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FOX HILLS AT ROCKAWAY  
CONDOMINIUM ASSOCIATION, INC.

Plaintiff,

v.

BARBARA APPELBAUM, PAUL  
KARDOS, and ALAN ROTHSTEIN,

Defendants.

SUPERIOR COURT OF NEW JERSEY,  
CHANCERY DIVISION: MORRIS COUNTY

DOCKET NO.: MRS-C-130-17

Civil Action

**CERTIFICATION OF  
ALAN B. ROTHSTEIN, ESQ.  
IN SUPPORT OF  
MOTION FOR SANCTIONS**

I, **ALAN B. ROTHSTEIN**, of full age, do hereby certify:

1. I am an individual defendant in this action. I submit this Certification in support of my Motion For Sanctions, pursuant to Rule 1:4-8 and N.J.S.A. 2A:15-59.1, against the law firm of Ansell Grimm & Aaron, P.C., and its client, plaintiff Fox Hills at Rockaway Condominium Association, Inc. (the "Association"). I possess personal knowledge of the facts set forth below.

2. I am 87 years of age and a retired New Jersey Deputy Attorney General (ID#202131960). After twenty-five years of service to the State and at the time of my retirement in 1991, my salary was approximately \$55,000 per year. I live off of a small State pension of approximately \$38,000 per year and social security. I am by no means a wealthy individual. The attorneys' fees incurred in defending myself constitute a large financial burden on me.




3. At times, I have been a vocal critic of Association Board actions, including those of its president, Gloria Stahl, who has been Board president since 2003. In one instance, in or about 2011, I had to resort to filing a lawsuit against the Association in the Superior Court of New Jersey, Chancery Division, Morris County, regarding the Association's non-conformance with the Master Deed/Bylaws in allocating the cost of an Association loan repayment among unit owners. That case was subsequently settled and dismissed. The suit cost the Association a substantial sum in legal fees. I strongly suspect that these circumstances were the motivating factor for this lawsuit being filed against me by the Association and its attorney David J. Byrne, Esq., of the law firm Ansell Grimm.

4. Annexed hereto as **Exhibit A** is a true and correct copy of the Notice posted by the Board of Directors of the Association on the bulletin boards in the Fox Hills condominium, on or about February 12, 2018. I personally observed this Notice on such bulletin boards on February 13, 2018.

5. Annexed hereto as **Exhibit B** is a true and correct copy of the Notice posted by the Board of Directors of the Association on the bulletin boards in the Fox Hills condominium, on or about February 16, 2018. I personally observed this Notice on such bulletin boards on February 18, 2018.

I hereby 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.

Dated: March 5, 2018

  
ALAN B. ROTHSTEIN

#1319147

# **EXHIBIT A**

## **Notice**

### *Update on Association's Complaint Against 3 Homeowners*

*As discussed at the Town Hall Meeting on February 5<sup>th</sup>, the Board has filed a Complaint against 3 homeowners for use and distribution of email language threatening a Board Member. It took this action in order to send a clear message that cyber-bullying will not be tolerated in our community. We all are entitled to live at Fox Hills in a safe and harmonious environment.*

*The 3 individuals have since indicated that their inappropriate language was not meant to be a real threat. Whether or not this is true, it is no justification for use of such language in the first place. None of us deserves to feel fear and anxiety stemming from threatening language.*

*The Board believes that because of the attention this matter has received, everyone is now more conscious of the need to avoid inflammatory and threatening language in emails and other forms of communication. Accordingly, the Board has offered to drop its Complaint, if each of the 3 individuals sends a letter of apology to the Board.*

*Your Board of Directors  
February 12, 2018*

# **EXHIBIT B**

# Notice

## Update on Association's Complaint Against 3 Homeowners

**February 16, 2018**

Yesterday, Judge Robert J Brennan rejected the Association's attempt to subject the 3 homeowners to restraints. He also granted motions to dismiss for 2 of the 3 homeowners.

While the Board is disappointed in these rulings, it stands by its decision to file this Complaint, as an attempt to discourage future instances of cyber-harassment and bullying in our community.

The language used in the chain of emails by the 3 homeowners included the language, "shoot her" and "if I could get away with it, I'd buy a gun and pull the trigger." According to one of the 3 homeowners, Judge Brennan did acknowledge that this language was inappropriate, well out-of-bounds and terribly in bad taste.

The Board agrees with the Judge, especially in light of Wednesday's mass shooting in Florida... the latest in a rash of shootings in recent years.

We realize that this complaint will result in an extra legal cost for the Association. The Board believes this legal cost represent a necessary price to pay for pro-actively trying to protect all homeowners from harassment and fear. We should keep in mind that this extra legal cost is a direct result of the irresponsible behavior of the 3 homeowners.

Your Board of Directors