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<p>HOWARD FREDRICS,</p> <p style="text-align: center;">Plaintiff(s),</p> <p style="text-align: center;">vs.</p> <p>BOROUGH OF MONTVALE; MICHAEL GHASSALI, individually and in his official capacity, JOHN DOES 1-5 AND 6-10,</p> <p style="text-align: center;">Defendant(s).</p>	<p style="text-align: center;">SUPERIOR COURT OF NEW JERSEY LAW DIVISION, BERGEN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">VERIFIED COMPLAINT AND ORDER TO SHOW CAUSE</p>
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Plaintiff, Howard Fredrics, a resident of Park Ridge, Bergen County, New Jersey, by way of Verified Complaint and Order to Show Cause against the Defendants, says:

Preliminary Statement

This matter is brought pursuant to the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq., and seeks redress for violations of Plaintiff's rights secured by Article I, Paragraph 6 of the New Jersey Constitution. Defendant Michael Ghassali, acting under color of state law as Mayor of the Borough of Montvale and pursuant to his final policymaking authority on behalf of the Borough, denied Plaintiff access to and participation in a public forum used to communicate official municipal matters and invite public comment. Plaintiff was denied access to the forum and his comments were later removed, while other users remain able to participate.

By way of this Verified Complaint and Order to Show Cause, Plaintiff seeks immediate preliminary injunctive relief restoring his access pending final disposition of this matter.

Identification of Parties

1. Plaintiff Howard Fredrics is a resident of Park Ridge, Bergen County, New Jersey, a neighboring municipality to the Borough of Montvale.

2. Defendant Michael Ghassali (hereinafter “Defendant Ghassali”) is the Mayor of the Borough of Montvale.

3. Defendant Borough of Montvale (hereinafter “the Borough”) is a municipal corporation organized under the laws of the State of New Jersey.

4. Defendant Ghassali and the Borough are referred to collectively herein as “Defendants” where applicable.

5. At all times relevant herein, Defendant Ghassali was acting under color of law.

6. Defendant Ghassali¹ is a “person” within the meaning of the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c).

7. At all relevant times, Defendant Ghassali was a final policymaker for the Borough of Montvale with respect to official communications disseminated through the “Mayor Mike Ghassali” Facebook page, including decisions regarding moderation, removal of comments, and access to that page.

8. Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), and its progeny, a municipality is liable where a constitutional deprivation results from an official policy, custom, or the decision of a final policymaker.

9. The denial of Plaintiff’s access was undertaken pursuant to Defendant Ghassali’s final policymaking authority and constitutes official municipal action attributable to the Borough.

¹ Defendant Ghassali is sued in his individual capacity for damages and in his official capacity for declaratory and injunctive relief.

10. Defendants John Does 1–5 and 6-10 are individuals and/or entities, presently unknown to Plaintiff, who participated in the moderation, removal of comments, or denial of access to the “Mayor Mike Ghassali” Facebook page while acting under color of state law.

General Allegations

11. Defendant Ghassali maintains a Facebook page titled “Mayor Mike Ghassali.”

12. From at least December 2024 to at least September 2025, the page was designated by Facebook as a “Government Official” page and bore Facebook’s verification badge.

13. Beginning in at least December 2024, Plaintiff participated in public discussions on the “Mayor Mike Ghassali” Facebook page concerning municipal matters affecting Montvale and surrounding communities.

14. The page lists Defendant Ghassali’s Borough email address, mghassali@montvaleboro.org, and contains a link to the Borough’s website, montvale.org.

15. At all times herein, Defendant Ghassali uses the page to communicate official Borough matters, including public safety alerts, municipal announcements, litigation updates, and other actions taken in his capacity as Mayor.

16. Defendant Ghassali posts on the page in his official capacity and communicates municipal decisions to the public.

17. Defendant Ghassali possessed actual authority to speak on behalf of the Borough concerning municipal matters and purported to exercise that authority through posts made on the “Mayor Mike Ghassali” Facebook page.

18. Members of the public are permitted to comment on posts without membership approval.

19. The interactive portion of the page functions as, at minimum, a designated or limited public forum for the discussion of municipal matters.

20. Defendant Ghassali maintains a separate Facebook page titled “Mike Ghassali,” which contains campaign-related and political content distinct from the “Mayor Mike Ghassali” page.

21. From December 2024 through March 2025, Plaintiff actively participated in public discussion on the “Mayor Mike Ghassali” Facebook page concerning official municipal actions.

22. Specifically, on December 13, 2024, Defendant Ghassali posted declaring an “emergency” “NO FLY ZONE FOR DRONES” over Montvale.

23. Plaintiff posted comments questioning Defendant Ghassali’s authority to declare such a no-fly zone and raising public safety concerns.

24. Plaintiff’s comments addressed matters of public concern.

25. On January 16, 2025, Defendant Ghassali posted on the “Mayor Mike Ghassali” page announcing that Montvale would raise the American flag to full staff on January 20 during a period of national mourning for former President Jimmy Carter.

26. Plaintiff posted comments questioning Defendant Ghassali’s authority to direct that the flag be flown at full staff during the established mourning period and asserting that such authority rests with the President and governors.

27. On January 20, 2025, in response to public criticism of the flag directive, Defendant Ghassali posted a follow-up statement asserting that the action was “now the law” and referencing commenters’ First Amendment rights.

28. Plaintiff posted additional comments responding to that post.

29. On January 28, 2025, Defendant Ghassali posted immigration-related statistics and commentary.

30. In response to Defendant Ghassali’s post, Plaintiff posted comments disputing Defendant Ghassali’s characterization of those statistics.

31. On March 12, 2025, Plaintiff attempted to access the “Mayor Mike Ghassali” Facebook page and discovered that he had been blocked and thus denied access to the page.

32. On March 12 and March 13, 2025, Plaintiff contacted the Borough regarding the denial of access.

33. On March 13, 2025, Plaintiff spoke with the Borough Administrator, who informed Plaintiff that the “Mayor Mike Ghassali” Facebook page was Defendant Ghassali’s personal page and that the Borough did not control or administer it.

34. Plaintiff retained counsel shortly thereafter.

35. On or about March 17, 2025, Plaintiff’s counsel sent correspondence asserting Plaintiff’s constitutional rights and requesting restoration of access.

36. On or about April 2, 2025, counsel for the Borough responded and stated that Defendant Ghassali would not reinstate Plaintiff’s access and continued to maintain that the page was personal in nature.

37. After counsel raised concerns, a disclaimer stating, “This is my personal page to share information,” was added.

38. At the time Plaintiff discovered that he had been denied access to the page, the page did not contain any statement or disclaimer suggesting that it was personal in nature.

39. After September 2025, the page’s designation was changed from “Government Official” to “Public Service,” although Defendants continue to use the page to post official Borough communications.

40. Members of the public continue to comment on those posts.

41. Plaintiff remains unable to access or participate in the page.

42. The removal of Plaintiff’s comments and the subsequent denial of access occurred because of Plaintiff’s viewpoint.

43. To Plaintiff's knowledge, other users who did not express disagreement with Defendant Ghassali's official actions remain able to participate on the page.

44. As a result of Defendant's conduct, Plaintiff has been deprived of his right to participate in a public forum secured by Article I, Paragraph 6 of the New Jersey Constitution and has suffered constitutional injury and damages.

COUNT I

NEW JERSEY CIVIL RIGHTS ACT

N.J.S.A. 10:6-2(c)

ARTICLE I, PARAGRAPH 6 – FREE SPEECH

45. Plaintiff hereby repeats and re-alleges paragraphs 1 through 44 as though fully set forth herein.

46. Article I, Paragraph 6 of the New Jersey Constitution guarantees the right of free speech.

47. The New Jersey Civil Rights Act provides a cause of action against any person who, acting under color of law, deprives another of substantive rights secured by the Constitution.

48. At all relevant times herein, Defendant Ghassali was acting under color of state law.

49. Defendant Ghassali is a "person" within the meaning of N.J.S.A. 10:6-2(c).

50. The Borough of Montvale is a "person" within the meaning of N.J.S.A. 10:6-2(c) and may be held liable where a constitutional deprivation results from official municipal policy, custom, or the decision of a final policymaker, consistent with Monell and New Jersey jurisprudence interpreting the NJCRA.

51. At all relevant times, Defendant Ghassali possessed final policymaking authority on behalf of the Borough with respect to official communications disseminated through the "Mayor Mike Ghassali" Facebook page, including decisions regarding moderation and access,

and the denial of Plaintiff's access constituted official municipal action attributable to the Borough.

52. The interactive portion of the "Mayor Mike Ghassali" Facebook page constituted, at minimum, a designated or limited public forum opened for discussion of municipal matters.

53. Plaintiff engaged in protected speech in that forum.

54. Defendant denied Plaintiff access to that forum because of Plaintiff's viewpoint.

55. Viewpoint discrimination in a public forum violates Article I, Paragraph 6 of the New Jersey Constitution.

56. The denial of access is ongoing.

57. The denial of access constitutes an ongoing deprivation of Plaintiff's constitutional rights.

58. By engaging in such conduct, Defendants deprived Plaintiff of rights secured by Article I, Paragraph 6 of the New Jersey Constitution.

59. As a result of Defendant's conduct, Plaintiff has suffered constitutional injury and damages.

WHEREFORE, Plaintiff demands judgment against Defendants jointly, severally and in the alternative, together with declaratory relief, injunctive relief restoring access to the forum, compensatory damages including damages for emotional distress, punitive damages against Defendant Ghassali in his individual capacity, attorneys' fees and costs pursuant to N.J.S.A. 10:6-2(f), and such other relief as the Court deems equitable and just.

COUNT II

DECLARATORY AND INJUNCTIVE RELIEF

60. Plaintiff hereby repeats and re-alleges paragraphs 1 through 59 as though fully set forth herein.

61. An actual and justiciable controversy exists between the parties regarding the legality of Defendants' denial of access to the "Mayor Mike Ghassali" Facebook page.

62. The interactive portion of the "Mayor Mike Ghassali" page functions as, at minimum, a designated or limited public forum for discussion of official municipal matters.

63. Denial of access based on viewpoint in such a forum violates Article I, Paragraph 6 of the New Jersey Constitution and N.J.S.A. 10:6-2(c).

64. Plaintiff continues to be denied access to the "Mayor Mike Ghassali" Facebook page.

65. Monetary damages alone are insufficient to remedy the ongoing deprivation of Plaintiff's right to speak in that forum.

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Declare that Defendants' denial of access violates the New Jersey Constitution and the NJCRA;

B. Order Defendants to restore Plaintiff's access to and ability to participate in the interactive portion of the "Mayor Mike Ghassali" Facebook page;

C. Enjoin Defendants from denying access based on viewpoint in the future;

D. Award attorneys' fees and costs pursuant to N.J.S.A. 10:6-2(f); and

E. Grant such other relief as the Court deems equitable and just.

VERIFICATION

I, Howard Fredrics, of full age, hereby certify as follows:

1. I am the Plaintiff in the foregoing legal action.
2. I have read the Verified Complaint and the allegations contained therein.

The statements made in the foregoing Verified Complaint are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

By: 
Howard Fredrics

Date: 03/02/2026

DEMAND TO PRESERVE EVIDENCE

1. Defendants are hereby placed on notice of their obligation to preserve all documents and electronically stored information within their possession, custody, or control relating to the Facebook page titled “Mayor Mike Ghassali,” including but not limited to Plaintiff’s exclusion from the page, the blocking of Plaintiff’s account, the removal, deletion, hiding, or restriction of Plaintiff’s comments, and any actions affecting Plaintiff’s ability to view or participate in the page.

This preservation obligation includes, without limitation:

- (a) All posts, comments, replies, edits, deletions, hidden content, archived content, and modifications to content appearing on the page during the period December 2024 to the present;
- (b) Any actions taken affecting Plaintiff’s ability to view, comment upon, or otherwise participate in the page, including any changes to page permissions, access settings, restrictions, or user status applied to Plaintiff’s account;
- (c) All administrative records, moderation logs, account access records, audit trails, event histories, and metadata reflecting the creation, editing, deletion, hiding, restriction, or modification of posts or comments, including those relating specifically to Plaintiff;
- (d) All internal and external communications, including emails, text messages, instant messages, and memoranda, between Defendant Ghassali and any Borough officials, employees, consultants, or counsel concerning Plaintiff, Plaintiff’s comments, Plaintiff’s access to the page, the removal or limitation of content, the addition of disclaimers, or changes to the page’s designation or categorization;
- (e) Any communications with Meta, Facebook, or related third parties concerning the administration, moderation, designation, or settings of the page.

2. Defendants shall take reasonable steps to suspend any routine deletion, overwriting, modification, or auto-expiration policies that may result in the destruction or alteration of

relevant information. This includes preservation of data in its native format where reasonably accessible.

Failure to preserve relevant evidence may result in claims for spoliation and requests for appropriate adverse inferences or other appropriate relief.

REDPATH-PEREZ LAW

By: */s/ Kathleen Redpath-Perez*
Kathleen Redpath-Perez

Date: March 2, 2026

JURY DEMAND

Plaintiff hereby demands a trial by jury.

REDPATH-PEREZ LAW

By: */s/ Kathleen Redpath-Perez*
Kathleen Redpath-Perez

Date: March 2, 2026

RULE 4:5-1 CERTIFICATION

1. I am licensed to practice law in New Jersey and am responsible for the captioned matter.

2. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein.

REDPATH-PEREZ LAW

By: */s/ Kathleen Redpath-Perez*
Kathleen Redpath-Perez

Date: March 2, 2026

DESIGNATION OF TRIAL COUNSEL

Kathleen Redpath-Perez, Esquire, of the law firm of Redpath-Perez Law, is hereby designated trial counsel.

REDPATH-PEREZ LAW

By: /s/ Kathleen Redpath-Perez
Kathleen Redpath-Perez

Date: March 2, 2026

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HOWARD FREDRICS,

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MICHAEL GHASSALI, individually and in
his official capacity, JOHN DOES 1-5 AND
6-10,

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BERGEN COUNTY

DOCKET NO.:

CIVIL ACTION

ORDER TO SHOW CAUSE

This matter having been opened to the Court by Kathleen Redpath-Perez, Esq., attorney for Plaintiff Howard Fredrics, seeking temporary restraints and preliminary injunctive relief pursuant to Rule 4:52 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq., restoring Plaintiff’s access to the Facebook page titled “Mayor Mike Ghassali”; and the Court having reviewed the Verified Complaint, Certification of Howard Fredrics, and supporting brief; and for good cause shown;

IT IS on this ___ day of _____, 2026,

ORDERED that Defendants shall show cause before this Court on the ___ day of _____, 2026 at ___ a.m./p.m., or as soon thereafter as counsel may be heard, why an Order should not be entered:

1. Directing Defendants to restore Plaintiff’s access to the Facebook page titled “Mayor Mike Ghassali” pending final disposition of this matter;

2. Enjoining Defendants from excluding Plaintiff from participation in said page in violation of his rights under Article I, Paragraph 6 of the New Jersey Constitution and the New Jersey Civil Rights Act; and it is further

ORDERED that pending the return date, the Court shall determine whether temporary restraints are appropriate; and it is further

ORDERED that a copy of this Order, together with the Verified Complaint and supporting papers, shall be served upon Defendants by _____ on or before _____; and it is further

ORDERED that opposition, if any, shall be filed and served by _____; and reply, if any, shall be filed and served by _____.

, J.S.C.

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Attorney for Plaintiff, Howard Fredrics

HOWARD FREDRICS,

Plaintiff(s),

vs.

BOROUGH OF MONTVALE;
MICHAEL GHASSALI, individually and in
his official capacity, JOHN DOES 1-5 AND
6-10,

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BERGEN COUNTY

DOCKET NO.:

CIVIL ACTION

[PROPOSED] FINAL ORDER

THIS MATTER having come before the Court upon Plaintiff’s Order to Show Cause seeking preliminary injunctive relief pursuant to Rule 4:52 and the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 et seq.; and the Court having reviewed the Verified Complaint and submissions of the parties, and having heard argument; and the Court having found that Plaintiff has demonstrated a likelihood of success on the merits, irreparable harm absent injunctive relief, that the balance of hardships favors relief, and that the public interest will not be disserved;

IT IS on this ___ day of _____, 2026, **ORDERED** as follows:

1. Plaintiff has demonstrated a likelihood of success on his claim that Defendants’ denial of access to the “Mayor Mike Ghassali” Facebook page constitutes impermissible viewpoint discrimination under Article I, Paragraph 6 of the New Jersey Constitution.

2. Defendants are preliminarily enjoined from denying Plaintiff access to and participation in the “Mayor Mike Ghassali” Facebook page on the basis of viewpoint.

3. Defendants shall restore Plaintiff's access to the page within ___ days of entry of this Order.

4. Nothing in this Order prevents Defendants from enforcing content-neutral restrictions consistent with constitutional requirements.

5. Going forward, this matter shall proceed in the ordinary course.

This Order shall be deemed served upon all counsel upon e-filing by the Court. The Plaintiff's counsel shall promptly serve all unrepresented parties in accordance with the Court Rules within seven (7) days of the date of this Order.

, J.S.C.

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Attorney for Plaintiff, Howard Fredrics

<p>HOWARD FREDRICS,</p> <p style="text-align: center;">Plaintiff(s),</p> <p style="text-align: center;">vs.</p> <p>BOROUGH OF MONTVALE; MICHAEL GHASSALI, individually and in his official capacity, JOHN DOES 1-5 AND 6-10,</p> <p style="text-align: center;">Defendant(s).</p>	<p style="text-align: center;">SUPERIOR COURT OF NEW JERSEY LAW DIVISION, BERGEN COUNTY</p> <p>DOCKET NO.:</p> <p style="text-align: center;">CIVIL ACTION</p> <p style="text-align: center;">CERTIFICATION OF PLAINTIFF</p>
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I, Howard Fredrics, being of due age, do hereby certify and affirm as follows:

1. I am the Plaintiff in this matter. I submit this Certification in support of my Verified Complaint and Order to Show Cause seeking restoration of my access to the “Mayor Mike Ghassali” Facebook page.

2. The “Mayor Mike Ghassali” Facebook page was identified by Facebook as a “Government Official”¹ page during the period in which I posted comments and was denied access. As of February 20, 2026, the page is identified as a “Public Service” page.² The page lists Mayor Ghassali’s Borough email address, mghassali@montvaleboro.org, and contains a link to the Borough’s website, montvale.org. The page has been used to post Borough announcements, public

¹ Exhibit A consists of screenshots from March 12, 2025 reflecting the landing page of the “Mayor Mike Ghassali” Facebook page at the time Plaintiff discovered he had been blocked, and is attached hereto.

² Exhibit B consists of a screenshot reflecting the page’s subsequent designation as “Public Service,” while continuing to display the Borough email address (mghassali@montvaleboro.org) and a link to montvale.org.

safety information, and municipal updates.³ Members of the public are invited to comment on those posts.

3. In December 2024 and January 2025, I posted comments on that page in response to several posts by Mayor Ghassali, including posts concerning a declared “no fly zone” for drones, directives regarding the American flag, and immigration statistics affecting the Borough.⁴

4. My comments questioned the Mayor’s authority and the accuracy of certain statements. They were civil and addressed matters of public concern.

5. On January 20, 2025, in response to public criticism of the flag post, Mayor Ghassali published a follow-up post stating, “Appreciate everyone’s candid comments on this issue. It’s now the law!” and further wrote, “Those who exercised their first amendment right and sent me colorful messages, your apology is accepted.”⁵

6. I posted a response to the January 20, 2025 post.

7. On January 28, 2025, Defendant Ghassali posted immigration-related statistics and commentary.⁶

8. I posted comments disputing Defendant Ghassali’s characterization of those statistics. Ibid.

9. On March 12, 2025, I attempted to access the “Mayor Mike Ghassali” Facebook page and learned that I had been blocked.

10. That same day, my wife was able to access the page from her own account and, thereby, confirmed that I was, indeed, blocked. At that time, she took a screen shot of the landing

³ Exhibit C consists of screenshots obtained on March 2, 2026, reflecting posts published between February 23, 2026 and March 2, 2026, demonstrating the continued use of the “Mayor Mike Ghassali” Facebook page for official municipal communications.

⁴ Exhibit D consists of representative screenshots of discussion threads concerning municipal governance, including posts relating to the declared “no fly zone” and the American flag directive. Page 3 reflects replies directed to Plaintiff that remained visible while Plaintiff’s corresponding comment was not visible in the captured thread, consistent with removal of Plaintiff’s comment. Exhibit D is attached hereto.

⁵ Exhibit E consists of a screenshot of the January 20, 2025 follow-up post referenced herein, and it is attached hereto.

⁶ Exhibit F consists of representative screenshots of the January 28, 2025 immigration-related post and associated discussion thread, and it is attached hereto.

page, with intro section, which included the message stating, “A proud mayor serving his community to the best of his ability.” See Exhibit A.

11. Moreover, after I discovered that I had been denied access to the page, my wife accessed the page through her account. Through that access, I observed, in more than one instance, that replies from other users responding to or tagging me remained visible, even though my own responses were no longer visible. See Exhibit D, page 3.

12. On March 12 and March 13, 2025, I contacted the Borough regarding the denial of access.

13. On March 13, 2025, I spoke with the Borough Administrator, who informed me that the “Mayor Mike Ghassali” Facebook page was Defendant Ghassali’s personal page and that the Borough did not control it.

14. Notably, Mayor Ghassali maintains a separate Facebook page, “Mike Ghassali” used for personal and political content.⁷ I have never been blocked from that page.

15. Following my March 13, 2025 communication with the Borough Administrator, I retained counsel.

16. On or about March 17, 2025, my counsel sent correspondence asserting my constitutional rights and requesting restoration of access.⁸

17. On or about March 25, 2025, counsel for the Borough responded and stated that Defendant Ghassali would not reinstate my access and maintained that the page was personal in nature.⁹

⁷ Exhibit G consists of representative screenshots of the separate “Mike Ghassali” Facebook page used for political and campaign-related content, and is attached hereto.

⁸ Exhibit H consists of correspondence dated March 17, 2025 asserting Plaintiff’s constitutional rights and requesting restoration of access and is attached hereto.

⁹ Exhibit I consists of correspondence from counsel for the Borough dated March 25, 2025 stating that Plaintiff’s comments were “false and argumentative” and “were taken down for those reasons,” and is attached hereto.

18. After counsel raised concerns, a disclaimer stating, “This is my personal page to share information,” was added to the “Mayor Mike Ghassali” Facebook page.¹⁰

19. During the time I was an active participant on the page and at the time I discovered that I had been blocked from the page, the page did not state that it was a personal page.

20. The “Mayor Mike Ghassali” Facebook page continues to be used to post Borough information and official updates.

21. I remain blocked from accessing that page.¹¹

22. Because I remain blocked, I cannot respond to official posts, address statements made by the Mayor, or participate in discussions taking place on that page.

23. The posts on that page concern ongoing matters of local government. Once those discussions move forward, the opportunity to respond to them cannot be recreated.

24. The removal of my comments and the denial of access occurred after I expressed disagreement with Defendant Ghassali’s official actions.

25. To my knowledge, other users who did not express disagreement with Mayor Ghassali’s official actions have not been denied access to the page and continue to participate.

26. I am asking the Court to enter an order restoring my access to the “Mayor Mike Ghassali” Facebook page so I may be permitted to participate in that forum under the same conditions as every other resident of Montvale and its surrounding communities, consistent with the protections afforded by Article I, Paragraph 6 of the New Jersey Constitution.

I hereby certify that the foregoing statements are true and correct. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

¹⁰ Exhibit J consists of screenshots reflecting the addition of a disclaimer describing the page as personal following Plaintiff’s assertion of his rights, and is attached hereto.

¹¹ Exhibit K consists of a screenshot obtained on March 2, 2026 reflecting Plaintiff’s continued inability to access the “Mayor Mike Ghassali” Facebook page, and is attached hereto.

By: 
Howard Fredrics

Dated: 03/02/2026

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, BERGEN COUNTY

DOCKET NO.:

CIVIL ACTION

VERIFIED COMPLAINT
AND ORDER TO SHOW CAUSE

**BRIEF IN SUPPORT PLAINTIFF’S BRIEF IN SUPPORT OF VERIFIED COMPLAINT
AND ORDER TO SHOW CAUSE SEEKING DECLARATORY AND INJUNCTIVE
RELIEF**

Return date: To be set by the Court

On the Brief: Kathleen Redpath-Perez, Esq.

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PRELIMINARY STATEMENT

“The right of freely examining public characters and measures is the only effective guardian of every other right.” — James Madison.

This matter concerns a sitting mayor who used an official government communication platform to speak to his constituents, invited the public to engage in discussion of municipal policy, and then excluded a resident because he expressed criticism of the Mayor’s actions.

The “Mayor Mike Ghassali” Facebook page displayed the Mayor’s official Borough email address, linked directly to the Borough’s website, and was used to disseminate public safety alerts, municipal directives, and updates concerning the governance of Montvale. Residents were invited to comment on those official communications.

In December 2024 and January 2025, Plaintiff did exactly what the page invited him to do. He questioned municipal decisions and challenged public statements of the Mayor in a civil manner on matters of public concern. Defendant Ghassali, acting in his official capacity as Mayor of Montvale, blocked Plaintiff from accessing the “Mayor Mike Ghassali” Facebook page because he disagreed with him. After Plaintiff was blocked, he later discovered that his comments had been removed while supportive comments remained visible. Plaintiff has been blocked from accessing the page since at least March 12, 2025.

Disagreement with government policy is protected speech. A public official may not open a forum for discussion of official matters and then exclude a critic while permitting supporters to speak. Such conduct is violative of Article I, Paragraph 6 of the New Jersey Constitution and the New Jersey Civil Rights Act. Plaintiff files his Verified Complaint and Order to Show Cause, seeking immediate declaratory and injunctive relief restoring his access to the forum.

STATEMENT OF FACTS

Defendant Michael Ghassali is the Mayor of the Borough of Montvale. (Verified Complaint ¶ 2). He maintains a Facebook page titled “Mayor Mike Ghassali.” (Fredrics Cert. ¶ 2). Plaintiff is a resident of a neighboring municipality in Bergen County and participated on the page in that capacity as a member of the public engaging in discussion of municipal governance. (Verified Complaint ¶¶ 1, 13).

From at least December 2024 through at least September 2025, the page carried Facebook’s “Government Official” designation. (Verified Complaint ¶ 12). During that period, the page displayed the Mayor’s official Borough email address, mghassali@montvaleboro.org, and linked directly to the Borough’s official website, montvale.org. (Fredrics Cert. ¶ 2; Verified Complaint ¶ 14). The page was used to disseminate public safety alerts, municipal directives, and updates concerning the governance of Montvale. (Fredrics Cert. ¶ 2). Defendant Ghassali posted on the page in his capacity as Mayor to communicate official municipal decisions and updates to the public (Verified Complaint ¶¶ 15-17). Members of the public were invited to comment on those official communications. (Fredrics Cert. ¶ 2; Verified Complaint ¶ 18).

During December 2024 and January 2025, Plaintiff posted comments in response to Mayor Ghassali’s posts concerning a declared “no fly zone,” directives regarding the American flag, and immigration-related statistics affecting the Borough. (Fredrics Cert. ¶ 3). In those comments, Plaintiff questioned the Mayor’s authority and the accuracy of certain statements in a civil manner on matters of public concern. (Fredrics Cert. ¶ 4).

On January 20, 2025, in response to public criticism of the flag post, Mayor Ghassali published a follow-up post stating, “Appreciate everyone’s candid comments on this issue. It’s now the law!” and further wrote, “Those who exercised their first amendment right and sent me

colorful messages, your apology is accepted.” (Fredrics Cert. ¶ 5). Plaintiff posted a response to that post. (Fredrics Cert. ¶ 6).

On January 28, 2025, Defendant Ghassali posted immigration-related statistics and commentary. (Fredrics Cert. ¶ 7). Plaintiff posted comments disputing Defendant Ghassali’s characterization of those statistics. (Fredrics Cert. ¶ 8).

On March 12, 2025, Plaintiff attempted to access the “Mayor Mike Ghassali” Facebook page and learned that he had been blocked. (Fredrics Cert. ¶ 9). Plaintiff’s wife accessed the page from her own account and confirmed that Plaintiff was blocked. (Fredrics Cert. ¶ 10). Through her access, Plaintiff observed, in more than one instance, that replies from other users responding to or tagging him remained visible while his own corresponding comments were no longer visible in the discussion threads, reflecting that his comments had been removed. (Fredrics Cert. ¶ 11).

At the time Plaintiff was blocked, the page did not state that it was a personal page. (Fredrics Cert. ¶ 19). On March 12 and March 13, 2025, Plaintiff contacted the Borough regarding the denial of access to the “Mayor Mike Ghassali” Facebook page. (Fredrics Cert. ¶ 12). On March 13, 2025, Plaintiff spoke with the Borough Administrator, who informed him that the page was Defendant Ghassali’s personal page and that the Borough did not control it. (Fredrics Cert. ¶ 13).

Thereafter, Plaintiff retained counsel, and on or about March 17, 2025, counsel sent correspondence asserting Plaintiff’s constitutional rights and requesting restoration of access. (Fredrics Cert. ¶¶ 15–16). On March 25, 2025, counsel for the Borough responded and stated that Defendant Ghassali would not reinstate Plaintiff’s access and maintained that the page was personal in nature. See Exhibit I. That correspondence further stated that Plaintiff’s comments were “both false and argumentative” and “were taken down for those reasons. Ibid.

Only after Plaintiff asserted his constitutional rights was a disclaimer added to the page stating, “This is my personal page to share information.” (Fredrics Cert. ¶ 18). Notably, Mayor

Ghassali separately maintains a Facebook page titled “Mike Ghassali,” which is used for personal and political content. (Fredrics Cert. ¶ 14). Plaintiff has never been blocked from that separate page.

As of February 20, 2026, the “Mayor Mike Ghassali” page is identified by Facebook as a “Public Service” page. (Fredrics Cert. ¶ 2). Notwithstanding the addition of the disclaimer and change in Facebook designation, the page continues to display the Mayor’s official Borough email address and link directly to the Borough’s website. (Fredrics Cert. ¶ 2). It continues to disseminate official municipal communications. (Fredrics Cert. ¶ 20).

Representative screenshots from February 23 through March 3, 2026 reflect a preview of the page’s current content. See Exhibit C. During that period alone, Defendant Ghassali posted numerous updates concerning Borough governance, including affordable housing litigation, shared service fiber infrastructure, public safety matters, snow emergency conditions, and other municipal affairs. These posts are municipal in nature and directed to residents in Defendant’s official capacity. The frequency and volume of postings demonstrate that the page functions as an active communications platform for Borough business.

Plaintiff remains blocked from accessing the page. (Fredrics Cert. ¶ 21). As a result, he cannot respond to official posts or participate in ongoing discussions concerning municipal governance. (Fredrics Cert. ¶ 22). The posts concern continuing matters of local government, and once those discussions move forward, the opportunity to respond cannot be recreated. (Fredrics Cert. ¶ 23).

The removal of Plaintiff’s comments and denial of access occurred after he expressed disagreement with Defendant Ghassali’s official actions. (Fredrics Cert. ¶ 24). To Plaintiff’s knowledge, other users who did not express disagreement with Defendant Ghassali’s official actions have not been denied access and continue to participate on the page. (Fredrics Cert. ¶ 25).

STANDARDS OF REVIEW

i. Preliminary Injunctive Relief Under Rule 4:52

Rule 4:52 authorizes the Court to grant temporary restraints and preliminary injunctive relief. In determining whether such relief is warranted, courts apply the four-factor test articulated in *Crowe v. De Gioia*, 90 N.J. 126 (1982).

Under *Crowe*, a movant must demonstrate:

1. A reasonable probability of success on the merits;
2. Immediate and irreparable harm if relief is not granted;
3. That the balance of hardships favors the movant; and
4. That the public interest will not be disserved by the grant of relief.

Id. at 132–34.

A reasonable probability of success requires a showing that the claim is grounded in a well-settled legal right and that there is a realistic likelihood of prevailing. *Id.* at 133; see also *Subcarrier Communications, Inc. v. Day*, 299 N.J. Super. 634, 638–39 (App. Div. 1997). At this stage, Plaintiff is not required to prove his claim conclusively. He must demonstrate only a reasonable probability of success on the merits. *Crowe*, 90 N.J. at 133.

Irreparable harm is harm that cannot be adequately remedied by monetary damages. *Crowe*, 90 N.J. at 132. Where constitutional rights are implicated, courts recognize that the deprivation itself may constitute irreparable injury. See *Jones v. Hayman*, 418 N.J. Super. 291, 306–07 (App. Div. 2011).

In evaluating the balance of hardships and the public interest, courts consider whether the requested relief preserves the status quo and whether enforcement of constitutional protections advances, rather than disserves, the public good. See *Waste Management of N.J., Inc. v. Union County Utilities Authority*, 399 N.J. Super. 508, 520 (App. Div. 2008).

LEGAL ARGUMENT

This case presents an ongoing deprivation of constitutional rights that warrants immediate judicial intervention. Defendant Michael Ghassali, acting in his official capacity as Mayor of the Borough of Montvale, excluded Plaintiff from a government-controlled communications forum because Plaintiff expressed disagreement with Defendant's official actions. Preliminary injunctive relief is warranted because Plaintiff demonstrates a reasonable probability of success on the merits, continuing and irreparable constitutional harm, that the balance of equities favors restoration of access, and that the public interest is served by enforcing viewpoint neutrality in government-operated forums.

POINT I: PLAINTIFF HAS A REASONABLE PROBABILITY OF SUCCESS ON THE MERITS.

To obtain preliminary injunctive relief, Plaintiff must demonstrate a reasonable probability of success on the merits. *Crowe*, 90 N.J. at 133.

Plaintiff seeks relief under the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c), for the deprivation of his right to free speech secured by Article I, Paragraph 6 of the New Jersey Constitution. Specifically, Plaintiff alleges that Defendant, acting under color of law, excluded him from a government-controlled communications forum because he expressed disagreement with Defendant's official actions.

To prevail on the merits of that claim under the NJCRA, Plaintiff must establish:

- (1) Defendant acted under color of law;
- (2) Defendant deprived Plaintiff of his right to free speech secured by Article I, Paragraph 6; and
- (3) the deprivation occurred when Plaintiff was excluded from a designated or limited public forum because of his viewpoint.

Plaintiff satisfies all three prongs.

A. Defendants Acted Under Color of Law Under the Framework Articulated in *Lindke v. Freed*

To establish a likelihood of success under the New Jersey Civil Rights Act, Plaintiff must demonstrate that Defendant acted under color of law. N.J.S.A. 10:6-2(c). Because the NJCRA was modeled after 42 U.S.C. § 1983, New Jersey courts look to § 1983 jurisprudence to determine whether the challenged conduct is attributable to the State. *Harris v. City of Newark*, 250 N.J. 294, 306–07 (2022); *Lapolla v. County of Union*, 449 N.J. Super. 288, 300 (App. Div. 2017).

The challenged conduct here consists of Defendant’s operation of the “Mayor Mike Ghassali” Facebook page as a vehicle for official municipal communications. It also includes his removal of Plaintiff’s comments and his decision to deny Plaintiff access to, and participation in, the page.

In *Lindke v. Freed*, 601 U.S. 187 (2024), the United States Supreme Court clarified that a public official’s social media activity constitutes state action only if two requirements are satisfied: (1) the official possessed actual authority to speak on the government’s behalf, and (2) the official purported to exercise that authority in the challenged conduct. *Id.* at 198–200.

First, Defendant Ghassali possessed actual authority to speak on behalf of the Borough regarding municipal governance. Defendant Ghassali is the sitting Mayor of the Borough of Montvale. (Verified Complaint ¶ 2). The “Mayor Mike Ghassali” page displayed the Mayor’s official Borough email address and linked directly to the Borough’s website. (Verified Complaint ¶ 14; Fredrics Cert. ¶ 2). It was used to disseminate municipal directives, public safety information, and updates concerning Borough governance, and members of the public were invited to comment on those official communications. (Verified Complaint ¶¶ 15-18; Fredrics Cert. ¶ 2). That use falls squarely within the Mayor’s executive role.

Second, Defendants purported to exercise that official authority in the conduct at issue. Plaintiff’s participation on the page addressed municipal actions and public policy statements

made by Defendant in his capacity as Mayor. (Verified Complaint ¶¶ 21–30; Fredrics Cert. ¶¶ 3–8). Plaintiff’s comments were removed, and Plaintiff was denied further participation, in the context of those official communications. (Verified Complaint ¶ 42; Fredrics Cert. ¶¶ 17, 24). That is not private activity; it is the exercise of governmental control over an official communications forum.

The later addition of a disclaimer labeling the page “personal” does not alter the analysis. *Lindke* makes clear that labels are not dispositive and that the inquiry turns on the authority exercised and the function performed. *Lindke*, 601 U.S. at 200–02. Here, the page continues to disseminate official municipal communications. (Fredrics Cert. ¶ 20).

Further, as alleged in the Verified Complaint, Defendant Ghassali was the final policymaker for the Borough with respect to official communications disseminated through the page, including moderation and access decisions. (Verified Complaint ¶¶ 7, 51). His conduct therefore constitutes official municipal action attributable to the Borough.

Accordingly, Plaintiff has demonstrated a reasonable probability that Defendant acted under color of law within the meaning of the NJCRA.

B. Defendants Deprived Plaintiff of His Right to Free Speech Secured by Article I, Paragraph 6 of the New Jersey Constitution.

In addition to establishing state action, Plaintiff must demonstrate that Defendant deprived him of his right to free speech secured by Article I, Paragraph 6 of the New Jersey Constitution. Article I, Paragraph 6 provides expansive protection for speech on matters of public concern and prohibits government officials from suppressing expression based on disagreement with its content or viewpoint. *Borough of Sayreville v. 35 Club, L.L.C.*, 208 N.J. 491, 514–15 (2012).

As to this prong, there can be no question that Plaintiff’s speech falls squarely within that protection. He posted replies to the Mayor’s official Facebook posts questioning municipal decisions, including the declared “no fly zone,” directives regarding the American flag, and

immigration-related statistics affecting the Borough (Fredrics Cert. ¶¶ 3–4). Speech addressing the conduct and authority of elected officials lies at the core of constitutional protection. *G.D. v. Kenny*, 205 N.J. 275, 302 (2011).

Against that constitutional backdrop, the Borough’s March 25, 2025 correspondence states that Plaintiff’s comments were removed because they were “both false and argumentative” (Fredrics Cert. ¶ 17; Ex. I). Although the letter was offered as justification for Defendant Ghassali’s conduct, that statement is an admission that the removal was based on Defendants’ disagreement with the substance and tone of Plaintiff’s criticism. Although government may regulate narrowly defined categories of unprotected speech and may impose reasonable, viewpoint-neutral restrictions, it may not suppress protected expression simply because it disputes the speaker’s interpretation of public facts or disagrees with his conclusions. See *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989); *Counterman v. Colorado*, 600 U.S. 66 (2023).

To be clear, Defendants identify no obscenity, true threat, incitement, defamation, or other recognized category of unprotected speech. They do not assert that Plaintiff violated any content-neutral moderation policy. Instead, the correspondence confirms that Plaintiff’s replies to the Mayor’s posts were removed because they criticized the Mayor’s official actions. Labeling such criticism “false” or “argumentative” does not transform protected speech into unprotected speech.

Accordingly, Plaintiff has demonstrated a reasonable probability that Defendant deprived him of his right to free speech secured by the New Jersey Constitution.

C. The Deprivation Occurred Because Plaintiff Was Denied Access to a Designated or Limited Public Forum Based on His Viewpoint

Lastly, to establish a reasonable probability of success on the merits under the NJCRA, Plaintiff must show that he was denied access to a designated or limited public forum because of his viewpoint.

A designated public forum arises when the government intentionally opens a space for public expression. A limited public forum exists where the government opens a forum for discussion of particular subject matters. In either circumstance, the government may impose reasonable restrictions consistent with the forum's purpose, but it may not discriminate against speech because of viewpoint. *Rutgers 1000 Alumni Council v. Rutgers*, 353 N.J. Super. 554, 565–66 (App. Div. 2002). Viewpoint discrimination is prohibited in both traditional and designated public forums. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828–29 (1995).

Here, Defendant used the “Mayor Mike Ghassali” Facebook page to disseminate official municipal communications and invited members of the public to comment on those matters (Fredrics Cert. ¶ 2). The page was used to post Borough announcements, public safety information, and municipal updates (Fredrics Cert. ¶ 2; Verified Complaint ¶ 15). Members of the public were permitted to comment without prior approval (Fredrics Cert. ¶ 2). The interactive portion of the page remains open to public comment and continues to function as a platform for official municipal communications. By opening that forum for discussion of municipal governance, Defendant created, at minimum, a designated or limited public forum.

Plaintiff participated in that forum by questioning municipal decisions and the Mayor's authority (Fredrics Cert. ¶¶ 3, 4). The Borough's March 25, 2025 correspondence confirms that Plaintiff's comments were removed because they were deemed “both false and argumentative” (Fredrics Cert. ¶ 17; Ex. I). That explanation reflects disagreement with the substance of Plaintiff's criticism, not enforcement of a viewpoint-neutral rule.

Plaintiff's comments were removed while supportive comments remained visible (Fredrics Cert. ¶¶ 6, 7). He was then denied further participation and remains unable to access the page (Fredrics Cert. ¶¶ 9, 21, 24).

When the government opens a forum for discussion of its own official actions, it may not silence one side of that debate. Excluding a speaker because he criticized official conduct constitutes impermissible viewpoint discrimination in a designated or limited public forum. *Rutgers 1000 Alumni Council*, 353 N.J. Super. at 565–66.

Accordingly, Plaintiff has demonstrated a reasonable probability that he was excluded from a designated or limited public forum because of his viewpoint.

Plaintiff has therefore satisfied all three elements required to prevail on his NJCRA claim. Defendant acted under color of law, deprived Plaintiff of protected speech, and excluded him from a government-created forum based on viewpoint. Plaintiff has therefore established a reasonable probability of success on the merits.

POINT II: PLAINTIFF WILL SUFFER IRREPARABLE HARM ABSENT IMMEDIATE INJUNCTIVE RELIEF

Turning to the second *Crowe* factor, a plaintiff seeking preliminary injunctive relief must demonstrate that he will suffer immediate and irreparable harm if relief is not granted. 90 N.J. at 132–34. Irreparable harm is harm that cannot be adequately remedied by monetary damages.

Where constitutional rights are implicated, courts consistently recognize that the deprivation itself constitutes irreparable harm. The United States Supreme Court has held that “[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). New Jersey courts have likewise recognized that ongoing violations of constitutional rights warrant injunctive relief because such injuries cannot be fully compensated after the fact. *Garden State Equality v. Dow*, 216 N.J. 314 (2013).

Here, Plaintiff remains excluded from a public forum used to conduct official municipal business (Fredrics Cert. ¶¶ 21–23). Members of the public continue to comment on ongoing

municipal matters, while Plaintiff is denied access. Once discussions on public policy move forward, the opportunity to participate in those conversations cannot be recreated.

The injury is not speculative or remote. Plaintiff is presently excluded from participating in real-time public discourse concerning municipal governance. Monetary damages awarded at some later date cannot restore Plaintiff's lost opportunity to speak in those discussions when they occurred.

Plaintiff's continued exclusion from a government-operated public forum constitutes irreparable harm, as monetary damages cannot restore the lost opportunity to participate in ongoing public discourse. The irreparable harm requirement under *Crowe* is therefore met.

POINT III: THE BALANCE OF HARDSHIPS FAVORS PLAINTIFF.

Turning to the third *Crowe* factor, relief is warranted where withholding relief would result in substantial harm while the opposing party would suffer comparatively little hardship. *Crowe v. De Gioia*, 90 N.J. 126, 134 (1982). That principle applies with particular force where constitutional rights are implicated. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (loss of First Amendment freedoms, even for minimal periods of time, constitutes irreparable injury).

The balance of equities strongly favors Plaintiff. The relief sought is narrowly tailored. Plaintiff does not seek to restrict Defendant's speech or alter the content of the page; he seeks only restoration of access to a forum that Defendant has opened to the public for discussion of official municipal matters.

Granting relief imposes no cognizable hardship on Defendant. It requires only that Plaintiff be permitted to participate under the same conditions as other members of the public. The government suffers no legally cognizable injury when it is required to comply with constitutional mandates. See *Garden State Equality*, 216 N.J. at 346–47.

By contrast, denial of relief permits the continued exclusion of a speaker from a public forum based on viewpoint. Where the government excludes a speaker from an open forum because of disagreement with his views, the resulting injury is ongoing and immediate. *Rutgers 1000 Alumni Council*, 353 N.J. Super. at 565–66.

Here, Plaintiff remains excluded from ongoing public discourse concerning municipal governance. Each day that relief is withheld perpetuates that constitutional deprivation. The comparative hardship to Defendant is negligible; the harm to Plaintiff is the continued loss of his constitutional right to speak in a forum opened by the government itself. Because the harm to Plaintiff is ongoing and constitutional in nature, while the burden on Defendant is minimal, the balance of hardships decisively favors the issuance of preliminary injunctive relief.

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The balance of equities strongly favors Plaintiff. The relief sought is narrowly tailored. Plaintiff does not seek to restrict Defendant’s speech or alter the content of the page; he seeks only restoration of access to a forum that Defendant has opened to the public for discussion of official municipal matters.

Granting relief imposes no cognizable hardship on Defendant. It requires only that Plaintiff be permitted to participate under the same conditions as other members of the public. The government suffers no legally cognizable injury when it is required to comply with constitutional mandates. See *Garden State Equality*, 216 N.J. at 346–47.

By contrast, denial of relief permits the continued exclusion of a speaker from a public forum based on viewpoint. Where the government excludes a speaker from an open forum because of disagreement with his views, the resulting injury is ongoing and immediate. *Rutgers 1000 Alumni Council*, 353 N.J. Super. at 565–66.

Here, Plaintiff remains excluded from ongoing public discourse concerning municipal governance. Each day that relief is withheld perpetuates that constitutional deprivation. The burden on Defendant is minimal, while the injury to Plaintiff is immediate and continuing. Under these circumstances, the balance of hardships decisively favors the issuance of preliminary injunctive relief.

POINT IV: THE PUBLIC INTEREST WILL NOT BE DISSERVED BY THE GRANT OF RELIEF.

Turning to the fourth *Crowe* factor, the Court must determine whether issuance of injunctive relief serves or disserves the public interest. The public interest factor likewise weighs heavily in favor of injunctive relief. Courts have consistently recognized that the protection of constitutional rights serves the public interest. *Garden State Equality*, 216 N.J. at 346–47. There is no public interest in permitting the continued deprivation of constitutional rights while litigation proceeds.

Where free speech rights are implicated, the public interest is particularly strong. Article I, Paragraph 6 of the New Jersey Constitution affords robust protection to the right to speak on matters of public concern. See *Borough of Sayreville*, 208 N.J. at 514–15. Protecting the ability of citizens to engage in discussion of municipal governance reinforces public confidence in constitutional processes and democratic accountability.

Moreover, preventing unconstitutional conduct does not harm the government. Courts have recognized that the government suffers no legally cognizable injury when it is required to comply with constitutional mandates. See *Garden State Equality*, 216 N.J. at 346–47.

Restoring Plaintiff's access advances the public interest in viewpoint neutrality and open civic discourse. Denying relief would permit the continued exclusion of a speaker from a government-controlled forum because of disagreement with his views.

Because the enforcement of constitutional protections serves the public interest, the balance of equities strongly favors the issuance of preliminary injunctive relief.

CONCLUSION

For the foregoing reasons, Plaintiff has satisfied each of the requirements for preliminary injunctive relief under *Crowe*. Defendant, acting under color of law, removed Plaintiff's protected speech and excluded him from participation in a government-operated forum because he expressed disagreement with official municipal actions. The deprivation is ongoing, constitutionally impermissible, and warrants immediate injunctive relief.

Accordingly, Plaintiff respectfully requests that this Court enter an Order:

1. Directing Defendants to reinstate Plaintiff's access to the Facebook page titled "Mayor Mike Ghassali" pending final disposition of this matter;
2. Enjoining Defendants from removing Plaintiff's protected speech or denying him participation in that page based on viewpoint in violation of Article I, Paragraph 6 of the New Jersey Constitution and the New Jersey Civil Rights Act; and
3. Granting such other and further relief as the Court deems equitable and just.

REDPATH-PEREZ LAW

By: /s/ Kathleen Redpath-Perez
Kathleen Redpath-Perez

Dated: March 2, 2026

EXHIBIT A

3:03



56%



mayor mike ghassali



All

Posts

People

Groups

Events

Videos



Mayor Mike Ghassali

Government Official · 4.2K followers



A proud mayor serving his community to the best of his ability.



10+ posts in the last 2 weeks

Follow



Mayor Mike Ghassali · Follow



2d · 🌐

Update:

THANKFULLY NO FATALITIES REPORTED. ONE SERIOUS INJURY.... See more



  Jamie DeMartino + 63

16 comments 7 shares

 Like

 Comment

 Send

 Share



Mayor Mike Ghassali · [Follow](#)



EXHIBIT B



← Mayor Michael Ghassali



Mayor Mike Ghassali 

5K followers · 45 following · 2.9K posts

A proud mayor serving his community to the best of his ability.

This is my personal page to share and post information.

 Public Service

 Follow

 Sign Up

All Photos Reels More ▼

Personal details

 Montvale, New Jersey

Links

 montvale.org

Contact info

 mghassali@montvaleboro.org

 Mayor Mike Ghassali

EXHIBIT C



Mayor Mike Ghassali 

3d · 



Analysis shows that from 2020 to 2024, New Jersey added 60,161 new apartments. Only 6.5% of them, just 3,901 units, were affordable.

Nationally, the share of new construction that's affordable is nearly double, at 12.6%. So NJ is at 6.5%, with the only State in the Union having this affordable housing policy.

Now take that in: over five years, New Jersey produced 56,260 luxury, full market-rate units, and only 3,901 affordable units.

Question: Who exactly are Fair Share Housing and the Trenton legislators fighting for, when they insist we "need more affordable housing,"? yet they declined Montvale's plan with 100% affordables to meet the obligation.

<https://nj1015.com/supreme-court-new-jersey-housing/>

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produced 6,200 luxury, fair market rate units, and only 3,901 affordable units.

Question: Who exactly are Fair Share Housing and the Trenton legislators fighting for, when they insist we "need more affordable housing,"? yet they declined Montvale's plan with 100% affordables to meet the obligation.

<https://nj1015.com/supreme-court-new-jersey-housing/>

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Mayor Mike Ghassali 

3d · 

We were one of the first towns to sign on bringing the county's shared service fiber optic internet service to borough hall. Thank you to the county's IT team and to [Bergen County Executive Jim Tedesco](#) and the board of commissioners for joining us today as we flipped the switch.



Bergen County Executive Jim Tedesco

3d · 

Bergen Fiber is LIVE in Montvale!  

Our Bergen Fiber shared service offers faster, more secure, and more reliable broadband internet at a fraction of the cost of commercial providers. By switching to Bergen Fiber, municipalities can cut their broadband costs by as much as 50% and join a network that supports everything from daily operations to public safety communications.

With Bergen Fiber there is no internet throttling or hidden fees- just effective service that puts our community first. Through this shared service, we are delivering real savings for our municipalities and residents. We're proud to have the [Borough of](#)

With Bergen Fiber there is no internet throttling or hidden fees- just effective service that puts our community first. Through this shared service, we are delivering real savings for our municipalities and residents. We're proud to have the [Borough of Montvale, New Jersey](#) on board and look forward to welcoming more towns very soon.

Thank you to Mayor Mike Ghassali and the Montvale Council for having us!





Mayor Mike Ghassali 

4d · 



Fellow residents, Mayors and Councilmembers,

I remain proud of how far our coalition has come, and what remains ahead. What started as my personal outreach to mayors has grown to a grassroots coalition of over 30 municipalities that decided to fight back against Trenton's cabal with Fair Share Housing on bad policy that is actively destroying our communities.

Our goal was never to fight affordable housing. Our goal is to stand up against high density development that enriches developers, inflates market rate prices, and pushes even more families out of reach of the very communities they want to call home. When most of the newly construed one bedroom apartments have rents for \$4,000 a month, that is not affordability. That is a system failing the people it claims to help.

I regularly hear from residents across the state, people who are grateful someone is finally speaking up. Some even offered to fund the entire lawsuit themselves. That's how deeply they feel about the injustice of a process that pretends to help those in

obligation responsibly and sustainably. Yet even this good faith plan was rejected by Fair Share Housing, and the courts ultimately backed their position. In my view, the reason is straightforward: a project made entirely affordable doesn't deliver the profit developers seek, and unfortunately, both Fair Share Housing and the courts continue to support that model.

I am indebted to my fellow mayors and councilmembers who have met this once in a generation chance to fight back against the impossible corner that Trenton and Fair Share Housing have placed them in, and I know their residents see it.

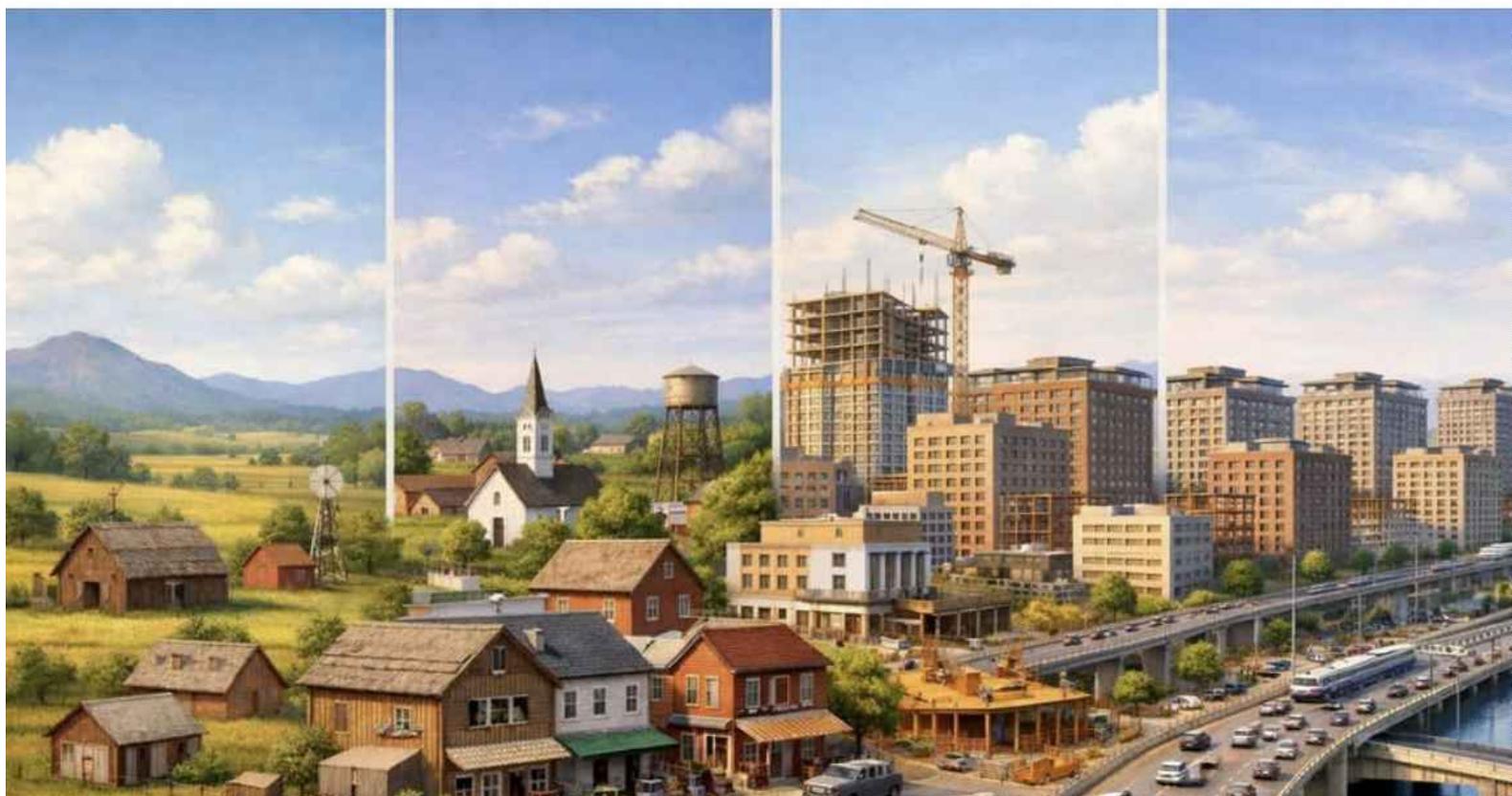
I'm far from finished. Fair Share Housing may be one voice, one that reliably aligns with developers, but our residents and taxpayers deserve a voice of their own. And they will have one, fully capable of countering Fair Share Housing on equal footing. That work is already underway, stay tuned.

I want to extend my continued thanks to these leaders, Republicans and Democrats alike, who deserve gratitude and a heartfelt thank you for standing up fighting for their communities against a law that does not do what it claims to do:

5. Denville Township (Morris)
6. East Hanover (Morris)
7. Englewood (Bergen)
8. Florham Park Borough (Morris)
9. Franklin Lakes Borough (Bergen)
10. Hillsdale Borough (Bergen)
11. Hanover Township (Morris)
12. Holmdel Township (Monmouth)
13. Hawthorn Borough (Passaic)
14. Little Falls (Passaic)
15. Mannington Township (Salem)
16. Millburn Township (Essex)
17. Mendham Borough (Morris)
18. Montville (Morris)
19. Montvale Borough (Bergen)
20. Montgomery Township (Somerset)
21. New Milford Borough (Bergen)
22. Norwood Borough (Bergen)
23. Old Tappan Borough (Bergen)
24. Oradell Borough (Bergen)
25. Parsippany- Troy Hill (Morris)
26. River Vale Township (Bergen)
27. Sandyston Township (Sussex)
28. Totowa Borough (Passaic)
29. Warren Township (Somerset)
30. Wall Township (Monmouth)
31. Washington Township (Bergen)
32. West Caldwell Township (Essex)
33. Westwood Borough (Bergen)

23. Old Tappan Borough (Bergen)
24. Oradell Borough (Bergen)
25. Parsippany- Troy Hill (Morris)
26. River Vale Township (Bergen)
27. Sandyston Township (Sussex)
28. Totowa Borough (Passaic)
29. Warren Township (Somerset)
30. Wall Township (Monmouth)
31. Washington Township (Bergen)
32. West Caldwell Township (Essex)
33. Westwood Borough (Bergen)
34. Woodland Park Borough (Passaic)
35. Wharton Borough (Morris)
36. Wyckoff Township (Bergen)

Mayor Mike Ghassali





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All comments 

Write a comment...



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Mayor Mike Ghassali 

5d · 



U.S. Supreme Court decision is in.

We promised our residents that we would take this fight to the highest court in the land - and I am proud that we did just that - just over one year into this fight. Regrettably, U.S. Supreme Court Justice Samuel Alito denied our application for an emergency injunction earlier today.

The Mount Laurel Doctrine has existed for 50 years and we made no illusion that it may take a very long time to reverse the harmful elements of it that are destroying our New Jersey communities.

We will be working with our municipal partners to ensure we continue the fight against a system that serves developers over residents and will lead to bad results decade after decade unless we act.

Thank you to all the mayors and council members who supported this effort. I will have more on this once we regroup.

[New Jersey State League of Municipalities](#)



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[New Jersey State League of Municipalities](#)





Mayor Mike Ghassali 



6d 

Ladies and gentlemen, meet Montvalian Ken Barile with his grand son and their blizzard born sno... more



 136

 10

 2





Mayor Mike Ghassali ✓

6d • 🌐



Let's go Montvale boys and girls, time to help us and make money at the same time.
Submit your photos in the comments, fire department FB post.



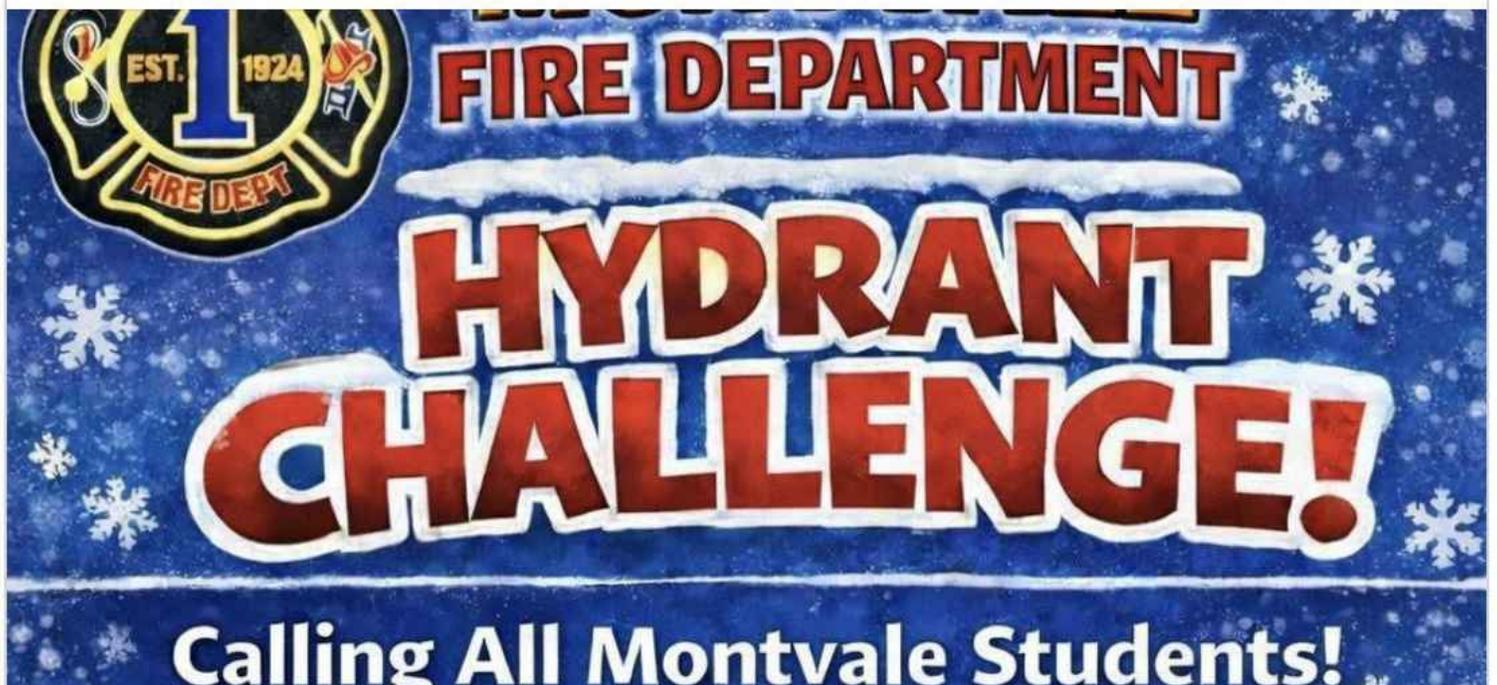
Montvale Volunteer Fire Department

6d • 🌐

MAKE SOME DOUGH IN THE SNOW! ❄️ 💰 🔥

For your safety we kindly ask you to stay out of the main roadways (Kinderkamack, Grand, Spring Valley etc.)

Shoutout to [Gael Burman](#) who suggested this great idea!



For your safety we kindly ask you to stay out of the main roadways (Kinderkamack, Grand, Spring Valley etc.)

Shoutout to [Gael Burman](#) who suggested this great idea!

EST. 1924 FIRE DEPT

FIRE DEPARTMENT

HYDRANT CHALLENGE!

Calling All Montvale Students!

TODAY THRU MARCH 1

RULES:

1. SHOVEL 3' AROUND A HYDRANT!

Wear Bright Colors



Mayor Mike Ghassali  was live.



6d · 



 91

 19

 2



Mayor Mike Ghassali 



Feb 23 · 

Good morning. Blizzard conditions are continuing, with heavy snow and strong winds. It's a total... more





Mayor Mike Ghassali



Feb 23 ·

Good morning. Blizzard conditions are continuing, with heavy snow and strong winds. It's a total whiteout. Please stay indoors, as visibility is very low. Snow is expected to continue into the afternoon. I am not leaving home until it stops and roads are cleaned. Thankfully, no power outages reported. If you do lose power, call O&R 1-877-434-4100.



121

3

5



Mayor Mike Ghassali



Feb 23 ·

EXHIBIT D

Mayor Mike Ghassali's Post



Mayor Mike Ghassali · [Follow](#)



January 16 · 🌐

With utmost respect to President Jimmy Carter and in observance of president Trump's Inauguration Day, Montvale will raise the American flag to full staff on Monday, the 20th, at 8 a.m. and lower it to half-staff the following day at the same time to continue honoring President Carter.

Updated: Capitol flags are also flying at full staff on January 20th.

   Rotary Club of Park Ridge, NJ and 214 others

242 comments 6 shares

 Like

 Comment

 Share

All comments ▼

Mayor Mike Ghassali's Post



Doris Baum Benvenisti

Jason Kern none of your business why I voted for him.

9w Like Reply



Doris Baum Benvenisti

Howard Fredrics Again-none of your business.

9w Like Reply



Lisa DePellegrini

Howard Fredrics spoken by the king of whataboutism yes Howie....Im talking to you. You and all of your ilk, the same ones who copied off my paper in school, who are not industrious enough to read entire articles, or to watch entire videos but will spew baseless rhetoric and claim your superiority.

9w Like Reply



Steve Frischer

Doris Baum Benvenisti not to worry, we know why you voted for him. It's okay if you still aren't comfortable saying the quiet parts out loud, it's all white. Oops, I mean it's all right.

9w Like Reply





Montvale, PR, Hillsdale, RV, WCL, Westwood Neighbors

Danielle O'Brien · December 13, 2024 · 🌐



CNN clip of 🎥 Mayor Mike Ghassali

Mayor Sam Morris
Mine Hill, New Jersey

DRONE MYSTERY

FEAR, FRUSTRATION RISE AFTER DRONES SPOTTED IN MULTIPLE STATES

LIVE

CNN
5:05 PM ET

ANS. **CNN.com** WEEKS OF UNEXPLAINED DRONE SIGHTINGS IN NEW JERSEY HAVE **THE LEAD**



👍 66

26 comments

👍 Like

💬 Comment

📄 Send



Like Reply



Heather Lynn

I had many fly over my house in Montvale last night, but people in town told me they were Teterboro planes 😬 looked just like this clip

14w Like Reply



Howard Fredrics

Heather Lynn They certainly could be regular small aircraft. Either way, they don't seem to be displaying hostile intent -- they've not been attacking anyone or anything. The FBI, Homeland Security and Pentagon have all said there's no risk to the public.

HOWEVER, should some nutcase decide to follow Mayor Ghassali's declaration of a "No-Fly Zone" by attempting to bring down one of these crafts, they could certainly end up causing harm when they crash into homes, businesses or onto individuals.

14w Like Reply



Howard Fredrics replied · 3 Replies

14w Like Reply

2  



Linda Quinn

Howard Fredrics Where's the president on this? Sleeping in his basement?

14w Like Reply



Linda Quinn

Howard Fredrics "The FBI, homeland security and pentagon have all said there is no risk to the public" and how are they coming to that conclusion? They don't know what or where they are from but they know there is no risk? Wow, talk about being gullible!

14w Like Reply

14w Like Reply



Howard Fredrics

Linda Quinn They might/might not know exactly what it is, but what they have determined is what it is not -- it is not the work of a hostile foreign government. If they do know more details, they may be choosing not to tell us at the moment because they may be taking action that they don't want the responsible parties to know about.

And the government is not going to reveal it's intelligence methods, again, for security reasons.

"We are supporting local law enforcement in New Jersey with numerous detection methods but have not corroborated any of the reported visual sightings with electronic detection. To the contrary, upon review of available imagery, it appears that many of the reported sightings are actually manned aircraft, operating lawfully." -

Statement by FBI and Homeland Security

14w Like Reply Edited





Joseph Scalia
Publicity stunt for the mayor

14w Like Reply 4



Howard Fredrics
🔒 Joseph Scalia Most likely.

14w Like Reply



Joseph Scalia
Howard Fredrics he was on cnn earlier ...

14w Like Reply



Howard Fredrics
🔒 Joseph Scalia Yes, and NBC, as well.

14w Like Reply



Reply to Howard Fredrics





Howard Fredrics

I highly recommend antianxolytic medications for those residents who are "in fear" over these sightings.

This mayor appears to be grandstanding for political gain, in a quest for higher political office. Last time he tried to run for higher office, he lost. This sort of fear mongering and blatant disregard for federal law should be reason alone to deny him such an opportunity.

14w Like Reply

5 🤔👍



Linda Quinn

Howard Fredrics You don't even live in Montvale. Worry about your own town!

14w Like Reply

4 👍



Howard Fredrics

If a wise guy decides to act on Mayor Ghassali's "No Fly Zone" edict, and somehow brings an aircraft down on a Park Ridge property, it could cause damage or even loss of life. His words are irresponsible, and potentially dangerous. So, you'd better believe it is my business when the Mayor of an adjacent town declares an illegal "No Fly Zone."

14w Like Reply

4 👍🤔



Keith Kerbe

Howard Fredrics He clearly says residents don't discharge your weapons you 🤔

14w Like Reply



Howard Fredrics

Keith Kerbe And when on Jan. 6th, Pres. Trump stirred up an insurrection, he also said, "go, peacefully," while ordering the removal of weapons detection systems (metal detectors) and telling people to "fight". Mayor Ghassali knows how to walk the fine line between stirring up trouble and plausible deniability. Indeed, use of the terms, "No-Fly Zone" and "At their own risk" have pretty clear meanings, i.e. threats of force. While most ordinary and sane people would not take up arms to bring down a drone, all it takes is one less stable person to read between the lines and become incited to take action.

14w Like Reply Edited



Linda Quinn

Howard Fredrics You're clearly delusional! Watching too much CNN and CNBC. Can't wait for Jan. 20th. How could someone like you still be so blue after watching what has happened to the decline of our country in the last 4 years? #LANDSLIDE. #POPULARVOTE. GOD Bless America!



Howard Fredrics

Linda Quinn I'm not going to get into a political debate with you, because you are clearly living on a different planet.

14w Like Reply



Linda Quinn

Howard Fredrics Yes, thankfully I am. Enjoy your planet! 🌍

14w Like Reply



Howard Fredrics

Linda Quinn We'll be firing space lasers on your planet from our mother ship in due course. 😊

14w Like Reply Edited



Reply to Linda Quinn





Lara Kelly Clifton

Howard Fredrics ummm have you seen the news on literally every channel today? It's not just this one mayor it's not just this one town it's the tri-state area and it's a lot of areas here that are dealing with this weird phenomena out of nowhere and there have been multiple videos posted with them shooting things and no it's not a military operation it's not something that's usual it's not somebody pulling it out of nowhere for political gain.. it's literally there are drones in the sky and the government is not helping New Jersey government understand what the heck it is because no it's not a military operation. Earlier today a different airfield was completely shut down a whole small airport was shut down because these things are flying where they should not be flying. They are discharging things we don't know what it is and we're trying to find out and New Jersey's not getting enough answers from the government. It's not a bunch of hoopla. We all see it with our eyes I've been seeing it for months and months.. something strange flying around the clear moon. We don't have any light pollution over here you can see it very clearly when things are not a plane. Now recently they've been going in restricted areas they are not supposed to go in and that's not some kid playing with a drone that is a giant drone possibly manned possibly carrying or dispersing harmful materials. Do some research before you go trying to debunk things you have absolutely no information to go by.. Just because you think it's unpopular or you think somebody might be behind something doesn't mean something else isn't happening. Grow up. I actually care what's in the water and you know what about 5 days ago I noticed

actually care what's in the water and you know what about 5 days ago I noticed when we turned on the shower it smelled like bleach in our house. Why is that? We've been living here for years that never happened before. All the sudden we see things about these drones which I've been seeing for months before and now they are urging residents to stay away from possible downed drones. Maybe crawl out of your parents basement maybe throw on some local news and find out what's going on before you just throw caution to the wind. Some people have kids and actually give a crap what's going on in their town especially if they pay property taxes and specifically chose to live in this area because it's a good area to raise your children in... I for one would like to know what is flying over our waters and why things have been weird and why airstrips that have nothing to do with military areas are being shut down because these drones are flying overhead and shooting things.. you would be "in fear" of these sightings as well if you have a family and a livelihood and all home here and you actually care about you and your children's lives. You probably only care about video games and shit. Grow up. Some people have real lives and this is real life. Open your eyes. Something weird is going on and New Jersey wants to know what the hell it is.

Open your eyes. Something weird is going on and New Jersey wants to know what the hell it is.

14w Like Reply Edited



Howard Fredrics

I pay property taxes, and there's nothing being shot out of these drones, nor is there any bleach being added to our water by these aircraft. There are no credible videos of them shooting anything, in fact.

How dare you suggest that I don't have a family and livelihood? You don't know beans about me, and it's entirely presumptuous of you to speculate on my age (I'm 62, btw), and my parents are long dead. I haven't lived in their basement since I was 17.

Now, go find someone else to take out your paranoid aggressions on.

14w Like Reply

14w Like Reply



Howard Fredrics

Alas, many of the same voices calling for fewer government regulations and cutting of government spending on such things as FAA enforcement of drone operation regulations, are among those crying out in fear and anger over their belief that government isn't doing enough to stop these drones.

Incidentally, the FAA has a rather small budget for enforcement, thanks to the refusal of some legislators to fund its activities.

14w Like Reply



Mayor Mike Ghassali · [Follow](#)

January 28 · 🌐

Another fact I learned, per the IRS migration data which the state and Fairshare Housing doesn't like me to share: ... [See more](#)



Migration in New Jersey

Year	In-Migration	Out-Migration	Net Migration	Immigration	Net Migration + Immigration
2021	165,194	188,404	(23,210)	64,166	40,956
2020	166,549	187,493	(20,944)	62,465	41,521
2019	147,678	172,036	(24,358)	65,827	41,469
2018	149,640	179,456	(29,816)	66,510	36,694
2017	184,205	226,192	(41,987)	67,272	25,285
2016	131,432	172,495	(41,063)	64,009	22,946
2015	99,817	129,298	(29,481)	61,191	31,710
2014	128,405	168,392	(39,987)	58,733	18,746
2013	141,456	172,040	(30,584)	58,211	27,627
2012	140,830	168,832	(28,002)	60,749	32,747
Total	1,455,206	1,764,638	(309,432)	629,133	319,701

Source: IRS *Domestic Taxpayer Migration* (In- and Out-Migration), U.S. Census (Immigration), Lightcast



39

70 comments 9 shares

EXHIBIT E



Mayor Mike Ghassali · [Follow](#)

January 20 · 🌐



Appreciate everyone's candid comments on this issue.

It's now the law!

Those who exercised their first amendment right and sent me colorful messages, your apology is accepted.



THE WHITE HOUSE

WASHINGTON



WHITEHOUSE.GOV

Flying The Flag Of The United States At Full-Staff On Inauguration Day – The White House

107

41 comments 1 share



EXHIBIT F



Mayor Mike Ghassali · [Follow](#)

January 28 · 🌐

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39

70 comments 9 shares



Mayor Mike Ghassali's Post



1d Like Reply



Top fan

Angeline Sheridan

Lori Napoli you are missing the point. It's not just immigrants that need housing: it's veterans, people with disabilities, single parents, domestic abuse victims. But let's just keep pretending there is not a housing shortage in NJ.

1d Like Reply

4



Joan Hastings

Angeline Sheridan Where I live there are affordable housing condos housing seniors and minorities. They pay peanuts compared to what I'm paying.

1d Like Reply



Top fan

Angeline Sheridan

Joan Hastings same situation where I live. Housing is a problem for everyone that is looking for it in NJ.

1d Like Reply



Mayor Mike Ghassali's Post



Lori Napoli

Matt Solomon You're missing the point. He is fighting for equal affordable housing throughout the state of NJ. For some reason the legislation is pushing it on the smaller towns in Nj having more percentage per capita than other towns in our state which is not fair. Montvale has a lot of affordable housing for a very small town. It should just be fair throughout the whole state. That I agree with

1d Like Reply

3



Matt Solomon

Lori Napoli in this post he is specifically blaming immigrants for housing. Regardless of what you think about housing regulations there is no place for that. Montvale has a vibrant immigrant population who have as much right to live here as you and I.

1d Like Reply

4

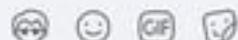


Lori Napoli

Matt Solomon I disagree. They pay nothing for their apartment/houses and they pay nothing in taxes with the same benefits as the rest. I had a townhouse that I bought in 2019 for \$520,000 \$10,400 in taxes my neighbor paid \$100,990 and pays \$1,000 annually in taxes for the same



Comment as Lori Joachim Fredrics



Mayor Mike Ghassali's Post



housing throughout the state of NJ. For some reason the legislation is pushing it on the smaller towns in Nj having more percentage per capita than other towns in our state which is not fair. Montvale has a lot of affordable housing for a very small town. It should just be fair throughout the whole state. That I agree with

1d Like Reply

3



Matt Solomon

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1d Like Reply

4



Lori Napoli

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Mayor Mike Ghassali's Post



Kari Johnston Solomon

Lori Napoli who's "they"? According to the Institute on Taxation and Economic Policy undocumented immigrants paid \$96.7 billion in federal, state and local taxes (2022). In NJ that amounted to \$1.3 billion in state and local taxes. Doesn't seem like nothing.

1d Like Reply



Kari Johnston Solomon

Lori Napoli since you're so well informed, and have read up on all the "tax facts," then I'm sure you know about ITINs.

1d Like Reply



Matt Solomon

Lori Napoli keep I mind **Mayor Mike Ghassali** specifically made NO distinction between legal and illegal immigrants.

1d Like Reply



Howard Fredrics

Lori Napoli Nonsense. Immigrants pay taxes, too., as **Kari Johnston Solomon** correctly points out.

6h Like Reply

EXHIBIT G



Mike Ghassali

April 2, 2023 · 🌐



Asking for your support. Please RSVP to mikeghassali@gmail.com
Thursday April 20th at Seasons in Washington Township.

2 0 2 3 E L E C T I O N S

RECEPTION FUNDRAISER FOR

Mike Ghassali

MONTVALE MAYOR



venmo

SPONSER \$2,600 (5 TICKETS INCL.)

\$125 PP

\$80 ELECTED OFFICIALS/CC

RSVP TO MIKEGHASSALI@GMAIL.COM

SEASONS

Catering & Special Events

2 0 2 3 E L E C T I O N S

RECEPTION FUNDRAISER FOR

Mike Ghassali

MONTVALE MAYOR



SPONSER \$2,600 (5 TICKETS INCL)

\$125 PP

\$80 ELECTED OFFICIALS/CC

RSVP TO MIKEGHASSALI@GMAIL.COM



DINNER / OPEN BAR
CHECKS MADE TO "FRIENDS OF MONTVALE"



Thursday, _____

APRIL 20, 2023

SEASONS CATERING
WASHINGTON TOWNSHIP

6:30PM – 9:30PM



Mike Ghassali

July 25, 2023 · 🌐



Mark you calendar and please RSVP to mikeghassali@gmail.com
Full dinner with beer and wine, \$10 per person for Montvale residents.
Limited seating, RSVP early 🇺🇸.

Meet & Greet Dinner

MONTVALE MAYOR **MIKE GHASSALI**
COUNCIL PRESIDENT **DOUG ARENDACS**
COUNCILWOMAN **THERESA CUDEQUEST**

MONDAY SEPTEMBER 18, 2023
6:30PM
FULL FOUR COURSE DINNER
WINE AND BEER INCLUDED

MONTVALE RESIDENTS ONLY **\$10** PER PERSON
NON-RESIDENTS **\$75** PER PERSON

...LIMITED SEATING...

RSVP TO MIKEGHASSALI@GMAIL.COM

B
BELLISSIMO
RESTAURANTE
FINE ITALIAN CUISINE

ALL WELCOME!
DEMOCRATS
REPUBLICANS
INDEPENDENTS
UNAFFILIATED

PHOTO: MICHAEL HARRIS, © 2018 MICHAEL HARRIS



Mike Ghassali

November 1, 2023 · 🌐



Friends, time to get out and vote. Signs and the show of overwhelming support from Republicans, Democrats and Independent residents is greatly appreciated, but signs don't vote, you do! 🇺🇸🇺🇸🇺🇸

Let's get it done ✅

Early voting is at Tice community center and Rivervale community center.



This content isn't available right now

When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.



27



EXHIBIT H

LAW OFFICE OF RONALD L. KUBY

ATTORNEYS AT LAW
119 WEST 23RD STREET, SUITE 900
NEW YORK, NEW YORK 10011

TELEPHONE: (212) 529-0223

FAX: (212) 529-0644

WWW.KUBYLAW.COM

RONALD L. KUBY
RHIYA TRIVEDI

OF COUNSEL
GEORGE WACHTEL
LEAH BUSBY

STAFF
SUSAN BAILEY
PROCESS SERVER
LUIS R. AYALA 1952-2012

Mr. Joseph Voytus
Borough Administrator
Borough of Montvale
12 DePiero Dr.
Montvale, NJ 07645
jvoytus@montvaleboro.org

March 17, 2025

Re: Fredrics v. Borough of Montvale

Dear Mr. Voytus:

As you have been informed, I am representing Howard Fredrics with respect to a possible 42 U.S.C. Sec. 1983 action for damages and injunctive relief, based upon Mayor Ghassali's unlawful blocking of him from the linked facebook page: <https://www.facebook.com/MayorGhassali>. Mr. Fredrics informed me that, following his complaint, you told him, in words or substance, that the Mayor operates this page on a "personal" basis and, as such, the Borough has no control over it. As set forth more fully below, the law, as of March 15, 2024, is now clear that you have both control and liability.

In Kindke v. Freed, 114 S.Ct. 756 (2025), the Supreme Court continued its robust line of freedom of speech cases by holding that Section 1983 could be used against a City Manager who operated a FB page and blocked comments and commentators. The Court provided extensive guidance on distinguishing between a page operated by a public employee speaking within his capacity as such, and someone speaking in his personal capacity who happens to be a public employee. The former cannot "insulate government business from scrutiny by conducting it on a personal page." Id. at n.2. The Court emphasized that this inquiry is fact-specific.

Honestly, the Mayor's website checks every box required to prove it is official. The content of the posts on the official page are relate to matters within the Mayor's grant of authority from the State of New Jersey. Under NJSA 40A:60-1, the mayor retains all general law authority, presides over council meetings and can vote in the case of a tie. The mayor appoints, with the advice and consent of council, all subordinate officers of the municipality. In other words, all executive power reposes in his office. This is not, for example, a Parks Department employee hosting a page in which they discuss cooking or fashion.

The page, on its face, has no indicia of being personal, and all indicia of being official. The introductory information introduces the Mayor as "a proud mayor serving his community to the best of his ability." The page info refers exclusively to his status as a "government official." His email address listed is a government issued email domain. And it is linked to the Borough's website: montvale.org. Further, the Mayor maintains a personal FB page: <https://www.facebook.com/mike.ghassali.montvale.Mayor>.

To choose but a few examples of a type the Supreme Court found relevant, in his March 11, 2025, 6:29 am post about a horrific bus accident, he specifically conveyed not-yet-public information to the citizenry, stating "The information I have is that..." Almost all of his posts, besides those simply posting local news coverage, reference official functions in which he is a part and were photographed at those official functions. His on-going dispute with the NJ Builders Association is the subject of a number of posts, where he, *inter alia*, tells them that a lawsuit is not necessary and they are welcome to build affordable housing in his town. Indeed, the Mayor himself has noted that the commentators on his page are subject to First Amendment protection. In his January 20, 2025 post about flying the American flag full-staff, he stated on his page: "Those who exercised their first amendment right and sent me colorful messages, your apology is accepted."

When I was a little boy complaining about something or another, my grandmother used to say "you don't have to make a federal case out of it." But sometimes I do. Mr. Fredrics simply wants to be reinstated as a commentator and have his comments restored—he would genuinely prefer not to sue. Nor does he wish to mulct the Borough in damages and attorney's fees. So please just do the right thing.

As a side note, it continues to astonish me how people across the political spectrum are so vociferous about their First Amendment rights when they have no power and so utterly intolerant of the rights of others when they do get power.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ronald L. Kuby', written over a horizontal line.

Ronald L. Kuby

EXHIBIT I

HUNTINGTON BAILEY, L.L.P.

COUNSELLORS AT LAW

RUSSELL R. HUNTINGTON (retired)
WILLIAM J. BAILEY
DERMOT J. DOYLE
SIOBHAN SPILLANE BAILEY *
DAVID S. LAFFERTY
MAURA O'HALLORAN DEEGAN
JOANN RICCARDI SCHUMAN
JOANNE VENINO

373 KINDERKAMACK ROAD
WESTWOOD, NEW JERSEY 07675
(201) 666-8282
FAX (201) 666-9625

* Also Member PA Bar

WWW.HUNTINGTONBAILEY.COM

March 25, 2025

VIA EMAIL (ronaldkuby@gmail.com) and U.S. MAIL

Ronald L. Kuby, Esq.
119 West 23rd Street, Suite 900
New York New York 10011

Re: Howard Frederics adv. Borough of Montvale

Dear Mr. Kuby:

I am the Borough Attorney for the Borough of Montvale and I am in receipt of your letter to the Borough Administrator dated March 17, 2025.

I gather your client has not shared with you what he actually posted on the Facebook page named "Mayor Mike Ghassali". His comments were both false and argumentative and were taken down for those reasons.

So you are aware, the Borough of Montvale maintains its own Facebook page, "Borough of Montvale, New Jersey" which expressly states that it is the "Official Facebook Page of the Borough of Montvale". That is the social media platform that the Borough uses to disseminate official messages and information to its residents. The "Mayor Mike Ghassali" page is a personal, political social media page used by Michael Ghassali in furtherance of his political candidacies, causes and goals and is not maintained by the Borough. It does not even identify the name of the municipality of which he is Mayor. That page contains various content, some of which relates to the Borough of Montvale, and some of which does not. It is not intended to be the official social media page for the Borough of Montvale and, contrary to your assertion in your letter, it expressly states on its front page "**This is my personal page to share information**".

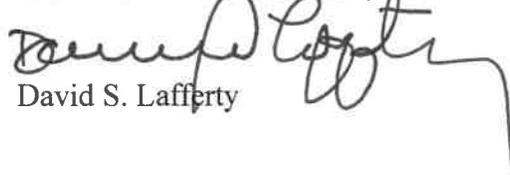
The case you cited is actually named Lindke v. Freed, 144 S.Ct.756 (2024), not "Kindke", not "114" S.Ct. and it was decided in 2024, not "2025". The Court's rationale clearly allows a public official to control his or her own personal social media page without having to tolerate false or argumentative comments by third parties. Your client is free to create his own social media page and to post to it whatever opinions he may have, but my understanding is that

Mayor Ghassali has no intention to allow them on his page.

Please do not hesitate to contact me should you wish to discuss this matter further.

Sincerely yours,

HUNTINGTON BAILEY, LLP

A handwritten signature in black ink, appearing to read "David S. Lafferty", written over the printed name.

David S. Lafferty

DSL/dl

cc: Joseph Voytus

EXHIBIT J



Mayor Mike Ghassali

4.2K followers · 32 following

Sign Up

Message

Follow

- Posts**
- About
- Mentions
- Reels
- Photos
- Videos
- More ▾



Intro

A proud mayor serving his community to the best of his ability.

This is my personal page to share information.

Page · Government Official

mghassali@montvaleboro.org

montvale.org

Posts

Filters



Mayor Mike Ghassali

March 31 at 5:51 PM ·

Montvale residents, I was notified today that tomorrow, April 1, 2025 (weather permitting, rain date is April 2, 2025) that Steward Green, a contractor for Veolia, will... **See more**





Mayor Mike Ghassali

4.2K followers • 32 following

Sign Up

Message

Follow

- Posts
- About**
- Mentions
- Reels
- Photos
- Videos
- More ▾



About

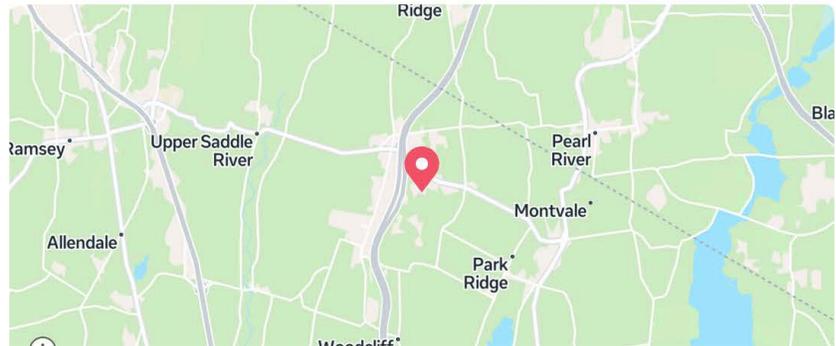
[Contact and basic info](#)

[Page transparency](#)

Categories

Government Official

Contact info



shop 2022



Mayor Mike Ghassali



 Address

 mghassali@montvaleboro.org
Email

Websites and social links

 <http://www.montvale.org/>
Website

Reels

[Mayor Mike Ghassali's Reels](#)



EXHIBIT K

facebook.com/MayorGhassali/

Apps Amazon Bookmarks Visit page Joseph M Abene... Howard's Email Close Restore https://www.face...

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When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.

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Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-002677-26

Case Caption: FREDRICS HOWARD VS BOROUGH OF MONTVALE

Case Initiation Date: 03/03/2026

Attorney Name: KATHLEEN REDPATH-PEREZ

Firm Name: REDPATH-PEREZ LAW

Address: 805 BUNKER HILL AVENUE

LAWRENCEVILLE NJ 08648

Phone: 7322362964

Name of Party: PLAINTIFF : HOWARD FREDRICS

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: CIVIL RIGHTS

Document Type: Verified Complaint

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: HOWARD FREDRICS? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? YES

If yes, is that relationship: Other(explain) Public Official/Member of Public

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

03/03/2026

Dated

/s/ KATHLEEN REDPATH-PEREZ

Signed

