

May 3, 2019
204 Cleveland Lane
Rockaway, NJ 07866

Morris County Superior Court
Chancery Division, General Equity Part
Washington & Court Streets
Morristown, NJ 07960

RE: Paul Kardos vs. Fox Hills at Rockaway Condominium Association, Inc.
Docket No.: MRS-C-102-18
Notice of Plaintiffs Motion To Compel Discovery

Dear Sir or Madam:

I am the *pro se* plaintiff in the above matter. Enclosed herewith please find the original and one (1) copy of:

- Notice of Plaintiffs Motion To Compel Discovery
- Certification
- Letter Brief
- Proposed Form of Order

Please forward this to the Honorable Judge Berdote Byrne.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,



Paul Kardos
973-527-1433
PKardos1@yahoo.com

Copy (via email):

George Karousatos, Esq. (g.karousatos@bdlawfirm.com)

Paul Kardos
204 Cleveland Lane, Monroe Bldg.
Rockaway, NJ 07866
973-527-1433 cell
Plaintiff *Pro Se*

Paul Kardos <i>Plaintiff</i> v. Fox Hills at Rockaway Condominium Association, Inc. <i>Defendant</i>	Superior Court of New Jersey Chancery Division Morris County Docket No. MRS-C-102-18 Civil Action <i>NOTICE OF PLAINTIFFS MOTION TO COMPEL DISCOVERY</i>
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Please take notice that at 9 AM on May 24, 2019 or as soon thereafter as may be heard, the undersigned Plaintiff *pro se* Paul Kardos, will apply to the Court at Morris County Superior Court, Morristown, NJ, for issuance of an Order to Compel Discovery in accordance with N.J. Court Rules R. 4:17-1 and R. 4:17-5.

Date: May 3, 2019

Signature

Paul Kardos

Paul Kardos

Paul Kardos
204 Cleveland Lane, Monroe Bldg.
Rockaway, NJ 07866
973-527-1433
Plaintiff *Pro Se*

<p>Paul Kardos</p> <p><i>Plaintiff</i></p> <p>v.</p> <p>Fox Hills at Rockaway Condominium Association, Inc.</p> <p><i>Defendant</i></p>	<p>Superior Court of New Jersey Chancery Division Morris County</p> <p>Docket No. MRS-C-102-18</p> <p>Civil Action</p> <p><i>CERTIFICATION IN SUPPORT OF PLAINTIFFS MOTION TO COMPEL DISCOVERY</i></p>
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I, Paul Kardos, the Plaintiff *pro se*, do hereby say and certify:

1. I am a resident and homeowner at the Fox Hills at Rockaway Condominium Association, Inc. (hereafter "Fox Hills"). I have personal knowledge of the facts as set forth herein and make this *Certification in Support of Plaintiffs Motion To Compel Discovery*.
2. Exhibit 1 is a copy of my email of April 26, 2019, to George Karousatos, Esq, providing justification for each of 20 (out of 20) INTERROGATORY items for which the Fox Hills response was unsatisfactory. Exhibit 2 is the attachment to this email which shows the original request, the Fox Hills response and my justification for each of the 20 items.
3. Exhibit 3 is a copy of my email of April 27, 2019, to George Karousatos, Esq, providing justification for each of the 12 (out of 16) ADMISSION requests for which the Fox Hills response was unsatisfactory. Exhibit 4 is the attachment to this email which shows the

original request, the Fox Hills response and my justification for each of the 12 items, and one additional request (item #9).

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.

Date: May 3, 2019

Signature Paul Kardos
Paul Kardos

Exhibit 1

Email of April 26, 2019

C-108-18 Justification for Interrogatories

From: Paul Kardos (pkardos1@yahoo.com)

To: g.karousatos@bdlawfirm.com

Date: Friday, April 26, 2019, 11:31 PM EDT

George,

The DEFENDANT'S RESPONSES TO PLAINTIFFS FIRST SET OF PRODUCTION OF DOCUMENTS AND INTERROGATORIES dated 3/13/19, signed by Fox Hills at Rockaway President Eleanor Hunt, produced no documents requested and had objections to answering the questions.

The attached JUSTIFICATION FOR DOCUMENT REQUESTS AND INTERROGATORIES dated April 26, 2019 provides the justification for each of the 20 items. Please provide the documents requested and answers to each interrogatory.

Thanks,
Paul Kardos
973-527-1433



Discovery_Justifications_042619.pdf
407.6kB

Exhibit 2

Justifications for 20 INTERROGATORY items

Paul Kardos
204 Cleveland Lane, Monroe Bldg.
Rockaway, NJ 07866
973-527-1433
Plaintiff *Pro Se*

<p>Paul Kardos</p> <p><i>Plaintiff</i></p> <p>v.</p> <p>Fox Hills at Rockaway Condominium Association, Inc.</p> <p><i>Defendant</i></p>	<p>Civil Action</p> <p>Docket No. MRS-C-102-18</p> <p>JUSTIFICATION FOR DOCUMENT REQUESTS AND INTERROGATORIES</p>
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The Plaintiff requested that the defendant (Fox Hills) and the Defendant's agent (Lynn Meekins) produce documents and answer interrogatives under oath. The Defendants responses dated 3/3/19 consisted of objections and unsatisfactory responses. The following items provide the justification for each item. The Defendant is again requested to provide satisfactory responses.

PRODUCTION OF DOCUMENTS

1. Please furnish Fox Hills Board of Directors (hereafter "the Board") resolution #28.

DEFENDANTS RESPONSE: To be provided, if applicable.

PLAINTIFFS JUSTIFICATION: Please provide. It is *likely* to be applicable (*likely* is similar to "probable cause"). When it is provided, we will know for sure.

2. Please furnish the minutes of the Board meeting (or work-session) in which the decision was made not to post plaintiffs flyer of 5/17/18 (Exhibit B in the Docket C-102-18 Complaint, hereafter "the Complaint").

DEFENDANTS RESPONSE: To be provided, if applicable.

PLAINTIFFS JUSTIFICATION: Please provide. It is *likely* to be applicable. When it is provided, we will know for sure.

3. Please furnish the minutes of the Board meeting (or work-session) in which the decision was made to raise the speed limit within Fox Hills to 25 mph (reference: exhibit D of the Complaint).

DEFENDANTS RESPONSE: See Exhibit A, Work Session Minutes, dated 11.14.17.

PLAINTIFFS JUSTIFICATION: I don't have these minutes. Please furnish.

4. Please furnish the minutes of the work-session (or Board meeting) of December 14, 2015 in which the Board approved the purchase of a portable screen and voted on and passed unanimously an amendment to Maintenance Matters agreement.

DEFENDANTS RESPONSE: Objection. Upon advice of counsel, this interrogatory seeks information relating to claims which are not raised in the Plaintiffs Complaint. Consequently, it is improper and no answer or document will be provided.

PLAINTIFFS JUSTIFICATION: The interrogatory seeks information that is likely to show systemic and willful violation of Condominium law which is the subject of Count Two of the Complaint. Please provide the document requested.

5. Please furnish the minutes of the Board meeting (or work-session) in which the decision was made to select Pillari, LLC on the basis of their bid of \$110,000 (see Appendix I of this document).

DEFENDANTS RESPONSE: Objection. Upon advice of counsel, this interrogatory seeks information relating to claims which are not raised in the plaintiffs Complaint. Consequently, it is improper and no answer or document will be provided.

PLAINTIFFS JUSTIFICATION: The interrogatory seeks information that is likely to show systemic and willful violation of Condominium law which is the subject of Count Two of the Complaint. Please provide the document requested.

6. A notice of Garden Club suspension was distributed with the Courier of March 2017 (distributed on or about March 1). Please furnish the minutes of the Board meeting (or work-session) prior to the March 1 notice in which the decision was made to suspend the Garden Club.

DEFENDANTS RESPONSE: Objection. Upon advice of counsel, this interrogatory seeks information relating to claims which are not raised in the plaintiffs Complaint. Consequently, it is improper and no answer or document will be provided.

PLAINTIFFS JUSTIFICATION: The interrogatory seeks information that is likely to show systemic and willful violation of Condominium law which is the subject of Count Two of the Complaint. Please provide the document requested.

7. At the Quarterly meeting of 10/1/18, Bonnie Cohen (the Board secretary) stated,
“OK. I’m going to make a roll call to ratify the vote that had been taken at the August work-session regarding redecorating of the clubhouse.”

Please furnish the minutes of the August work-session where the vote had been taken.

DEFENDANTS RESPONSE: Objection. Upon advice of counsel, this interrogatory seeks information relating to claims which are not raised in the plaintiffs Complaint. Consequently, it is improper and not provided.

PLAINTIFFS JUSTIFICATION: The interrogatory seeks information that is likely to show systemic and willful violation of Condominium law which is the subject of Count Two of the Complaint. Please provide the document requested.

8. The Quarterly Board Meeting of July 10, 2017 minutes state under Old Business,
“The Secretary reported on an action taken by the Board at the March 31, 2017 Work Session. The Board agreed to disband the Garden Club and its By-Laws. The following Directors’ voted...”

Please furnish the minutes of the March 31 work-session.

DEFENDANTS RESPONSE: Objection. Upon advice of counsel, this interrogatory seeks information relating to claims which are not raised in the plaintiffs complaint. Consequently, it is improper and no answer or document will be provided.

PLAINTIFFS JUSTIFICATION: The interrogatory seeks information that is likely to show systemic and willful violation of Condominium law which is the subject of Count Two of the Complaint. Please provide the document requested.

INTERROGATORIES

for Lynn Meekins, Community Manager

9. At 10:22 AM of Thursday May 17, 2018, you left a phone message (reference: paragraph 4 of the Complaint) advising the plaintiff that his 5/17/18 flyer would not be posted. Please

list each board member with whom you discussed the plaintiff's flyer prior to your leaving this phone message.

DEFENDANTS RESPONSE: Objection. Upon advice of counsel this interrogatory is improper as it is directed toward Lynn Meekins who is not a party to this litigation and, therefore, no answer is being provided.

PLAINTIFFS JUSTIFICATION: Lynn Meekins is an agent of the Fox Hills at Rockaway Condominium Association, Inc. and is therefore able to answer the question as an agent.

10. In mid-June of 2018, you rejected a political flyer (the flyer requested that the Board agree to end an NDA (Non-Disclosure Agreement)) from Unit Owner Ernest Bickers. Please list each board member with whom you discussed Mr. Bickers' flyer prior to rejecting it.

DEFENDANTS RESPONSE: same as item 9.

PLAINTIFFS JUSTIFICATION: same as item 9

11. In your email to me (Paul Kardos) of January 13, 2017, you stated,

"Paul – There are 3 bulletin boards at the lower level of the Clubhouse that you can utilize for posting. If you are asking to post in all buildings, then your notice should be brought to the Clubhouse for Friday folder distribution."

- a. Please confirm that this applied to *political* flyers as defined in my email to you of January 9, 2017 where I stated,
- "*Political* in the opinion of the NJ Supreme Court is something **"related to the management and governance of the common-interest community."**"

DEFENDANTS RESPONSE: same as item 9.

PLAINTIFFS JUSTIFICATION: same as item 9

- b. Please list each board member with whom you discussed this (use of Friday Folder Distribution for political flyers) before issuing your statement, or if this was decided at a Board meeting, please furnish the minutes of the meeting.

DEFENDANTS RESPONSE: same as item 9.

PLAINTIFFS JUSTIFICATION: same as item 9

12. In your email to me (Paul Kardos) of September 22, 2016, you stated,

“Paul – You have posted on the bulletin board... This notice is in violation of Fox Hills ... Rules and Regulations, I GENERAL PROVISIONS 3, and II USE AND OCCUPANCY RESTRICTIONS, 10. Display d.... Please be advised that if you continue to post notices without the consent of the Board of Directors, you will be subject to a violation fine.”

I replied on the same September 22 day,

“Thank you for your email of 9/22...

As I pointed out in my previous email of 3/5/15, the rules you cite are an unconstitutional violation of free speech...

This was affirmed by the NJ Supreme Court in *Dublirer vs 2000 Linwood Ave* which ...

Please advise the Board of Directors that the current *Rules and Regulations* are in need of revision to remove rules that are unenforceable such as this violation of the NJ Constitution.”

Did you advise the board as I requested?

DEFENDANTS RESPONSE: same as item 9.

PLAINTIFFS JUSTIFICATION: same as item 9

for Barrie Werfel, Rules & Regs Committee

13. Did you receive notice from Ms. Meekins that the *Rules & Regulations* were in need of revision to remove rules that were unenforceable due to violations of the NJ Constitution?

DEFENDANTS RESPONSE: Objection. Upon advice of counsel this interrogatory is improper as it is directed toward Barrie Werfel who is not a party to this litigation and, therefore, no answer is being provided.

PLAINTIFFS JUSTIFICATION: Barrie Werfel is a member of the Fox Hills Board and is therefore able to answer the question.

14. Did your *Rules & Regulations* committee examine the *Rules and Regulations* for compliance with the NJ Supreme Court decision in *Dublirer vs. 2000 Linwood Ave.*?

DEFENDANTS RESPONSE: same as item 13.

PLAINTIFFS JUSTIFICATION: same as item 13

for Bonnie Cohen, Secretary

15. Why didn't the Agenda for the October 1, 2018 Quarterly meeting include notice that the Board would vote on redecorating the clubhouse (Reference: N.J.A.C. 5:20-1.2 (b))?

DEFENDANTS RESPONSE: Objection. Upon advice of counsel this interrogatory is improper as it is directed toward Bonnie Cohen who is not a party to this litigation and, therefore, no answer is being provided.

PLAINTIFFS JUSTIFICATION: Bonnie Cohen is the secretary of the Fox Hills Board and is therefore able to answer the question.

for Gloria Stahl, President

16. At the quarterly meeting of October 1, 2018, why was there no discussion prior to the vote on redecorating the clubhouse?

DEFENDANTS RESPONSE: Objection. Upon advice of counsel, this interrogatory seeks information relating to claims which are not raised in the plaintiff's complaint. Consequently, it is improper and no answer or document will be provided.

PLAINTIFFS JUSTIFICATION: The interrogatory seeks information that is likely to show systemic and willful violation of Condominium law which is the subject of Count Two of the Complaint. Please provide the document requested.

17. The Minutes of July 10, 2017 Quarterly Meeting state under Old Business,

"The Secretary reported on an action taken by the Board at the March 31, 2017 Work Session. The Board agreed to disband the Garden Club and its By-Laws. The following Directors' voted..."

Is this a common way for the board to make decisions, that is to vote in a work session and then report the vote at a quarterly meeting?

DEFENDANTS RESPONSE: Objection. Upon advice of counsel this interrogatory is improper as it is directed toward Gloria Stahl who is not a party to this litigation and, therefore, no answer is being provided.

PLAINTIFFS JUSTIFICATION: Gloria Stahl was the President of the Fox Hills Board and is therefore able to answer the question.

18. How did the Board decide to raise the speed limit according to Exhibit D of the Complaint? Was the issue discussed until a consensus was reached? Did the Board decide that a formal vote was not required since they had reached a consensus?

DEFENDANTS RESPONSE: same as item 17.

PLAINTIFFS JUSTIFICATION: same as item 17

19. How did the Board decide to select Pillari, LLC to repair the retaining walls (reference: Appendix I of this document)? Did the Community Manager select Pillari or did the board vote in a work-session?

DEFENDANTS RESPONSE: same as item 17.

PLAINTIFFS JUSTIFICATION: same as item 17

20. Is Fox Hills a non-profit corporation?

DEFENDANTS RESPONSE: To be provided.

PLAINTIFFS JUSTIFICATION: Please provide.

Dated: April 26, 2019

Signature

Paul Kardos

Paul Kardos

Exhibit 3

Email of April 27, 2019

Fw: C-108-18 Justification for Interrogatories

From: Paul Kardos (pkardos1@yahoo.com)

To: g.karousatos@bdlawfirm.com

Cc: medell@edell-law.net

Date: Saturday, April 27, 2019, 11:46 PM EDT

George,

The PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO THE DEFENDANT dated 3/21/19 produced both acceptable responses and unacceptable responses from Fox Hills.

The attached file *Admissions_Justifications_042719.pdf* provides justification for those items with unacceptable responses. Please provide the responses requested.

regards,
Paul Kardos

----- Forwarded Message -----

From: Paul Kardos <pkardos1@yahoo.com>

To: George Karousatos <g.karousatos@bdlawfirm.com>

Sent: Friday, April 26, 2019, 11:31:44 PM EDT

Subject: C-108-18 Justification for Interrogatories

George,

The DEFENDANT'S RESPONSES TO PLAINTIFFS FIRST SET OF PRODUCTION OF DOCUMENTS AND INTERROGATORIES dated 3/13/19, signed by Fox Hills at Rockaway President Eleanor Hunt, produced no documents requested and had objections to answering the questions.

The attached JUSTIFICATION FOR DOCUMENT REQUESTS AND INTERROGATORIES dated April 26, 2019 provides the justification for each of the 20 items. Please provide the documents requested and answers to each interrogatory.

Thanks,
Paul Kardos
973-527-1433



Admissions_Justifications_042719.pdf
568.9kB

Exhibit 4

Justification for 12 (of 16) ADMISSION requests

4/27/19

Paul Kardos
204 Cleveland Lane, Monroe Bldg.
Rockaway, NJ 07866
973-527-1433
Plaintiff *Pro Se*

<p>Paul Kardos</p> <p><i>Plaintiff</i></p> <p>v.</p> <p>Fox Hills at Rockaway Condominium Association, Inc.</p> <p><i>Defendant</i></p>	<p>Civil Action</p> <p>Docket No. MRS-C-102-18</p> <p>JUSTIFICATION FOR ADMISSIONS REQUESTS</p>
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To: Fox Hills at Rockaway Condominium Association Inc.

The plaintiff requested that the defendant admit or deny the following 16 items in accordance with NJ Court Rules. The following provides the justification for the items with unsatisfactory responses from the defendant. Please provide satisfactory responses for the remaining items.

REQUEST FOR ADMISSIONS

1. Admit or deny that the Notice in Exhibit C of the Plaintiffs Complaint of Sept. 20, 2018, is an accurate copy of a notice issued by the Fox Hills board of directors (hereinafter the "Board") on or about Feb. 16, 2018.

DEFENDANTS RESPONSE: **Admit**

PLAINTIFF: Thank you

2. Admit or deny that the Notice in Exhibit C of the Plaintiffs CERTIFICATION of Feb. 26, 2019, is an accurate copy of a notice issued by the Board on or about Feb. 16, 2018.

DEFENDANTS RESPONSE: **Objection. Upon advice of counsel, this Request for Admissions is improper as it asks this Defendant to seek to find and presume that the plaintiff's Certification is the correct Certification. Without a copy of the plaintiff's certification document being attached, this Defendant cannot accurately respond and insure that both parties are speaking about the same document.**

4/27/19

Therefore, as phrased, and without the referenced document attached, this Defendant is unable to admit or deny the response.

PLAINTIFF'S RESPONSE: The reference document is in Exhibit C of the Plaintiffs CERTIFICATION of Feb. 26. If said document were attached, we would not know if said document was the same as that of Exhibit C. So the proper question IS to refer to Exhibit C since that's the document in question. As far as requiring the defendant to "seek and find," that is the only way to verify the correctness of exhibit C. If the defendant does not keep copies of flyers it posts, just say so.

3. Admit or deny that the Notice in Exhibit D of the Plaintiffs CERTIFICATION of Feb. 26, 2019 is an accurate copy of a notice issued by the Board on or about May 10, 2018.

DEFENDANTS RESPONSE: (same as item 2 except for exhibit D)

PLAINTIFF'S RESPONSE: same as item 2 except for exhibit D

4. Admit or deny that the document with filename "2-lies rev f.pdf" on the CD furnished that is labeled C-102-18 3/20/19, is an accurate copy of the flyer that the Plaintiff dropped off at the clubhouse on May 17, 2018.

DEFENDANTS RESPONSE: **Objection. Upon advice of counsel, this Request for Admissions is improper as it asks this Defendant to seek to find and presume that the filed referred n this question is the correct file. Without a copy of the file being attached, this Defendant cannot accurately respond and insure that both parties are speaking about the same file. Therefore, as phrased and without the referenced file attached, this Defendant is unable to admit or deny the response.**

PLAINTIFF'S RESPONSE: The reference document is "2-lies rev f.pdf" on the CD furnished that is labeled C-102-18 3/20/19. For your convenience, I have printed out this file and attached it to this document as Exhibit B. Please admit or deny.

5. Admit or deny that the audio file with filename Interrog_item_9.WAV, has an accurate recording of the phone message Community Manager, Lynn Meekins, left on the plaintiff's phone on May 17, 2018.

DEFENDANTS RESPONSE: **Objection. Upon advice of counsel, this Request for Admissions is improper as it asks this Defendant to seek to find and presume that the file referenced in this question is the correct file. Without a copy of the file being attached, this Defendant cannot accurately respond and insure that both parties are speaking about the same file. Therefore, as phrased and without the referenced file attached, this Defendant is unable to admit or deny the response.**

PLAINTIFF'S JUSTIFICATION: It is impossible to attach an audio file to a piece of paper. The audio file referenced is on the CD labeled C-102-18 3/20/19. As an alternate to verifying that the audio recording is an accurate recording of Lynn Meekins words, the Defendant may admit or deny that the words quoted in paragraph 4 of the Complaint of

4/27/19

9/20/18 are the words spoken by Community Manager Lynn Meekins on Thursday May 17, 2018.

6. Admit or deny that the minutes of the Quarterly Meeting of July 9, 2018, state:

“Marc Z. Edell, Esq.:

- Discussed lawsuit involving 3 homeowners, settlements, and attorney’s fees
- Discussed and answered questions from homeowners”

DEFENDANTS RESPONSE: Upon advice of counsel, this statement is too broad and is therefore, subject to misinterpretation. Furthermore, to the extent that this request for admission asks the Defendant to admit or deny statements made by its counsel, such a request is irrelevant and not reasonably calculated to lead to discovery of admissible evidence. As such, no answer is provided.

PLAINTIFF’S JUSTIFICATION: This statement is not broad in any way - it asks the Defendant to verify that 18 words appear in the minutes of a meeting. The Board of Directors is responsible for taking and keeping minutes of meetings and should have these minutes which are the official records of the meeting. It is highly relevant to the interpretation of and compliance with the *Settlement And Release Agreement* signed by the Plaintiff on April 18, 2018 and by the Defendant on 4/25/18. Please admit or deny.

7. Admit or deny that at the Quarterly Meeting of July 9, 2018, Mr. Edell said,

“I’m here today to talk about, finally to talk about the Fox Hills vs. Kardos, Rothstein and Applegate case, Applebaum.”

and later,

“Mr. Rothstein has been a dissident homeowner forever”

and after that,

“Mr. Kardos called me a liar, he never met me, when I recommended to the board that they not comment any further on the litigation...”

DEFENDANTS RESPONSE: Objection. This Request for Admissions is improper as it asks this Defendant to admit or deny statements made by it counsel and, as such, is irrelevant and not reasonably calculated to lead to discovery of admissible evidence. As such, no answer is provided.

PLAINTIFF’S JUSTIFICATION: The statements attributed to Mr. Edell were made at an open meeting attended by many Fox Hills homeowners (perhaps 100 or more). An audio recording of the meeting has been furnished to the Defendant. It is highly relevant to the interpretation of and compliance with the *Settlement And Release Agreement*

4/27/19

signed by the Plaintiff on April 18, 2018 and by the Defendant on 4/25/18. Please admit or deny that the statements were made by Mr. Edell. Mr. Edell is currently representing Fox Hills in this litigation.

8. Admit or deny that the meeting and/or work-session at which the speed limit was first raised to 25 mph was not open to homeowners.

DEFENDANTS RESPONSE: **Admit**

PLAINTIFF: Thank you.

9. Admit or deny that the meeting and/or work-session at which the speed limit was lowered to 15 mph was not open to homeowners.

DEFENDANTS RESPONSE: **Deny**

PLAINTIFF'S RESPONSE: Please furnish the minutes of this meeting.

10. Admit or deny that there are no minutes of the meeting and/or work-session at which the Board selected the Pillari, LLC bid of \$110,000.

DEFENDANTS RESPONSE: **Objection. Upon advice of counsel, this request is improper as at this time, plaintiff's complaint does not involve this contract and therefore, this request is outside of the scope of this litigation. Therefore, no answer has been provided.**

PLAINTIFF'S JUSTIFICATION: This request seeks information that is likely to show willful and systemic violation of the Condominium Act which is the subject of Count Two of the Complaint. Please admit or deny.

11. Admit or deny that the meeting and/or work-session at which the Board selected the Pillari, LLC bid of \$110,000 was not open to homeowners.

DEFENDANTS RESPONSE: **Objection. Upon advice of counsel, this request is improper as at this time, plaintiff's complaint does not involve this contract and therefore, this request is outside of the scope of this litigation. Therefore, no answer has been provided.**

PLAINTIFF'S JUSTIFICATION: This request seeks information that is likely to show willful and systemic violation of the Condominium Act which is the subject of Count Two of the Complaint. Please admit or deny.

12. Admit or deny that the meeting and/or work-session of Dec. 14, 2015, at which the Board approved the purchase of a portable screen and voted and passed an amendment to the Maintenance Matters agreement, was not open to homeowners.

DEFENDANTS RESPONSE: **Objection. Upon advice of counsel, this request is improper as at this time, plaintiff's complaint does not involve this purchase and therefore, this request is outside of the scope of this litigation. Therefore, no answer has been provided.**

PLAINTIFF'S JUSTIFICATION: This request seeks information that is likely to show willful and systemic violation of the Condominium Act which is the subject of Count Two of the Complaint. Please admit or deny.

13. Admit or deny that the meeting and/or work-session, prior to the Garden Club suspension notice distributed on or about March 1, 2017, at which the decision was made to suspend the Garden Club, was not open to homeowners.

DEFENDANTS RESPONSE: **Objection. Upon advice of counsel, this request is improper as at this time, plaintiff's complaint does not involve the Garden Club and therefore, this request is outside of the scope of this litigation. Therefore, no answer has been provided.**

PLAINTIFF'S JUSTIFICATION: This request seeks information that is likely to show willful and systemic violation of the Condominium Act which is the subject of Count Two of the Complaint. Please admit or deny.

14. Admit or deny that the Board discusses and makes binding decisions at meetings and/or work-sessions that are not open to homeowners.

DEFENDANTS RESPONSE: **Objection. This question is vague, overbroad and confusing as it does not reference any particular meeting or decision and, as such, no answer is provided.**

PLAINTIFF'S JUSTIFICATION: This question gets to the essence of Count Two; the disagreement between the Plaintiff and the Defendant over interpretation of the Condominium Act. Is it the legislative intent that decisions can be made at secret meetings as long as the final vote is at an open meeting? Or did the legislature intend that the decision-making process including initial proposal, discussion and voting all take place at open meetings. Please admit or deny so we may get a ruling by the court.

15. Admit or deny that the Board votes at meetings and/or work sessions that are not open to homeowners.

4/27/19

DEFENDANTS RESPONSE: Objection. This question is vague, overbroad and confusing as it does not reference any particular meeting or decision and, as such, no answer is provided.

PLAINTIFF'S JUSTIFICATION: This question also gets to the essence of Count Two. Did the legislature intend that votes can be made at secret meetings as long as there is a second vote is at an open meeting? Does this second vote make the decision legal or is it a sham vote designed to defeat legislative intent. Please admit or deny so we may get a ruling by the court.

16. Admit or deny that the Board does not record many binding decisions in work-session minutes in an effort to hide the fact that they are violating the Condominium Act.

DEFENDANTS RESPONSE: Objection. This question is vague, overbroad and confusing as it does not reference any particular meeting or decision and, as such, no answer is provided. In addition, this Request is vague as the definition of what constitutes "many" is subject to differing interpretations. However, to the extent that this question asks whether or not the Board made efforts to hide any of its actions which plaintiff alleges are violations of the Condominium Act as it pertains to the subject of the litigation, then the answer is denied.

PLAINTIFF: Thank you.

April 27, 2019

Date:

Paul Kardos

Paul Kardos

4/27/19

EXHIBIT B

(following this page) is a printout of the file with filename; “2-lies rev f.pdf”

**The opinions of the author do not necessarily reflect the opinions of the Board.
However, in accordance with the First Amendment (Freedom of Speech) this
document is being distributed**

The litigation (Fox Hills vs. Applebaum, Kardos & Rothstein) started with a lie and now ends with a lie.

Starting Lie:

Paragraph 4 in the Verified Complaint:

"During the course of that communication, the Owners conspired to "shoot" a recently elected member of the Board; currently the Board's president, Ms. Gloria Stahl. Paul Kardos assembled the Owners, along with others who he believed might be willing to participate in his conspiracy, and to participate in the actual shooting."

This is pure fantasy. In my mind it is akin to deliberate perjury. But I was unable to sustain a claim for defamation due to a legal principle called *Litigation Immunity*. Deliberate lies are allowed in legal pleadings.

I would like to know who wrote this lie. I would like to know who on the board, besides Secretary Cohen who signed for it, acquiesced to this lie. If any board member objected to this lie, I'd like to know who it was. They should be commended for knowing it's wrong to falsely accuse someone of a crime.

Ending lie¹:

The board posted a notice dated May 10, 2018 stating:

"We have been advised by Council that the Agreements preclude the Board from providing any additional information regarding this matter".

According to my attorney the contents of the Settlement Agreement are confidential, BUT anything else about the litigation can be discussed!!!

Questions:

The following questions have nothing to do with settlement agreements and should be able to be answered by the board:

1. What lessons were learned from this frivolous litigation?
2. What was the total cost of the litigation to homeowners?
3. Why is David J. Byrne, Esq. no longer the association's attorney?
4. Was any attorney or settlement money paid for by insurance?
5. Was any settlement money paid for by David J. Byrne, Esq.?
6. Did the attorney encourage the Board to pursue this lawsuit, or did the Board convince him?
7. Attorneys do not come cheap. Would any of the board members contribute toward attorney costs of the defendants? How about \$500 per director?
8. Do you think the board owes an apology to the defendants for the frivolous litigation and the false report filed with the police department?
9. Do you think the board owes an apology to the homeowners of Fox Hills?

Paul Kardos

¹ The board statement is not true. If the board knew it wasn't true, and they must have known, then it's a lie. If they thought it was true but it wasn't, then it's just a false statement.

May 3, 2019
204 Cleveland Lane
Rockaway, NJ 07866

Honorable Maritza Berdote Byrne
Chancery Division, General Equity Part
Morris County Superior Court
Washington & Court Streets
Morristown, NJ 07960

RE: Paul Kardos vs. Fox Hills at Rockaway Condominium Association, Inc.
Docket No.: MRS-C-102-18
Letter Brief in Support of Plaintiffs Motion to Compel Discovery
Hearing Date – Friday May 24, 2019 at 9:00 am

Dear Judge Berdote Byrne:

I am the *pro se* plaintiff in the above matter. Please accept this *Letter Brief in Support of Plaintiff's Motion to Compel Discovery*. (hereafter this "Letter Brief").

STATEMENT OF FACTS

The pertinent facts used in this *Letter Brief* are listed in the 3 paragraphs of the accompanying *Certification in Support of Plaintiffs Motion to Compel Discovery*.

RULES OF THE COURT

I. N.J. Court Rule R. 4:10-2:

"(a) In General. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action..."

II. N.J. Court Rule R. 4:17-5:

"(a) ...The propounder of a question answered by a statement that it is improper may, within 20 days after being served with the answers, serve a notice of motion to compel an answer to the question, and, if granted, the question shall be answered within such time as the court directs."

CONCLUSION

For non-compliance with the preceding *Rules of the Court*, the Court should order the defendant to answer all 20 Interrogatory items and admit or deny the 16 (of 20) Admissions requests for which the Defendants response was unsatisfactory.

Date: May 3, 2019

By Paul Kardos
Paul Kardos

Paul Kardos
204 Cleveland Lane, Monroe Bldg.
Rockaway, NJ 07866
973-527-1433 cell
Plaintiff *Pro Se*

<p>Paul Kardos</p> <p><i>Plaintiff</i></p> <p>v.</p> <p>Fox Hills at Rockaway Condominium Association, Inc.</p> <p><i>Defendant</i></p>	<p>Superior Court of New Jersey Chancery Division Morris County</p> <p>Docket No. MRS-C-102-18</p> <p>Civil Action</p> <p><i>ORDER TO COMPEL DISCOVERY</i></p>
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THIS matter coming before the Court by way of motion filed by Paul Kardos, Plaintiff *pro se*, and the Court having read and considered the Certification and Briefs filed, and for good cause shown,

IT IS ON this _____ day of May 2019 ordered as follows:

1. The Defendant shall answer the 20 questions of the Plaintiffs Interrogatory.
2. The Defendant shall admit or deny Plaintiffs Admission requests #2 through #7 and #10 through #15.
3. A copy of this order shall be served on all council of record within seven (7) days.

Maritza Berdote Byrne, J.S.C.

This motion was: ____ Opposed
____ Unopposed

CERTIFICATION OF SERVICE

I certify that on May 3, 2019, I sent a copy of the Notice of Motion, Amended Complaint and proposed Form of Order to the following.

George Karousatos, Esq.
Biancamano & DiStefano, P.C.
10 Parsonage Road, Suite 300
Edison, NJ 08837

May 3, 2019

Date:

Paul Kardos

Paul Kardos