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Attorney for Defendants, Hershel Herskowitz, Shlomie Klein, and Abraham Sharaby

YECHESKEL SCHWAB and DATAMAP
INTELLIGENCE LLC,

Plaintiffs,

vs.

JOYCE BLAY, HERSHEL HERSKOWITZ a/k/a
HAROLD HERSKOWITZ, SHLOMIE KLEIN a/k/a
SHLOMO KLEIN, ABRAHAM SHARABY, JOHN
DOES 1-10, ABC CORPS A-J

Defendants.

:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: OCEAN COUNTY

:
: Docket No.: OCN-L-2695-18

:
: Civil Action

:
: **CERTIFICATION OF ABRAHAM SHARABY**
: **IN SUPPORT OF MOTION TO QUASH**
: **SUBPOENA SERVED ON ABRAHAM**
: **SHUBERT**
:
:

I, Abraham Sharaby, certify as follows,

1. I am a defendant in this action and I am fully familiar with the facts of this certification based on firsthand knowledge.

2. I make this certification in support the motion to quash the subpoena served on non-party, Abraham Shubert.

3. Although I am not an attorney, it is my understanding that in defamation cases involving public concerns, Courts are particularly concerned about discovery having a chilling effect on people’s willingness to speak truthfully about matters of public concern. See, Dendrite Int’l, Inc. v. Doe No. 3, 342 N.J. Super. 134 (App. Div. 2001).

4. I submit this certification to demonstrate why, given the nature of the community in Lakewood, New Jersey, this is a particular concern in this case.

5. Moreover, as will be explained below, for Plaintiff, suppressing speech is not an inadvertent consequence of discovery, but is the very point of this litigation.

6. Within the Orthodox community in Lakewood, there is panel of Orthodox Jewish rabbis and businessmen called the Vaad, which among other things, endorses political candidates. See, Stacey Barchenger and Bob Jordan, Is the Vaad losing grip on local elections? Asbury Park Press, November 19, 2017, A2. A copy of this article is attached as Exhibit A.

7. For a long time, endorsement by the Vaad was considered a guarantee of being elected in local elections.

8. Both Lakewood Deputy Mayor Menashe Miller and Township Committee Member Meir Lichtenstein are supported by the Vaad.

9. Some of the allegedly defamatory statements in the Complaint do not mention Plaintiff but do concern Menashe Miller and Meir Lichtenstein. Complaint, ¶¶ 25, 28, 31, 35. It is likely that this action is being filed by Plaintiff, partly to advance the interests of Miller and Lichtenstein.

10. The Vaad is controlled by Yeshiva Beth Medrash Govoha and related institutions. Attached as Exhibit B is a copy of a form that people who become members of the Vaad must sign, acknowledging as much.

11. The Vaad endorses political candidates who favored people like Plaintiff, specifically wealthy real estate developers, who seek to develop property without restrictions, and to engage in dealings with the Township of Lakewood to advance their interests rather than serve the common good.

12. The Vaad advances these people's interests, because these people have the means to contribute financially to the Yeshivas and other institutions that control the Vaad.

13. To prevent criticism of the Vaad, the Vaad puts extreme communal pressure on those who would criticize its candidates.

14. One of the principle forms of pressure is to expel the children of political dissenters from Orthodox Jewish schools in Lakewood. See also, Certification of Hershel Herskowitz dated December 20, 2018, ¶¶ 10-18.

15. Below, is an example of my firsthand experience with these techniques.

16. On March 11, 2018, there was a meeting organized by the held by the Igud Hamosdos at Yeshiva Toras Aron located at 500 Summer Ave, Lakewood, NJ 08701. Attached as Exhibit C is a copy of an email that went out on March 9, 2018 about the meeting.

17. The Igud Hamosdos is organization that consists of the Orthodox Jewish schools in Lakewood, and its membership overlaps with that of the Vaad.

18. The purpose of the meeting was to address how to prevent me and Defendant Shlomie Klein from running for political office or engaging in political criticism of elected officials supported by the Vaad.

19. Before the meeting occurred, I was informed of it by Solomon Lewenstein, who was trying to help me avoid the problems that could arise as a result of the meeting. Lewenstein advised that if I wanted to avoid having my children expelled from their schools, I should attend the meeting to defend myself.

20. I arrived at the meeting, where there were about forty people, including, Mendel Rabinowitz, Shlomo Chaim Kanarek, Yisroel Schenkolewski, Jonothan Sanders, and Yanky Mendelbaum.

21. Mendel Rabinowitz stated that if I were in the old country,¹ I would be drowned in the *mikveh*.²

22. After a heated discussion, the consensus of those in attendance was that my children, as well as the children of Defendant Shlomie Klein should be expelled from the schools they attend, to stop us from being politically active.

23. To avoid having my children expelled from school, I was forced to promise to refrain from being involved in politics.

24. Shlomo Chaim Kanarek also demanded that I no longer make any OPRA requests to the Township of Lakewood. Under threat of duress, I indicated assent.

25. His objective of preventing me from making OPRA requests is shared by Plaintiff, who sued me because I made OPRA requests. Complaint, ¶ 45.

26. Shlomo Chaim Kanarek owns multiple orthodox Jewish schools, as well as many businesses and substantial real estate in Lakewood. As such, there could severe consequences to not complying with his demand.

27. Shlomo Chaim Kanarek then demanded that I go to a side room, where Lakewood Township Committeeman Meir Lichtenstein was on the telephone.

28. Meir Lichtenstein demanded that I immediately meet with him. Under duress, I went to a meeting at his office, at 212 Second Street, Lakewood, NJ, with him and a few others, including Moshe Tress and Jonothan Sanders.

29. The purpose of the meeting was to address my criticism of Lichtenstein. In particular, Lichtenstein was obsessed with a robocall that went around before the last primary

¹ The term “old country,” is a colloquial way that orthodox Jews refer to Eastern Europe, which is the ancestral land of most orthodox Jews.

² A mikveh is a Jewish ritual bath. <https://en.wikipedia.org/wiki/Mikveh>.

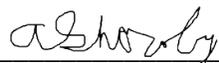
election, which he believed I was behind. The call ostensibly endorsed Meir Lichtenstein, but implied certain negative things about him.

30. At this meeting, Moshe Tress indicated that he spoke about me to Rabbi Malkiel Kotler, the *rosh yeshiva* (dean) of Bais Medresh Govoha. Tress indicated that Rabbi Kotler wanted to meet with me, to “detoxify” me. Unfortunately, to some people, having dissenting views is toxic.

31. This is but one example of the political environment that exists in Lakewood and how dissent is suppressed.

32. Were Plaintiff to obtain information about people who criticize Plaintiff, or his associates such as Menashe Miller and Meir Lichtenstein, the information would likely be used to try to suppress people from engaging in truthful criticism of them. This is although they have official positions and engage in dealings with public institutions that are matters of public concern.

I certify that the forgoing 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.



Abraham Sharaby

Dated: December 20, 2018

11/19/17 Asbury Park Press (Asbury Park, N.J.) A2
2017 WLNR 36062925

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November 19, 2017

Section: News

Is the Vaad losing grip on local elections?

Stacey Barchenger and Bob Jordan

November 19, 2017

They've been known as Lakewood's kingmakers. An enigmatic yet influential panel of Orthodox Jewish rabbis and businessmen called the Vaad — Vaad means council in Hebrew — each year has been handing out coveted political endorsements in local and state elections.

The annual message from the Vaad to the Orthodox community is clear: Vote this way.

The message to others is this: The community can be a powerful voting bloc.

But in the aftermath of the Nov. 7 elections, there's evidence that the Vaad's influence can be checked.

Across elections the past three years, Vaad-supported candidates in local and county elections swept their contests. This year, Vaad candidates did well overall, but there were anomalies.

The council picked a favored gubernatorial candidate with a liberal stance on social policy, stayed silent on a fire district race and backed a write-in candidate for school board. Here's how that worked out:

Democratic Gov.-elect Phil Murphy, the Vaad's choice, won the state by 13 percentage points over Republican Kim Guadagno. In Lakewood, however, Murphy could only attain a plurality, outpolling Guadagno by just 114 votes out of 11,496 votes cast.

In the fire district election, where the Vaad didn't formally endorse, the winner was a candidate backed by the Senior Action Group — an organization that's emerged as a potential challenger to the current political leadership in Lakewood.

In school board races, the Vaad has won write-ins before, but this year fell short when backing Joshua Spiegel.

In sum, the results of the Vaad endorsements didn't match past years' success.

The Vaad comes to power

In the late 1990s, a political leadership structure in Lakewood's Orthodox population emerged with the formation of the Vaad, a group of about 11 rabbis, businessmen and government liaisons whose election endorsements influenced thousands of votes.

Orthodox Jews took seats on the planning, zoning and school boards. Together the boards control what gets built in the township, what gets redeveloped, and how the school district's annual \$128 million operating budget is spent.

In 2006, the first Orthodox mayor took office. But, eventually, the constituency showed signs of splintering.

The Vaad's 2009 endorsement of Democrat Jon S. Corzine for governor was ignored, with 37 of Lakewood's 38 districts voting for Republican Chris Christie instead.

A year later, state Sen. Robert Singer abandoned his Township Committee re-election after a brutal primary in which the Vaad-backed, 30-year incumbent — while winning overall — lost a majority of the Orthodox vote to Harold Herskowitz, a

Exhibit A

grassroots candidate supported by followers on the internet.

Vaad candidates have generally been successful since then, but Herskowitz said last week's election results are revealing.

"You have to remember, all the Lakewood Jews voted for Christie, and I got a majority of that vote also, and they did not listen to the Vaad at all," Herskowitz said. "I don't think the Vaad's influence has gone up since then."

Vaad leaders dispute that, saying a district-level look at voting results shows decisive victories for their handpicked candidates.

"The Vaad is very pleased that the community put its trust in our recommendations," Vaad spokesman Rabbi Moshe Zev Weisberg said. "Individuals are free to do whatever they wish for whatever reason.

"In general it seems the majority of the community still follows our recommendation."

But there's also another group at play: Lakewood's senior community.

For the first time this year, the Senior Action Group issued formal endorsements, according to leader Tom Gatti. Their picks: Denise Gregory for fire commissioner and Eliot Arlo Colon for state Assembly.

Gregory, a SAG board member, said the organization's endorsement was "absolutely a big help." Gregory carried 38 of 43 voting precincts and overall captured 57 percent of the vote in her contest against Larry Loigman, a former fire commissioner.

"The senior community came out and soundly supported me, and I'm very grateful for that," said Gregory, who will become Lakewood's first female fire commissioner when she's sworn in next month.

Gregory said she was also backed by Pastor Glenn Wilson, head of Lakewood UNITE, which advocates for families in public schools and whose church in Howell has a congregation of largely black and Latino worshipers from neighboring Lakewood. Also in her corner was Colon, "who also has connections with the Latino community," Gregory said.

Colon, a Democrat endorsed by SAG, did not win favor with the Vaad, which endorsed the status quo. He was handily defeated by the Republican incumbent.

No write-in success this time

In 2002, the Jewish council endorsement won write-in candidate Menashe Miller a seat on the township committee by a 60 percent margin.

The Vaad hoped that could happen again this year. The council members called on Lakewood residents to write in Joshua Spiegel for a one-year term on the Lakewood Board of Education.

In doing so they tackled another political mountain but couldn't quite reach the top.

Write-in candidates rarely win, said David Redlawsk, a polling expert and head of the political science department at University of Delaware, because it takes more work for voters to choose them.

"It's a lot harder than just marking the ballot," he said. "It is extra rare for a write in candidate to do well, and more rare for them to win."

This time, the Vaad candidate didn't win. But Spiegel did well, tallying 2,524 votes.

"There's no question the write-in did better than you normally would expect, because it's hard," Redlawsk said. A smattering of other write-in candidates — there were more than 60 of them — won three votes each at most.

Yet the Vaad endorsement wasn't enough to beat on-the-ballot Chanina Nakdimen's 3,658 votes. (The third candidate in the race for two seats, current board president Moshe Bender, ran off with 6,148 votes.)

Nakdimen, a teacher at Lakewood's School for Children with Hidden Intelligence, has twice before sought a seat on the Board of Education. But both times, the standing members of the board chose other applicants to fill the vacancies.

He did not return calls seeking comment for this story.

Murphy gets the nod over Guadagno

The Vaad's gubernatorial pick raised eyebrows, even within the council.

In a 12-page treatise with endorsements folded in, the Vaad asked voters to overlook Democrat Murphy's liberal social policies — including support for abortion rights and legalization of marijuana — in favor of his pledge to fund education.

But there was something else on their minds: Going into the election, Murphy led Guadagno by more than 10 points in polls.

Some in Lakewood believe that meant the Vaad would pick Murphy in an effort to look right and to show continued control. After all, there was the misstep in picking Corzine eight years ago.

But council leaders say this year, their influence is clear and the Jewish community voted with them.

In areas around Beth Medrash Govoha, the largest Jewish college in the nation, Vaad-chosen Murphy won big: At times taking 70 percent or 79 percent of a district's voters.

"Recommendations were out of the box for how we usually endorse, so that we saw as a vote of confidence," said Weisberg, the Vaad spokesman.

"We're looking at a landslide in the Orthodox Community that he won, 2-to-1."

But voting maps show clear division in Lakewood.

In the southwest part of the township, an area home to mostly seniors living in planned communities around Eagle Ridge Golf Club, voters strongly supported Guadagno. In some districts there she took 70 percent of the vote. Weisberg noted that's in lockstep with how the rest of conservative Ocean County voted.

That doesn't necessarily mean there's an endorsement battle pitting seniors against the Vaad, both groups say.

"It really depends on the issue and the position," Gatti said. "Time will tell on that."

But the seniors of Lakewood have emerged as a powerful voice, be it through their website or word-of-mouth campaigns.

"We've got more and more people that are paying attention to the things we say," he said.

Staff Writer Bob Jordan: @bobjordanapp; bjordan@gannettnj.com

---- Index References ----

News Subject: (Campaigns & Elections (1CA25); Global Politics (1GL73); Government (1GO80); Judaism (1JU93); Public Affairs (1PU31); Religion (1RE60); Social Issues (1SO05); World Elections (1WO93))

Language: EN

Other Indexing: (Senior Action Group; Vaad) (Menashe Miller; Moshe Zev Weisberg Vaad; Robert Singer; Larry Loigman; David Redlawsk; Kim Guadagno; Phil Murphy; Tom Gatti; Chris Christie; Chanina Nakdimen; Harold Herskowitz; Denise Gregory; Eliot Arlo Colon; Jon Corzine; Moshe Bender; Bob Jordan; Moshe Zev Weisberg; Glenn Wilson; Joshua Spiegel)

Edition: 1

Word Count: 1392

Members Signature

MISSION

1. The Lakewood community is centered around the Yeshiva, Bais Medrash Govoha
2. The Va'ad is formed based ultimately on # 1.
3. The Va'ad functions at the pleasure of the Roshei Yeshiva, *Shlita*, as represented by R. Malkiel Kotler, *Shlita*. The Roshei Yeshiva, in their judgement, appoint and terminate Va'ad members.
4. The Va'ad serves strictly in an advisory position as an Advisory Board to the Roshei Yeshiva of B.M.G.
5. The Va'ad will consider issues and present them to the Roshei Yeshiva and abide by their decision.
6. The priorities are first for B.M.G. , then the community at large, and then to work for *sholom* in the Lakewood community.

REGULATIONS AND MECHANICS

7. Confidentiality is required. No member of the Va'ad may divulge anything other than the final decision of the Va'ad. To the public and community all decisions are unanimous.
8. No information whatsoever concerning the Va'ad or its activities or its workings will be discussed with any member of the media.
9. Rav Y. Schenkelowski is the arm of the Va'ad of B.M.G. responsible for enactment of Va'ad policies concerning the political situation in town.
10. No Va'ad member will directly interact with politicians, other than Rav schenkelowski in consultation with the Va'ad.
11. Community activists, concerned individuals and occasionally politicians may be asked to speak directly to the Va'ad to present their point of view on specific issues to the Va'ad.
12. Meetings are once a month, every *Motzei Shabbos Mevorchim*.

**The next Va'ad meeting is scheduled for May 18, at 10:00 p.m., at the home of Rav Aaron*

Exhibit B

From: "Igud Hamosdos" <igudhamosdos@gmail.com>
Date: Mar 9, 2018 2:30 PM
Subject: Urgent Igud Meeting 3 11 18 2:30 PM
To: "admin@bnospenina.org" <admin@bnospenina.org>, "administrator@emekhatorah.org" <administrator@emekhatorah.org>, "avrohom notis" <aenotis@gmail.com>, "akrupenia@gmail.com" <akrupenia@gmail.com>, "Avi Schnall" <ASchnall@agudathisrael.org>, "aterestzipora1@gmail.com" <aterestzipora1@gmail.com>, "Avi Verschleiser" <avi.gzyy@gmail.com>, "baisleah1@gmail.com" <baisleah1@gmail.com>, "baispinchos@yahoo.com" <baispinchos@yahoo.com>, "Bas Yisroel School" <basyisroel7@gmail.com>, "bgrozov@yahoo.com" <bgrozov@yahoo.com>, "Shmuel Z. Stein" <birchaschaim@gmail.com>, "bkrmayer@verizon.net" <bkrmayer@verizon.net>, "bnosbinaschool@thejnet.com" <bnosbinaschool@thejnet.com>, "bnostzippa@gmail.com", "bnosyaakovdirector@verizon.net" <bnosyaakovdirector@verizon.net>, "Ohel Esther" <byohel Esther@gmail.com>, "Chein Bais Yaakov" <cbylkwd@gmail.com>, "chanarsg@optonline.net" <chanarsg@optonline.net>, "RABBI CHAIM BASH" <chmbasch@gmail.com>, "cyoe@verizon.net" <cyoe@verizon.net>, "db1@yeshivanet.com>, "Deena Winkler" <deenaw@bbylakewood.org>, "derechhatorah.lkwd@gmail.com" <derechhatorah.lkwd@gmail.com>, "dovid eisenberger" <DOVID1000@gmail.com>, "Dwinkler@bbylakewood.org>, "ebbnosyaakov@thejnet.com" <ebbnosyaakov@thejnet.com>, "esti kops" <ekops.bb@gmail.com>, "Eliyahu Stern" <estern@orchoschaim.org>, "ezrasemah@gmail.com" <ezrasemah@gmail.com>, "faigy@dnenutra.com>, "Faigel Perlstein" <fhperlstein@gmail.com>, "ggordon@yeshivanet.com" <ggordon@yeshivanet.com>, "gittyrose1@gmail.com" <gittyrose1@gmail.com>, "gm@orchoschaim.org" <gm@orchoschaim.org>, "hcs hb@yeshivanet.com" <hcs hb@yeshivanet.com>, "heshy001@yahoo.com" <heshy001@yahoo.com>, "heshy109@gmail.com" <heshy109@gmail.com>, "info@chemdashatorah.org" <info@chemdashatorah.org>, "israelh2192@gmail.com" <israelh2192@gmail.com>, "Yanky Mandelbaum" <jack@mchdev.com>, "jacob@babyjay.com" <jacob@babyjay.com>, "judah farkas" <judahfar@gmail.com>, "kesserby@gmail.com" <kesserby@gmail.com>, "koltoraha@gmail.com" <koltoraha@gmail.com>, "main@bnotyisrael.org" <main@bnotyisrael.org>, "M. Dick" <md@shagasaryeh.com>, "Meir Hertz" <Meir@ltrap.org>, "Meorosbaisyaakov@gmail.com>, "Keren Orah" <mesivtakerenorah@gmail.com>, "Kastan, Rabbi Meir" <mkastan@kamenitz yeshiva.org>, "mordyweiss206@yahoo.com" <mordyweiss206@yahoo.com>, "moreshes.yehoshua@gmail.com" <moreshes.yehoshua@gmail.com>, "Nechama Gettinger" <moreshesmy@gmail.com>, "Moshe Ehrman" <moshe1211@gmail.com>, "mesivta torah temimah" <mttlakewood@gmail.com>, "naftali licht" <naftailicht@gmail.com>, "nhackerman@yeshivanet.com>, "office@bnosethermalka.org" <office@bnosethermalka.org>, "office@bnospenina.org>, "office@bnostzippa.org>, "office@mesivtameorhatorah.org>, "office@shiraschaim.org" <office@shiraschaim.org>, "office@ttzyr.org>, "office@yeshivatorasemes.org" <office@yeshivatorasemes.org>, "office@yketana.org" <office@yketana.org>, "ol@yketana.org" <ol@yketana.org>, "orosby1@gmail.com" <orosby1@gmail.com>, "Pesach Moshe Grossman" <pmg@masorasavos.org>, "priaharon@gmail.com>, "rabbihess@bnosmelech.org" <rabbihess@bnosmelech.org>, "rabbisnlandau@gmail.com" <rabbisnlandau@gmail.com>, "rashkenazi@yeshivatorhachaim.com" <rashkenazi@yeshivatorhachaim.com>, "R Cohen" <rc.bnosrivka@gmail.com>, "Rabbi Mordechai Cohen" <rc.tehilaschayasara@gmail.com>, "rmh@tashbar.org" <rmh@tashbar.org>, "rycs@ohrshraga.org" <rycs@ohrshraga.org>, "Yisroel Schenkolewski" <schenky@schenky.net>, "scmayer@verizon.net>, "Heritage Texts" <shaloma@masorasavos.org>, "shimshi.amsel@oorah.org" <shimshi.amsel@oorah.org>, "shirth00@gmail.com" <shirth00@gmail.com>, "sk@bylakewood.org" <sk@bylakewood.org>, "Shlome Kanarek" <skanarek@verizon.net>, "sungar@yesodei.net" <sungar@yesodei.net>, "talmudtorahlkwd@gmail.com" <talmudtorahlkwd@gmail.com>, "talmudtorahoflkwd@gmail.com>, "Boruch H" <talmudtorahskver@gmail.com>, "tfivestardesign@gmail.com" <tfivestardesign@gmail.com>, "Chaim Mordechai Mandel" <torasmenachem@gmail.com>, "Rabbi Chaim Eidelman" <toraszev@gmail.com>, "ttba@yeshivanet.com" <ttba@yeshivanet.com>, "typesforalltypes@yeshivanet.com" <typesforalltypes@yeshivanet.com>, "woodlakeyeshiva@gmail.com" <woodlakeyeshiva@gmail.com>, "ybh@yeshivanet.com" <ybh@yeshivanet.com>, "yeshiva@masorasavos.org" <yeshiva@masorasavos.org>, "Even Yisroel" <yeshivaevenyisroel@gmail.com>, "Yeshiva Management" <yeshivamanagement@gmail.com>, "yeshivaohreliyah@gmail.com" <yeshivaohreliyah@gmail.com>, "Oros Yisroel"

Exhibit C

<yeshivaorosyisroel@gmail.com>, "yeshivasohratorah@gmail.com" <yeshivasohratorah@gmail.com>, "yeshivatoraschaim@gmail.com" <yeshivatoraschaim@gmail.com>, "yfeldmanytt@aol.com" <yfeldmanytt@aol.com>, "ygelman@masores.com" <ygelman@masores.com>, "ygsofer@gmail.com" <ygsofer@gmail.com>, "yk@tifereschaya.org" <yk@tifereschaya.org>, "ylevi@thejnet.com" <ylevi@thejnet.com>, <ymlievovitz@bnosbrocha.com>, <Ymuller@bnosdevorah.com>, "Yitzy and Shaindy Nisenbaum" <ynisenbaum@ybhj.org>, "yntis@bnosdevorah.com" <yntis@bnosdevorah.com>, "Yonoson Sanders" <yonosonsanders@gmail.com>, "yosl@ohrshraga.org" <yosl@ohrshraga.org>, "Yosef Posen" <yposes@lakewoodcheder.net>, "yrothschild@yeshivanet.com" <yrothschild@yeshivanet.com>, "zbender693@gmail.com" <zbender693@gmail.com>, "Zev Kogel" <zkogel@orchoschaim.org>, "zsorotzkin@yahoo.com" <zsorotzkin@yahoo.com>, <belzlake@gmail.com>, <msasson@tashbar.org>

Cc:

Lichvod Roshei Hamosdos,

There will be a meeting this Sunday at Yeshiva Toras Aron 2:30 PM.
Your participation will be greatly appreciated.

Thank you
Gut Shabbos
Shimon Balsam
on behalf of the Igud



Virus-free. www.avg.com