DAVID R. CUBBY, ESQ.

241 ½ South Main Street
Lead, SD 57754
(201)248-8730

November 5, 2026

VIA PACER
Clerk
U.S. District Court for New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets Room 1050
Camden, NJ 08101

RE: Matter of David R. Cubby, Esq., Atty. Reg. 5012778
Federal Docket Nos.: 8:21-cv-17173-MAS; 2:23-cv-: 02842-MCA-CLW
New Jersey Supreme Court D-61 September Term 2023 (089016)

Dear Sir or Madam:

This letter shall serve as further explanation and argument concerning the Certification of David R. Cubby, Esq.

It is important to note that the facts related therein are not intended to serve as proof or evidence that a crime was committed. Mr. Guarasci is entitled to all benefit of the doubt and is innocent until proven guilty. The statements, at least as far as evidence of the offenses alleged, are hearsay. I do not offer them as evidence of guilt of the offenses, but as evidence of what I was told.

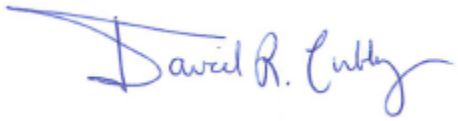
While some may say that waiting eight years to disclose this information is inexcusable, I argue that there was no alternative given the complete, ongoing failure of accountability and institutional control by the State of New Jersey. Initially I could not rule out the possibility that Guarasci was simply being targeted due to Guarasci's political activities within the Paterson Public Schools. After all, the charter schools that Guarasci is forcing upon Paterson are draining the education budget for the benefit of for-profit education. I do not personally know Lawrence Spagnola or what his political beliefs or personal interests may be. However, I can confidently state (through the benefit of subsequent information) that Mr. Spagnola merely shares the same concern that I have; that a person working closely with children was accused of a heinous crime against them, and his powerful friends colluded to prevent it from becoming public knowledge. It should also be noted that in the event Mr. Guarasci is cleared of all wrongdoing, it is of great public interest to know whether Mr. Spagnola was lying and why.

Less than six to eight months after learning of these allegations, I was illegally evicted from my apartment and was assaulted by the Paterson Police Department without cause and issued falsely sworn summonses. I became the target of attorney discipline complaints filed by attorneys and judges that I had already accused of fraud and corruption without any complaint having ever been brought against me by a client. In spite of being totally justified under statutes, case law, and the

Constitutions of the State of New Jersey and the United States of America, I have been denied an opportunity to be heard on the record. They do not want me to place what I know upon an official court record, and at all times have attempted to scatter the same facts over dozens of duplicative dockets so that I cannot effectively contest them.

Under these conditions, there was no way for me to release this information without jeopardizing a potential investigation. I was compelled to follow the process and attempt to have the false claims raised against me dismissed through the legal process. Instead of a fair and impartial process, I have been subjected to gross abuses of procedure designed to shield politicians, judges and public officials from being held accountable. While I do not necessarily believe that court officers are knowingly protecting a criminal accused of something so horrible, there is overwhelming evidence that they willingly and openly violate law and procedure to protect the reputations of politicians and political parties. They have been told by someone higher in the racket to ignore the law and continue smearing my reputation, and they simply do not care to find out why or who they might be protecting.

In summation, I argue that while the allegations themselves may ultimately prove to be without substance, there is overwhelming evidence that the New Jersey Judiciary has created a perfect environment in which all predators can thrive.



David R. Cubby, Esq.

cc: Stuart Rabner, New Jersey Supreme Court
Hon. Elizabeth A. Garry, P.J. App., New York 3rd Appellate District
New York Office of the Legal Profession
New Jersey Office of Attorney Ethics