Amy Weber

452-B North 8th St.

Fairview NJ 07722

917-331-3265

(Pro per)

New Jersey STATE COURT, COUNTY OF BERGEN, LAW DIVISION

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| AMY WEBER,  Plaintiff,  vs.  KEITH J. YONOS and IRA KAPLAN, Esq.  Defendants | Case No.: [Number]  Civil Complaint |

Plaintiff, Amy Weber (WEBER), domiciled in the Bergen County and residing at 452-B North 8th St., Fairview, New Jersey, 07022, State Of New Jersey, complaining of defendants, states as follows:

#### That the defendant: Keith J. Yonos (YONOS) is an individual and resident of the State of New Jersey, domiciled in Bergen County at 305 Palisade Ave, Apt. 402, Cliffside Park, NJ 07010

#### That the defendant: Ira Kaplan, Esq. (KAPLAN) is an individual and resident of the State of New Jersey, domiciled in Bergen County and is a New Jersey State licensed attorney conducting substantial business in this District with offices located at 190 Moore Street, Hackensack, NJ 07601

1. During the course of WEBER’s custody fight with YONOS, Defendants YONOS and KAPLAN intentionally and recklessly harassed and inflicted emotional injury on WEBER by subjecting her to outrageous treatment beyond all bounds of decency. Defendants verbally, mentally and physically abused WEBER and treated her in a demeaning and inferior manner, which no reasonable person could be expected to endure. As a direct and proximate result of these malicious and conscious wrongful actions, WEBER has sustained severe emotional distress, resulting in injury, and damages, including punitive damages, to be determined at trial. Defendants’ breach of this duty directly and proximately caused WEBER to suffer genuine and substantial emotional distress. WEBER’s injuries were foreseeable because a reasonable person would have known that Defendants’ actions would cause a reasonable person substantial emotional distress.
2. Per Segal v Lynch 413 N.J. Super 171 (App. Div., 2010) “We are satisfied that the Heart Balm Act does not bar plaintiff's claim because the statute's prohibitions were intended to apply only to causes 4 A-0805-08T2 of action alleging alienation of affection arising out of and dependent upon a marital relationship.” Plaintiff WEBER is suing for Intentional Infliction of Emotional Distress because she has been systematical shut out of her only child’s life and but for the actions of the Defendants, this would never have happened
3. Ira Kaplan, Esq. has violated the Rules of Professional Conduct on several counts and zealously represented a child sex abuser, with absolutely no concern for the welfare and dignity of WEBER’s child.
4. On or about March 2005, WEBER fled the marital home barefoot in the snow with her son and a blanket. Her husband at the time, defendant YONOS, was harassing, assaulting her and threatened to kill she and their baby.
5. Due to the pattern of domestic violence that seemed to be escalating, WEBER decided (once again) to file for divorce. She found Ira Kaplan, Esq. (KAPLAN) and met with him at his office in Hackensack, NJ, where she confided in him and discussed intimate, personal details. Mr. Kaplan suggested mediation and explained the benefits of divorce through mediation. This violated the Model Code on Domestic Violence and principles of mediation, as domestic violence victims should not be in mediation with their abuser, though WEBER was unaware of this at the time.
6. WEBER provided YONOS, with the information of KAPLAN’s law firm, so that they could proceed with the divorce and mediation process. YONOS attended an appointment with KAPLAN on his own and agreed they would use KAPLAN as mediator for the divorce.
7. YONOS suggested he and WEBER attend marital counseling instead of filing for divorce. WEBER opposed this since they had numerous marital counseling sessions and still the marriage was not working. YONOS begged WEBER to call KAPLAN’s law firm to cancel any appointments to proceed with the divorce mediation. WEBER decided to give the marriage one more chance and called KAPLAN. She spoke with him directly over the phone and told him that they were not proceeding with the divorce mediation at the moment. KAPLAN wished them the best.
8. On or about August 2005, YONOS and WEBER had another domestic violence altercation, for which she filed a Temporary Restraining Order (TRO). WEBER decided this was final and wanted to proceed with the divorce. YONOS went to KAPLAN’s office and informed WEBER that they had an appointment for divorce mediation. WEBER informed YONOS that at that point, she no longer wanted to proceed with mediation, did not want to use KAPLAN’s services, and that they find separate attorneys instead.
9. To WEBER’s shock, at the subsequent hearing for the restraining order, KAPLAN appeared as sole attorney representing YONOS. Immediately, WEBER told KAPLAN that it was unethical that he was representing YONOS for his defense of WEBER’s request of a Final Restraining Order and asked KAPLAN to dismiss himself immediately since it was an obvious conflict of interest (per RPC 1.7). KAPLAN told WEBER he was there to “just calm things down” and then help them with the divorce mediation. WEBER informed KAPLAN in the hallway outside the courtroom that there would be no mediation taking place, and that YONOS needed to find himself another attorney.
10. Regardless, KAPLAN proceeded to “mediate” the TRO with an agreement between him and WEBER’s attorney that YONOS at the time was to attend marriage counseling, among other arrangements such as WEBER dismissing the TRO. This caused WEBER great anxiety. Under duress, she agreed. WEBER and YONOS appeared before the judge and a Consent Order was entered.
11. WEBER informed YONOS that he was not to hire KAPLAN as his attorney since it was a conflict of interest. WEBER was the one who had wanted to hire him for mediation and if the couple were ever again to found themselves filing for divorce KAPLAN was neither to be his lawyer, nor hers.
12. On or about March 2006, the couple had yet another domestic dispute and WEBER filed for another TRO. At the hearing, she appeared unrepresented. KAPLAN again appeared representing YONOS to help him dismiss the TRO. WEBER again told KAPLAN that this was a conflict of interest and that he should withdraw immediately as YONOS’s attorney. KAPLAN told WEBER that they were “two wonderful people that could just not get along” and that he just wanted “to help us get a divorce though mediation.” WEBER reiterated to KAPLAN that she did not want mediation and he was to remove himself from any further involvement in the divorce proceedings. KAPLAN became flippant and hostile toward WEBER, then threatened her, saying that he was being “kind” to help her in the monthly home-and-child support while YONOS was out of the marital home, but that now he was not going to help WEBER and make sure she encountered difficulty.
13. YONOS remained out of the marital home for a period of about two months. An order was entered for pendente lite support of $2,400 per month while they proceeded to file for divorce.
14. While they were conducting the agreement, WEBER informed KAPLAN, in front of her brother Ariel Weber as witness, that she did not want her 1½ year old son to be around YONOS’s brother and his family in Schenectady, especially not near his brother, Gene Caldwell, since YONOS and three of his siblings had conveyed to her that his brother, Gene Caldwell. had sexually molested him and his sister, Karen Lo Datto, when they were five and eight years old, and that the rape and molestation was for several years and his mother (her son’s grandmother) was a silent witness.
15. WEBER also stated she did not want her young son to be near his best friend, Rick Zalucky, since she suspected there was some homosexual activity going on. This was entered into the court agreement by consent.
16. On or about August 30th, 2006 WEBER had YONOS removed from the marital home after a marriage counseling session with Dr. Joseph Massaro revealed that YONOS was engaging in bisexual activities.
17. WEBER called KAPLAN’s office and again informed him that it was unethical for him to represent YONOS and we were not doing mediation. KAPLAN stated he was sorry to hear the marriage did not work out but that he would be talking to “Keith.”
18. YONOS had sent WEBER various e-mails during the month of August insisting that KAPLAN conduct the divorce through mediation. WEBER informed YONOS that KAPLAN was not to be doing so. WEBER hired another attorney for the divorce and YONOS refused to deal with any attorneys she hired, as he was adamant about using KAPLAN.
19. On November 2006, the day before Thanksgiving, WEBER was served at 7:00 AM with divorce papers from the office of KAPLAN. Clearly, this was a conflict of interest and violation of attorney ethics. YONOS said that “Ira” was “forcing” him (YONOS) to divorce.
20. KAPLAN proceeded to instigate what would become a protracted campaign of harassment and denigration of WEBER. Even when things were close to a settlement, KAPLAN attempted to provoke a trial. He was extremely disrespectful, verbally assaulted WEBER, defamed her character, and slandered her, all behaviors that perpetuate to this day. KAPLAN even went so far as to say WEBER was mentally ill to subvert abuse.
21. In or about 2010, K.A. commenced making bizarre allegations about his father and indicated that his father, YONOS, had sexually molested him.
22. There was ample evidence to suggest that YONOS may have acted inappropriately with the child as he admitted to sleeping naked with the child, showering naked with the child, and allegedly not washing KA's private parts during regular baths.
23. Of further import, is the fact that YONOS himself had previously been arrested for sexual assault. It appears from the trial record that the sexual assault case was dismissed.
24. KAPLAN specifically concealed YONOS’s sex offender history, DUI, and the domestic violence history in the State of Florida by YONOS’s of his former girlfriend, Jo Potter. They apparently did the drug “Ecstasy” and she fled for her life, which was confirmed during a fact-finding trial in 2011-2012.
25. WEBER had told KAPLAN in 2005 that she suspected that YONOS had sexually assaulted his nephew. WEBER also disclosed to KAPLAN that she had caught her former husband speaking on the phone with a man named Michael Lauren from San Francisco about a trip they were planning to take and overheard YONOS state, quite graphically, his desire to engage in anal sex.
26. KAPLAN tried to force her out of the marital home with the baby, attempting to destroy her stability. For example, one late payment and KAPLAN went after WEBER like a pit bull, which cost $3000 in additional legal fees, which in turn caused more instability. KAPLAN constantly employed tactics to destabilize WEBER that also put her son in jeopardy.
27. During one of the hearings regarding the house settlement, which WEBER ended up paying YONOS the amount of $40, 000.00 for the house to be under her name only, and he was to sign the deed within 24 hours.  She paid him in court with a certified check.  YONOS did not sign the deed - never in four years - but kept taking her to court and demanding attorney’s fees that always were granted to KAPLAN, without a detailed bill ever provided.   Asked for but denied by Judge Slomienski.  This judge also kept entertaining the fact that WEBER paid YONOS and put my house for sale several times per KAPLAN’s request; basically, harassing her, not taking into consideration the best interest of her child.   WEBER was always punished to pay KAPLAN's fees.   It was as if she had never paid YONOS for his share of the former marital home.  KAPLAN continued to take me to court because WEBER was not able to re-finance the house.  But the house could never be refinanced if YONOS did not sign the deed.   No mortgage company would move forward.
28. KAPLAN put the marital home up for sale three times, under market value, causing stress, subjecting WEBER to harassment and the inconvenience of people traipsing through her home, while she had an infant to care for. He caused damage to her quality of life and stability for her child.
29. KAPLAN employed stalling tactics prompted YONOS to avoid signing a quit claim deed for three years, hired an unethical real estate agent from ReMax and colluded with him. They took pictures of the inside of WEBER’s home, which were beyond the normal scope of what was required for selling a home - pictures of her personal items, documents, private areas of the home, etc. It was a total invasion of privacy that left WEBER feeling violated.
30. KAPLAN convinced Judge Frances McGrogan and Judge Peter Melchionne (disclosure: WEBER sued these judges and others Nov 2014 in federal court) to sign illegal ex parte orders and further separate the mother and child without due cause.
31. KAPLAN urged Judge Peter Melchionne to deny the review and decrease of child support and her request to review of YONOS’ current financial status. Judge Peter Melchionne denied plaintiff viewing the bill of the "summer camp" that their son was attending but to pay the amount her ex-husband was demanding --without a factual and updated bill, WEBER was been forced to pay $1,300. This is financial terrorism.
32. KAPLAN requested the court issue a gag order to prevent WEBER from speaking up about child sexual abuse (which violates her constitutional rights).
33. KAPLAN has humiliated WEBER’s son and without a conscience, has manipulated his status into a childhood of perpetual debasement, and despair. WEBER knows nothing about her son for the past two years and likewise, the child knows nothing about his mother. Or perhaps he does, but who knows what YONOS has told the child.
34. KAPLAN has attempted to pathologize WEBER as a tactic in the divorce proceedings, and has assisted her former husband in completely marginalizing her as their child’s mother.
35. KAPLAN has made a continuum of false and damaging statements to the judge, which is fraudulent and has cost WEBER dearly in consortium with her child, precious time she can never get back.
36. On or about October 2008 WEBER received a motion filed by YONOS as a pro se litigant regarding the former marital home.  The YONOS complaint was about him wanting WEBER to sell the marital house. Also a complaint about WEBER removing her son to a non-mandatory daycare when he had a live-in nanny and was attending a day care to socialize. YONOS used that to force WEBER to keep their son in day care when in the summertime WEBER was taking vacation and wanted to spend time with her son.
37. Additionally at this time, YONOS knew WEBER requested his approval for their son to stay home with her and for the two of them to go and travel for two weeks with WEBER’s mother at her mother's expense to Spain and Israel. Her mother wanted to take all her grandchildren on a summer trip. YONOS was aware of this and suddenly he demanded WEBER at the court hearing (who went as pro se). KAPLAN showed up again and they accused her of being a "Flight Risk". The court removed the child’s passport and even threatened to take WEBER’s passport away. WEBER wept before the court, saying that her family was all she had and that YONOS knew she had to fly to Miami and overseas frequently with her son since her family was spread out internationally in other nations and YONOS knew that was a family condition she had prior to the marriage, her intense desire to not be away from the bosom of her family and neither her son be separated from their love. It was an agreement because WEBER’s family was very traditional and very close. The late Judge Slomienski threaten to incarcerate WEBER if she kept pleading in court.
38. WEBER asked Judge Slomienski for a reschedule since she needed to hire an attorney and felt she was not able to defend herself alone, thus asked for an adjournment.  YONOS had represented that he was also going to be pro se. WEBER was never informed that KAPLAN was to show up.  Judge Slomienski denied WEBER’s petition and forced her to go thru this hearing, violating my constitutional rights to have an attorney. She also pleaded the Fifth Amendment and Judge Slomienski forced her to respond to all of his questions and KAPLAN's questions.   During the hearing, Judge Slomienski again threatened to incarcerate her because she could not articulate, out of fear of appearing without an attorney for his questioning and KAPLAN's intimidations, lies and terrorism during that hearing.
39. Another motion regarding Halloween, the judge denied the fact YONOS knew and agreed before married, the couple had agreed that their son was only celebrating at school but not trick-or-treating because of her spiritual and traditional belief.   Judge Slomienski said that YONOS was granted to celebrate all Halloween and denied WEBER’s freedom of religion to be also considered or, even, alternate one year with his father and one with WEBER.   We were already divorced. Judge Slomienski violated WEBER’s rights as a mother and her right to practice religion at the urging of KAPLAN and YONOS.
40. When their son had surgery for the removal of his tonsils and adenoids, KAPLAN entered another motion right before the scheduled surgery of the boy. WEBER requested for that motion to be rescheduled since she was a preparing her son for surgery. She needed family to fly into town and be with she and my son. Such request was denied and the hearing took place where again Judge Slomienski was entertaining the house going for sale. WEBER was frantic and humiliated, during moments of a mother's concern of taking her child to the doctor for preparation for surgery. YONOS knows the loss of WEBER’s father and he intentionally inflicted emotional distress on her by taking her to court purposely on December 20th, knowing her Father passed suddenly on December 22, 2001. KAPLAN and YONOS was given entering ex parte and courts on the birthdays that he knew were scheduled, during the day of their (former) wedding anniversaries and divorce days as well as close to every holiday possible, there was court mysteriously taking place.
41. KAPLAN and YONOS have tormented WEBER, attacked her, threatened her, gossiped about her family, slandered her sister and mother, herself, spread rumors and lies used her social media twitter and Facebook inappropriately in court to terrorize her with seven sheriff deputies, and also her brother suffered while being outside the court chamber waiting for WEBER--concerned if she was to be arrested not knowing the allegations--they were all false.
42. KAPLAN and YONOS endangered and harmed WEBER’s only child for six (6) years. When her son was unjustly removed from her – a bonding protective mother-- at Audrey Hepburn Children's House (AHCH) by DCP&P f/n/a DFYS case worker Danielle Gonzales, YONOS phoned WEBER’s sister about 4:30 PM in the afternoon that day at her Law Office Firm that she owns and works at in Dominican Republic. WEBER’s sister had no communication with YONOS and suddenly received this call from him. YONOS told her sarcastically that her sister/his ex-wife was mentally ill and they must come to USA, to New Jersey where WEBER resided and take care of her because she needed soon be in a mental institution medicated because she was diagnosed delusional. This was absolutely false. YONOS fabricated that lie, then tormented WEBER’s sister, told her he was in custody of her nephew. My sister (“Y. Weber, JD”) was in a meeting since she owns her law firm. YONOS called insisting and obsessively to her office. She stepped out of the meeting to know what was the phone call emergency. When YONOS broke that ugly, evil “news” to her she could not finish conducting her business as she got a severe headache that lasted her over a week. She never said a word to WEBER’s family as she did not comprehend what was going on. Her sister confirmed thru WEBER that she was fine since she did not wanted to say anything to her family over the weekend. Her sister did not exchange any communication with YONOS but noticed WEBER was safe at her home.
43. Then when she told the news to her brother that her minor son, then 6.1 years old, was abruptly removed from her and she, WEBER, was placed on supervised visitations. WEBER’s sister continued with a severe headache so bad that she could not returned to work for over two weeks and it developed into concussion that until today she suffered from severe brain concussions and never ever before she suffered from anything similar.
44. YONOS based that WEBER suffered from mental illness and repeated in lies to the courts that WEBER’s sister successful, with a Juris Doctor, but according to YONOS, she suffered from Anorexia and accused WEBER of such illness too. They are slim girls that have never ever suffered from such disease. YONOS used to call WEBER names such as 'fat cow' when they were married and after they were divorced and told her that she needed to lose weight when he knew she was always thin-structured. During the marriage, to be controlling, YONOS would force WEBER to eat less and less, often taking the food out of her plate and tell her that she deserved less food.
45. YONOS based a lot of 'family information' on his rebuttal witness a second cousin of WEBER’s who never showed up to testify for him in court: GELENA SOLANO. YONOS showed some disgusting, gross fabricated text messages between WEBER’s second cousin and himself degrading WEBER’s sister and mother. That was considered by Judge Frances McGrogan as credible.
46. On or about (\*\*\*needs date) Weber’s mother came to visit her and see her grandson since WEBER had not been back home as YONOS and WEBER had agreed before during the marriage agreement. WEBER’s mother had noticed an isolation from her toward the family that resided in Miami and Dominican Republic.
47. On the third day of WEBER’s mother's visit, as she stayed at the marital home, YONOS had a verbal fight with some landscape workers that were trimming a tree in the back yard. WEBER was not home. She was working. She received an insulting phone call from YONOS screaming and yelling at her demanding her to be home immediately. YONOS threatened to kill WEBER’s mother, their son and the nanny if she did not go home right away. WEBER left work and drove home very afraid. When she arrived, YONOS got her by her neck, chocking her and screaming at her that he had tried to pay the landscapers and there was not enough money in the bank.
48. WEBER was not at all understanding what he was referring to. The truth was that YONOS was spending money behind her back on secret credit cards that she had found. She took control of the finances since he was reckless.
49. YONOS had lent his sister Karen Lo Datto Money over $2,000.00 dollars behind WEBER’s back.

She found a debt of $17,000.00 dollars and over $10,000.00 on another secret credit card. YONOS pulled money form the bank account with threats he was paying KAPLAN for the 'mediation' divorce and never put the money back in their account after he repented of not filing and mediating for divorce and told me "Ira" was not refunding him.

1. During this violent encounter, YONOS spit on WEBER’s face, grabbed her by my hair and WEBER’s mother told him to please not touch me and what was wrong. She was not fluent in English. All she was seeing was violence and her daughter defenseless. The landscapers came into the home since the front door was opened. YONOS then reacted and asked for forgiveness as if he did not know what he had done (he also wrote a letter later to WEBER’s mother which WEBER still has apologizing). The landscapers told WEBER to get out of the house with her mother, nanny and baby. They got in the car and drove away of the house; they fled. WEBER’s mother phoned WEBER’s brother Ariel in Dominican Republic asking for an emergency plane ticket for herself and WEBER and the baby and was willing to take the nanny with them too. They were debating if they would stay at a hotel or not. We drove to a friend’s home (“Jacqueline Aria”) in Bloomfield, New Jersey. Jackie and WEBER’s mother had a conversation.
2. YONOS was calling WEBER obsessively on my cell phone. Jackie Arias spoke with YONOS since he used to talk to her and speak to her about WEBER behind her back pretending to be the victim always.
3. YONOS asked for WEBER to go back to our home and he would apologize to my mother. Jacqueline Arias came with them and WEBER’s mother and YONOS had a conversation in their home office. Jackie was the translator. WEBER was not present. She was in her bedroom with the nanny and the baby, then one years old.
4. WEBER’s brother Ariel had purchased plane tickets and arranged a taxi to pick them up early in the morning for a flight departure at 8:00 AM. Ariel was unaware of the violent situation only that they were flying home.
5. They did not sleep, only the baby. WEBER asked YONOS to sign a document of agreement that she was allowed to leave with their son. YONOS agreed.
6. YONOS cried when he saw WEBBER was packing and entered her bedroom and begged her not to leave or he would kill himself.
7. WEBER did not tell her mother YONOS was threatening with killing himself. This was his frequent habit. WEBER was exhausted of the long terrible violent day in less than 24 hours.  
   WEBER had to let her mother go and the nanny told me that she was from Colombia and if she left she would not be able to come back to the USA. YONOS said they could fix the problem and he promised it. WEBER wanted to leave but then she did not have the document signed that allowed her to take our son out of the USA.
8. WEBER’s mother left to Dominican Republic with WEBER and the baby. She very worried.
9. Three days later, WEBER received a phone call from one of her siblings that her mother was hospitalized with very severe heart failure and the doctors were not assured she would be stable.

WEBER had to fly home and YONOS told me to take their son with her. YONOS wrote the aforementioned letter to WEBER’s mother and here is the evidence.  WEBER’s mother was hospitalized for over two weeks in intensive care unit with severe heart failure.

1. KAPLAN’s most recent attempt to intentionally inflict emotional distress on WEBER has gone was to file motion in which he is demanding incarceration of WEBER for noncompliance with a fictitious subpoena in an inappropriate, unjust attempt to further bully and harass her. Ironically, it is KAPLAN who refuses to provide her with simple, pertinent information. WEBER is currently unrepresented and KAPLAN takes advantage of this.
2. Such actions are violations of the New Jersey Rules of Professional Conduct including RPC 3.4. Fairness to Opposing Party and Counsel and RPC 8.4. Misconduct. In sum, Mr. Kaplan has violated the following Rules of Professional Conduct: 1. 4; 1. 6 Confidentiality; 1.7, 1.8, 1.16, 1.18, 2.4 – Conflict of Interest; 3.1, 3.2, 3.3, 3.4; 3.5 illegal ex parte communication; 4.1; 4.4a; 7.3; 8.3(d, i) and 8.4.
3. Under New Jersey Rule of Court 1:9-2A, a court may, on motion, quash or modify a subpoena if compliance would be “unreasonable or oppressive.” On or about July 3rd, 2014 at 1:30 PM WEBER went to new chamber room with her completed filled-out questionnaire. She asked Honorable Judge Peter Melchionne where the oral examination was to take place since previous chamber room was closed due to lack of air conditioning. KAPLAN and YONOS had informed WEBER in the rotunda. The judge told her “just give Kaplan the questionnaire that’s it.” WEBER went to the rotunda with her friend as a witness (“Diana Ayala”) and handed the questionnaire to KAPLAN and she told him the Honorable Judge Peter Melchionne, “just told me to hand you my questionnaire.” KAPLAN was hostile, and in an arrogant way, he told WEBER that “he was not taking the questionnaire” and that she was subject to an oral examination.” WEBER did not respond.

KAPLAN called her and said “We still sit down here in the hallway.” They all proceeded to sit down including the witness friend. KAPLAN said that the witness friend was not permitted to stay. WEBER said to KAPLAN, “I am sorry but I need a witness in case to prevent any misunderstanding between us as previously experienced.” KAPLAN abruptly stood up and told his client we need a room and refused to continue the oral examination.

1. WEBER went to the Honorable Judge Peter Melchionne chamber room and she explained to the court that KAPLAN was not cooperating in taking the completed questionnaire. He wanted to go back to the court’s former chamber and conduct the oral examination in the room formally rejected because of lack of air conditioning. WEBER asked the Honorable Judge Peter Melchionne for a sheriff to be present during the oral examination since they were to be in a room and not being recorded. The concern was that there would be misunderstandings as previously demonstrated. The court asked the clerk to call a sheriff for WEBER’s assistance.
2. Once in the room, for the oral examination, WEBER handed Mr. Kaplan the questionnaire for the third time. He refused it. KAPLAN started asking questions about WEBER’s name. Date of birth, address, etc. to which she responded, but then he started asking her personal questions about her girlfriends that visit her, including but not limited to WEBER’s boyfriend (“Mr. William Collins”) and his bank account information. KAPLAN was abusively questioning WEBER. She told him she did not have to respond to any questions out of the scope of the subpoena.
3. KAPLAN asked WEBER how did she get to the court house, if she had driven, to which she said no.” He asked, “Did you walk here?” She said, “I came with my friend.” KAPLAN asked “where is your driver’s license?” She said, “I do not have it here; my friend has my handbag outside of the court room.” KAPLAN said, “So you do not have a driver’s license.” She said, “Yes, I do.” She told KAPLAN that again his questions were inappropriate and irrelevant to the scope of the questionnaire. KAPLAN became irate, and his physical intimidation caused WEBER to walk out of the court room and get her handbag and give him her driver’s license even though she knew he had no right to it. His tone and demeanor was so abusive to the point of attempting to terrorize WEBER that she felt threatened and asked to leave the room. KAPLAN stated it was only 10 minutes of oral examination and she was not to take a break. WEBER told him that she needed to step out of the room. On her way back to the chamber (oral examination room), the sheriff deputy stopped WEBER and advised her that KAPLAN suggested to him that she was acting erratic but the sheriff deputy told her that he had been observing her for awhile and did not witness any inappropriate behavior and under the circumstances he was leaving.
4. WEBER walked back into the room and with the witness friend. KAPLAN refused to let her in the room. Because KAPLAN continued to try to intimidate WEBER with his abusive tone and behavior, she firmly insisted it was necessary to have a witness. KAPLAN did agree and they all went back to resume the oral examination.
5. KAPLAN started asking if WEBER had any roommates. She informed him that she was not required to answer that question—it was her private life. He said, “You are collecting rent, right?” WEBER asked, “Is that a question or an affirmation?” KAPLAN then demanded, “Yes or no” in an angry tone. WEBER said, “No” in a calm tone of voice. Then KAPLAN asked her about the previous friend who had helped her financially when he stayed in WEBER’s basement years ago when she was unemployed. KAPLAN wanted to know all his personal information. Since it was not in the scope of the subpoena and WEBER had provided him with her answer, yet he proceeded to badger her in a very hostile manner.
6. KAPLAN asked WEBER regarding her current employment. He was asking names of her supervisors and again it was not appropriate. She provided him with a copy of her detailed pay stub. She told him clearly not to contact her employment.
7. KAPLAN continued to raise his voice in an abusive manner. WEBER calmly asked him to please stop raising his voice or she would walk out of the room. KAPLAN seemed very angry and his demeanor were unpleasant. WEBER decided to walk out of the room and ask for a sheriff to come back and observed the oral examination.
8. The witness friend and WEBER went to your honor’s chamber requesting for a sheriff to be present in order to finish his harangue oral examination. The former sheriff deputy that was in the room observing the examination arrived again on scene. KAPLAN told the sheriff deputy to arrest WEBER. The sheriff deputy looked at her and look backed at KAPLAN, then told him, “I do not have power to do that.” WEBER told the sheriff deputy that KAPLAN had no right to ask him to incarcerate her.
9. KAPLAN then asked WEBER to give him the completed questionnaire. She told him she had been taking notes of his behavior during the oral examination on the reverse side of the documents. She could not acquiesce to his request. KAPLAN then asked the sheriff deputy for the second time to have WEBER arrested and again, the sheriff deputy told him, “I am sorry I have no power to do that.” The sheriff deputy called for back-up and Sheriff Soto showed up. Sheriff Soto saw how KAPLAN was behaving and told him he had no right to intimidate WEBER as he was (such as yelling at her and calling her names in a very demeaning manner, even in a terroristic way to someone like WEBER who has been diagnosed with PTSD). Sheriff Soto said since she was providing the answers as “yes or no”, KAPLAN had to accept her response without trying to force her to say what he wanted to hear. Sheriff Soto told KAPLAN that YONOS, “Let’s go” and again calling WEBER names before he left.
10. WEBER told Sheriff Soto that she wanted to show good faith by leaving a copy of her completed questionnaire with the court. He told her, “Ma’am just write a letter to the Judge explaining what

had happened and your good intentions to cooperate. Mr. Kaplan chose to walk away on your oral examination.”

1. KAPLAN has continually and frivolously sent motions via regular mail and e-mail regarding to her pending motion that was to be heard on June 27th, 2014, then rescheduled for July 11th 2014, then furthermore rescheduled to July 25th, 2014, but his response to WEBER’s motion has been a mystery. His desires to find any excuse to unjustly incarcerate her and this is again proven in his last three motions and cross-motions. KAPLAN is abusing the fact she is a proper litigant. He is trying to attempt to criminalize her pursuit of justice as a pro per litigant. KAPLAN’s actions are a result in gross injustice.
2. WEBER has filed a complaint to the Bar of Ethics against KAPLAN.

KAPLAN, in support of YONOS, not only violated multiple laws, ethics and other procedures as alleged herein above, but engaged in fraud, collusion, malicious acts and created other special circumstances to confuse and pervert the court proceedings for which their actions constitute legal malpractice.

1. KAPLAN violated RPC 3.1. Meritorious Claims and Contentions.
2. KAPLAN violated RPC 4.4. Respect for Rights of Third Persons.
3. WEBER, as parent and legal guardian to her child KEITH ALEXANDER, has a valid legal malpractice claim, as well a tort action for intentionally inflicting emotional distress, against KAPLAN for the benefit of her child as his natural guardian and herself, as but for KAPLAN’s negligence the case would not be protracted for over five years nor gone to trial under such egregious and collusive circumstances; WEBER and her child would not be so unduly segregated for over three years; the child’s wishes would have been represented to the court that they want to live with his mother; her son would not be subjected to the abuse of multiple third parties unnecessarily interrogating and investigating them, including “therapy” by DCP&P FORMALLY KNOWN AS DYFS.
4. KAPLAN failed to exercise the ordinary reasonable skill and knowledge commonly possessed by a member of the legal profession which resulted in actual damages to WEBER of expending thousands of dollars to attorneys, which are pecuniary losses sustained and the facts alleged herein show actual damages could reasonably be inferred from the extraordinary litigation expenses incurred by motions, oppositions and appeals, among other legal expense in WEBER’s attempt to avoid, minimize or reduce damages to her and her child, caused by KAPLAN wrongful conduct which is charged to them.
5. Any claim to quasi-immunity fails as for a long time by Defendant KAPLAN’s misconduct he stepped out of boundaries of such immunity by deliberately engaging in a “campaign of lies” for five years as alleged herein above which any reasonable attorney or citizen can understand no attorney should conduct themselves as KAPLAN has.
6. Any claim to quasi-immunity fails as by Defendant KAPLAN’s misconduct, when he stepped out of boundaries of such immunity by deliberately engaging in trickery and sabotage as alleged herein above which any reasonable attorney or citizen can understand no attorney should conduct themselves as KAPLAN has.

CURRENT HARASSMENT & SUSPICIOUS ACTIVITIES

1. WEBER’S neighbor, Koder Hijazi threatened, harassed and slandered her in front of neighbors and then disclosed in a mediation November 10, 2014 that he is “friends” with YONOS after denying for years that he had seen him and even talked to him since YONOS had moved out of the marital home August 28th,
2. Koder Hijazi said that YONOS said I was delusional and I needed medication. WEBER and her son heard him making horrible remarks outside her home, slandering her with neighbors. He also stated before the mediator that all he was doing the up to this year was to help YONOS and WEBER get back together again. He is a direct messenger to YONOS about WEBER’s comings and goings. WEBER is in active litigation with Koder Hijazi in an attempt to stop this. All of this is happening just when the oral examination was taking place; he came to the mediation wanting to collect money at that time for the home insurance because according to him the collective neighbors were required to pay up front. However, WEBER found out he never paid in full but was making monthly payments.
3. YONOS and KAPLAN, at the order of Judge Peter Melchionne (disclosure: WEBER sued this judge and others Nov 2014 in federal court) attempted to force WEBER to a "financial assets deposition." Eventually, the judge recused himself from WEBER’s case. One of the key questions KAPLAN was demanding to know was what car was she driving, plate, vin number, registration, Insurance policy. She refused to provide any answers.  The judge was aware of a car she was driving which was a Mercedes Benz 350, plate, year and vin number -- but she was not driving that car often and it was not at her home either. She did have another car -- a regular white car and she was driving it for approximately one year, in order to be incognito (an indication of the level of stalking that YONOS had risen to finally).
4. On or about August 2014, a Bergen County Sheriff was at WEBER’s home and identified that vehicle. She did not have any conversation with the sheriff even though he was following her and speaking to her. WEBER never responded.
5. On September 22nd, 2014 at night--unknown time, that white car was parked as usual on the street and it was not incognito to YONOS, KAPLAN, Bergen County sheriffs and everyone involved in this system, including CPS. That vehicle was vandalized: all 4 tires knifed, all front and back glass broken, all 4 windows broken, front and back lights broken and front bumper detached. No camera recording on the street available but a neighbor may have to release the video.
6. On September 25th, 2014 another vehicle parked in WEBER’s driveway was also vandalized, four tires knifed, spray painted the car with the word SLUT. Same damages all tires, etc. WEBER’s front cameras got the video of the act of crime and a man can be seen and the description is: white, bald head, probably about 5'7"/or 8" height. The town police has the recording.
7. On October 15th, 2014 the same individual that vandalized the vehicle parked in WEBER’s driveway, entered her premises and poured thick oil as a hazard on her newly installed pavement. This is a project that the neighbor, Mr. Koder Hijazi, was upset that WEBER installed and fought her to do what he wanted to do on his side of the home (Townhouse master building shared). This occurred at 7:18 PM. (video available and provided to the Fairview Police Department).
8. On or about 11: 15 PM same day --October 15th, 2014 -- the same male individual came to WEBER’s home, attempted to go to the driveway and was getting near the vehicle that was parked there. He was caught by a friend (“Burack”) and WEBER. This man said he was going to visit the next door neighbor Mr. Koder Hijazi. He then whistled. Weber had heard that whistle for several nights since October 25th, 2014. He went up the outside stairs, where he knocked on Mr. Koder Hijazi's door. Note: WEBER’s front door is right next to Mr. Hijazi's front door. Fairview Police Department has the video and filed in protecting and serving me and my friend that are living at my home.
9. Fairview Police Department has assured WEBER four times that they have a suspect. She has videos of the criminal entering her premises and vandalizing the car parked in the home driveway.

CONCLUSION

DECLARATORY RELIEF & INJUNCTIVE RELIEF

1. The damage to Plaintiffs includes the irreparable injury of anxiety and emotional distress of being separated for over three years due to false state court proceedings violating her every constitutional and due process rights that can never be regained unless this court stays the unlawful proceedings.
2. Defendants have endangered the welfare of WEBER’s minor child, pursuant to NJ Rule 2C:24-4 by their acts as alleged herein. Discovery will serve to further illustrate the damage they have done to the Plaintif.
3. As a result of Defendants’ actions and their deliberate indifference to Plaintiff’s constitutional rights, WEBER suffered the loss of custody and access to her child, lost wages, incurred medical and legal fees and other expenses, and WEBER’s son suffered the constitutional violations as alleged herein and loss of liberty and of the care and guidance of his parent and mother and suffered extreme humiliation, pain and suffering, terror and mental anguish, which resulted in WEBER developing Post Traumatic Stress Disorder (PTSD), of which are irreparable damages continuing to date and beyond, and other damages as Defendants continue their violations of Plaintiff’s rights alleged herein. Plaintiffs demand a preliminary and permanent injunction against Defendants, disgorgement of fees ordered against KAPLAN and YONOS declaratory relief and damages to wit.

WHEREFORE, Plaintiff pray for following relief, jointly and severally, against Defendants:

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*WORK HERE \*\*\*\*\*\*\*\*\*\*\*\*\*\*

mm. Granting Plaintiffs all legal fees and costs; and

nn. Such other, further and different relief as the Court may deem just and proper.

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

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|  |
| AMY WEBER |

Dated this 29th of December, 2014

**CERTIFATE OF FILING AND SERVICE**

I, Amy Weber, certify that the original of this Motion has been filed with the Clerk of the Federal Court, New Jersey and a copy served upon all parties in accordance of Rules of Court by mailing copies of this motion by certified mail.

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_

Amy Weber, pro se plaintiff