



*State of New Jersey*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
25 MARKET STREET  
PO Box 112  
TRENTON, NJ 08625-0112

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

GURBIR S. GREWAL  
*Attorney General*

MICHELLE L. MILLER  
*Director*

July 19, 2019

**Via Email to Christina.Berdecia@oal.nj.gov**

Honorable Susan M. Scarola, A.L.J.  
Office of Administrative Law  
Quakerbridge Plaza, Bldg. 9  
P.O. Box 049  
Trenton, New Jersey 08625-0049

Re: Leonor Alcantara, et al., v. David Hespe,  
Commissioner of Education, et al.  
OAL Dkt. No.: EDU 11069-2014S

---

Dear Judge Scarola:

Please accept this letter on behalf of Respondents in response to the letter filed by Mr. Inzelbuch, on behalf of Lakewood Public School District ("Lakewood"), on July 17, 2019. The numerous motions set forth therein should be denied.

As been discussed on numerous occasions in this proceeding, Lakewood is not a party to this matter and its participation is limited. See N.J.A.C. 1:1-16.6. In addition to not being able to file motions, Lakewood is also not entitled to submit evidence, or testimony to the court. The Court has ruled on Lakewood's status in this hearing multiple times, and by way of written Order on August 20, 2018 and again on October 9, 2018. Nevertheless, Lakewood repeatedly attempts to revisit its status, and disregard the OAL rules by attempting to improperly submit evidence to the Court outside of the hearing and file meritless motions that ultimately detract from the Court's ability to consider the actual case before it. See N.J.A.C. 1:1-16.6(b) ("In deciding whether to permit participation, the judge shall consider whether the participant's interest is likely to add constructively to the case



[Type here]

without causing undue delay or confusion.").

In one of the five (5) motions filed by Lakewood on July 17, 2019, it attempts to renew a motion for summary decision that was never accepted previously by the Court as a valid filing. Lakewood attempts to support its position based upon documents, not in evidence, included in its submission. This request for summary decision must be denied, if it is considered at all, because, as stated previously, Lakewood lacks status in this case enabling it to file motions and present any evidence. See N.J.A.C. 1:1-16.6(c). Further, as Your Honor is well-aware, Respondents are in the middle of presenting their case and therefore Lakewood's Motion for Summary Decision is procedurally untimely. See N.J.A.C. 1:1-12.5(a).

Finally, Lakewood filed an Open Public Records Act ("OPRA") request on July 15, 2019 seeking information related to this hearing. See Lakewood Exhibit "D." Lakewood has similarly and inappropriately requested versions of this information directly from Respondents late last week outside of the confines of OPRA. The Department will respond to Lakewood's July 15, 2019 OPRA request pursuant to N.J.S.A. 47:1A-1 *et seq.*

For the above reasons, Lakewood's motions should be denied. Should the Court determine to consider Lakewood's motions, I would request that a briefing schedule be set by the Court.

Respectfully submitted,

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Jennifer Hoff  
Jennifer Hoff  
Deputy Attorney General

cc: Arthur H. Lang, Esq. (via email)  
Paul L. Tractenberg, Esq. (via email)  
Michael I. Inzelbuch, Esq. (via email)