meeting been noticed by the Defendants.

11. “Rule 1:10-3 allows a court to enter an order to enforce litigant’s rights commanding a disobedient party to comply with a prior order....”. In addition, “[o]nce the court determines the non-compliant party was able to comply with the order and unable to show the failure was excusable, it may impose appropriate sanctions.... Sanctions under Rule 1:10-3 are intended to coerce a party’s compliance...” Milne v. Goldenberg, 428 N.J. Super. 184, 198 (App. Div. 2012).
12. Despite receiving notice of the Court’s Order in person, as well as through electronic and physical notice, Defendants have offered no excuse for their dilatory behavior.
13. By failing to comply with the Order, Defendants are now in contempt of court.
14. Defendants’ consistent failure to abide by the obligations of the OPMA and the Order subjects residents to additional violations and deprivations of their civil rights.
15. The monetary sanctions "must be fashioned in an amount sufficient to sting and force compliance, but must not be so excessive as to constitute ruinous punishment." E. Brunswick Bd. of Educ. v. E.

Brunswick Educ. Ass'n, 235 N.J. Super. 417 , 422 (App. Div. 1989);
see also Ridley v. Dennison, 298 N.J. Super. 373 , 381 (App. Div.
1997).

16. Plaintiff therefore seeks an order enforcing the Order, assessing additional civil penalties against Defendants as the Court deems necessary to ensure compliance with the Order and law.

I certify that the foregoing statements made by me are true.

I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Keith S Kaplan

Plaintiff, Pro Se

Dated: August 20, 2024.

Exhibit A

FILED

JUL 18 2024

CAROL NOVEY CATUOGNO, A.J.S.C.

PREPARED BY THE COURT

KEITH KAPLAN,

Plaintiff,

v.

TEANECK BOARD OF EDUCATION, et al,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-121-24

CIVIL ACTION

ORDER

THIS MATTER having been opened to the Court by Plaintiff, Keith Kaplan, self-represented litigant, on an Order to Show Cause alleging violations of the New Jersey Open Public Meetings Act, upon notice to The Weiner Law Group, counsel for Defendants (Stephen J. Edelstein appearing), and the Court having considered all pleadings, oral argument and for the reasons stated on the record today and for good cause shown,

IT IS on this 18th day of **July 2024**,

ORDERED that Count 1 of the complaint is **DISMISSED** as the relief sought is barred by the statute of limitations; and it is further,

ORDERED that Count 2 of the complaint is **DENIED**, as there is no requested relief that can be granted; and it is further,

ORDERED that the declaratory judgment sought by Plaintiff in Count 3 of the complaint is **GRANTED**, the Court having found that the Teaneck Board of Education failed to comply with the mandates of the New Jersey Open Public Meetings Act; and it is further,

ORDERED that the relief requested in Count 3 of the complaint is **GRANTED** and the Teaneck Board of Education shall cure the deficiencies of the December 21, 2023, meeting, pursuant to the mandates of the New Jersey Open Public Meetings Act, within **70 days** of the date of this order; and it is further,

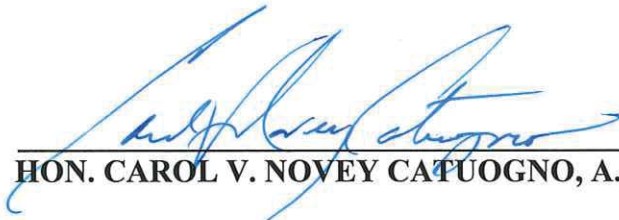
ORDERED that the declaratory judgment sought by Plaintiff in Count 4 of the complaint is **GRANTED**, the Court having found that the Teaneck Board of Education failed to comply with the mandates of the New Jersey Open Public Meetings Act; and it is further,

ORDERED that the relief requested in Count 4 of the complaint is **GRANTED** and the Teaneck Board of Education shall cure the deficiencies of the January 3, 2024, meeting, pursuant to the mandates of the New Jersey Open Public Meetings Act, within **70 days** of the date of this order; and it is further,

ORDERED that the Teaneck Board of Education shall adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward; and it is further,

ORDERED that Count 5 of the complaint is **DISMISSED** as the Plaintiff failed to state a claim upon which relief could be granted; and it is further,

ORDERED that Defendant shall reimburse Plaintiff for his costs in the amount of **\$400.00** within **30 days** of the date of this order.


HON. CAROL V. NOVEY CATUOGNO, A.J.S.C.

Keith Kaplan

Teaneck, NJ 07666

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KEITH KAPLAN,

Plaintiff, pro se,

vs.

TEANECK BOARD OF EDUCATION,
SEBASTIAN RODRIGUEZ,
VICTORIA FISHER, EDWARD HA,
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AND CLARA WILLIAMS,

Defendants.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET NO. BER-L-000121-24

ORDER

This matter having been opened to the court by Keith S Kaplan, Plaintiff pro se (“Plaintiff”), and the court having considered the papers submitted by Plaintiff and any opposition papers submitted by Defendants Teaneck Board of Education, et al. (“Defendants”); and upon consideration of oral argument, if any; and for good cause shown;

IT IS on this _____ day of _____, 2024;

ORDER

ORDERED that Plaintiff's Motion to Enforce Litigant's Rights is granted and the court's order in the above-captioned matter dated July 18, 2024 is hereby enforced; and

IT IS FURTHER ORDERED that Defendants are in contempt of court as a result of their failure to comply with the July 18, 2024 Order; and

IT IS FURTHER ORDERED that the fees in the amount of \$400 are immediately due and owing to Plaintiff; and

IT IS FURTHER ORDERED that Defendants, shall pay to the Plaintiff an additional civil penalty for its contempt of court and continued failure to comply with the July 18, 2024 order in the amount of \$ _____; and

IT IS FURTHER ORDERED that, for as long as Defendants remain out of compliance with the July 18, 2024 Order and this order, Defendant Teaneck Board of Education, et al. shall be subject to a civil administrative penalty of \$ _____ per day; and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon the Defendants, within seven (7) days of the date hereof.

Hon. Carol Novey Catuogno, J.S.C.

ORDER

In accordance with R. 1:6-2(a), this motion was:

_____ opposed

_____ unopposed.

ORDER

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

Teaneck Board of Education, Sebastian Rodriguez, Victoria Fisher, Edward Ha, Nadia Hosein, Dennis Klein, Kassandra Reyes, Jonathan Rodriguez, Denise Sanders, AND Clara Williams,

*Defendants*¹.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET No. [BER-L-000121-24](#)

PROOF OF SERVICE

Keith Kaplan, hereby certifies as follows:

1. I am Plaintiff pro se in the above-referenced matter
2. On Tuesday, August 20, 2024, I electronically filed the following documents:
 - a. Notice of Motion to Enforce Litigant's Rights
 - b. Certification of Keith S Kaplan
 - c. Proposed Order
3. I certify that all parties have been electronically served and via email.

¹ Terms of office for defendants Rodriguez, Hosein and Sanders ended on December 31, 2023.

4. The foregoing statements made by me are true and I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



Keith S Kaplan

Dated: August 20, 2024