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TAMAR HERMAN,

Plaintiff,

v.

IBTIHAJ MUHAMMAD, SELAEDIN  
MAKSUT, COUNCIL ON AMERICAN-  
ISLAMIC RELATIONS A/K/A/ CAIR  
A/K/A CAIR FOUNDATION INC., and  
CAIR NEW JERSEY A/K/A CAIR NJ  
A/K/A CAIR NJ INC.,

Defendants.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – UNION COUNTY  
DOCKET #: UNN-L-2913-22  
CIVIL ACTION

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**CERTIFICATION OF TAMAR HERMAN IN  
OPPOSITION TO MOTIONS TO DISMISS BY  
DEFENDANTS IBTIHAJ MUHAMMAD,  
SELAEDIN MAKSUT, CAIR FOUNDATION INC.  
& CAIR NJ AND MOTION FOR SUMMARY  
JUDGMENT BY DEFENDANT IBTIHAJ  
MUHAMMAD**

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I, Tamar Herman, of full age, hereby certify:

**A. Background**

1. My name is Tamar Herman. I am the Plaintiff in the above-captioned action. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters, and of the facts relevant to this action.

2. This action arises out of defamatory statements about me, maliciously and recklessly published by Defendants, from October 7 to October 9, 2021. (See Complaint at ¶¶ 18-61; Proposed Amended Complaint at ¶¶ 20-68). Defendants, attempting to evade responsibility for their defamatory statements, now absurdly transform my gentle and momentary brushing back of a hood worn by one of my students into an imagined forceful removal of a

hijab. This is analogous to the difference between tapping someone versus hitting someone, or assisting an elderly person down a staircase versus shoving an elderly person down a staircase.

3. I am a resident of Union County, New Jersey.

4. I am a licensed teacher with twenty years of experience at Seth Boyden Elementary School in Maplewood (the “School”)—which is part of the South Orange-Maplewood School District (the “District”)—and thirty-three years of overall teaching experience, also including twenty-nine years of experience as a Hebrew School teacher and experience conducting High Holiday and Sabbath services for children at three local congregations.

5. Until being placed on administrative leave by the District as a result of the Defendants’ fabrications that are the subject of this action, I had never been subjected to professional discipline of any kind.

6. I am well-known in the District and at the School for my support to students of all backgrounds and my unusual level of dedication to my students. For example, over my many years of teaching, my car was usually the last one in the parking lot because I was working late in service to my students. During the COVID-19 pandemic, to make sure my students felt connected and did not fall behind, I visited all my students’ homes multiple times to deliver school supplies and Valentine’s Day packages.

7. I am also a loving mother and grandmother.

8. I have received numerous glowing reviews from the most important persons – my students – as well as numerous professional accolades and commendations from, supervisors, parents and others.

**B. My October 6, 2021 Interaction With the Student**

9. On October 6, 2021, I was teaching my second-grade class at the School (the

class was busily engaged in a writing workshop assignment) when I noticed one of my students (the “Student”) wearing a hood that was blocking her eyes. While I was aware that the Student—who was 7 years of age—regularly wore a form-fitting hijab, the article of clothing I witnessed on October 6, 2021 did not resemble the hijab that this student wore every day prior.

Accordingly, I believed in good faith that the student’s hijab was being worn under the hood.

Intending to encourage the Student to engage in her schoolwork as her eyes were partially blocked by the hood, I—in accordance with school policy which indicates the students should not be allowed to wear items that block their vision—asked the Student to brush back her hood.

This was a particularly reasonable request as the rest of the Student’s face was already significantly covered by a mask being worn to protect against COVID-19. When the Student did not respond to my request, I, believing the Student’s hijab was underneath, brushed the hood back a few inches with my hand in order to uncover the Student’s eyes and facilitate learning.

While lightly brushing back the hood itself, and without making contact with the Student physically, I noticed the Student’s hair and that the Student was not wearing her regular form-fitting hijab underneath. I immediately brushed the hood back to cover all the Student’s hair and, out of respect for the religious practices of Islam and for the Student’s observation of same, apologized to the Student. The hood never left the Student’s head, and the classroom learning went on as normal.

10. As well, during this interaction, I did not speak to the Student or utter any words, other than the aforementioned apology. Nor did I remove the hood from the Student’s head or use physical force of *any* kind on the Student and her hijab, including grabbing, pulling, ripping, or stripping; rather, I merely *brushed* the hood back, and lightly, at that. I did not subject the Student to force, the Student did not resist (the interaction lasted mere seconds and I immediately

brushed the hood back into place), and I did not make any comments about the Student's appearance or anything else, other than the apology.

### **C. Swift Fallout Resulting From Defendants' Defamatory Statements**

11. When I arrived at the School the next morning, October 7, 2021, I met with Principal Shannon Glander and Assistant Principal Sheila Murphy, who informed me that they had heard from the Student's mother of the momentary interaction with the Student the previous day. Principal Glander told me that the Student's mother had told Principal Glander that she understood what had happened with her daughter was simply a misunderstanding.<sup>1</sup>

12. Yet, later that same day, I was placed on administrative leave. Typically, these incidents are quickly and quietly resolved, and the teacher returns to the classroom when no wrongdoing is found.

13. It is now over a full year later and, due to Defendants' defamation of me and the firestorm created by same (discussed *infra*), I remain on administrative leave and with my employment status at best describable as "in limbo."

14. Muhammad's defamatory posts of October 7, 2021 had apparently led to a "flood" of complaints to the District from "thousands of people," including some that were "vulgar" and "threatening."<sup>2</sup> The flood of interest and outrage instigated by her defamation and its amplification by the other Defendants transformed a minor interaction that would have been resolved in my favor into a national news story that wrecked my life and from which I have not recovered.

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<sup>1</sup> The Student's mother repeated this belief a few months later when she showed up at my home (uninvited) on January 28, 2022, and told me, in the presence of others that her daughter, the Student, loves me and that the interaction was all a "misunderstanding."

<sup>2</sup> Jesse O'Neill, *NJ teacher accused of removing student's hijab speaks out as cops investigate*, New York Post (Oct. 13, 2021) (last visited April 1, 2023), <https://nypost.com/2021/10/13/nj-teacher-tamar-herman-accused-of-removing-2nd-graders-hijab-speaks-out/>

15. Even though District Superintendent Ronald Taylor had announced that social media was not a “reliable form of due process,”<sup>3</sup> the public pressure caused by Defendants’ explosive lies proved too much for Taylor to withstand.

16. The District quickly caved to the pressure brought to bear by the reaction from misguided individuals posting on social media and the thousands of people that contacted the District in response to Defendants’ lies, and posted a letter on October 11<sup>th</sup> on the District’s website to all District parents disavowing me for my alleged actions and sending resources for children about Islamophobia, implying that I was Islamophobic.<sup>4</sup> Five days after Muhammad’s initial post, the District held a District-wide implicit bias training for teachers and used me as an example of inappropriate teacher behavior.

17. Even New Jersey’s Governor, Phil Murphy, offered his opinion on his Twitter account, which has over 447,000 followers.<sup>5</sup> Governor Murphy, further fanning the flames of the fire started by Defendants, tweeted, *inter alia*, that he was “[d]eeply disturbed by these accusations.”<sup>6</sup>

18. The public pressure was so frenzied that the rabbi of the local synagogue where I grew up, and who did not know me at all, felt compelled on the evening of October 9, 2021 to condemn me for my actions in a public Facebook post.

19. Far more troubling, on or about October 13, 2021, as a result of Defendants’ defamatory social media posts and the firestorm of controversy they ignited, the Essex County Prosecutor’s Office opened a criminal investigation into the allegations against me.

20. On January 19, 2022, following a thorough investigation, the Prosecutor’s

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<sup>3</sup> *Id.*

<sup>4</sup> Superintendent’s Statement: SB Discrimination Allegations Follow-Up & Update (October 12, 2021)

<sup>5</sup> <https://twitter.com/govmurphy/status/1446584729550168066?lang=en> (last visited April 1, 2023).

<sup>6</sup> *Id.*

Office informed me that there would be no criminal charges brought against me arising out of the interaction that occurred between me and the Student on October 6, 2021. Although I was vindicated by the outcome of the investigation, I had been the subject of a criminal investigation for over three months and had been forced to endure the acute emotional distress associated with such circumstances.

21. I also received threats to my physical safety, compelling me to seek police protection.

22. The threats against me were reported in online media coverage of the story. For example, Meaww.com reported that “[Herman] is getting death threats after allegedly being ‘falsely’ accused of pulling off a student’s hijab in the middle of a class.”<sup>7</sup>

23. In addition, in the days and weeks following Defendants’ defamatory social media posts, numerous major media outlets reported about me,<sup>8</sup> referencing the defamatory posts, thereby exposing me to humiliation, ridicule, and shame, and, overnight, destroying my hard-earned reputation as an outstanding teacher, which I had built for over three decades. The staggering amount of media coverage only added to the firestorm of lies and negativity ignited by the Defendants.

24. The damage to my reputation extended well beyond negative media coverage. For example, a Change.org petition, entitled *Fire the Teacher that Pulled off a Second Grader’s Hijab Forcefully!*, repeats Muhammad’s false accusations, calls for me to be fired, and the

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<sup>7</sup> Sumanti Sen, *Tamar Herman: Teacher gets death threats after Olympian’s ‘fake’ story of her pulling off girl’s hijab*, Meaww.com (Oct. 12, 2021) (last visited April 1, 2023), <https://meaww.com/tamar-herman-new-jersey-teacher-gets-death-threats-after-pulling-off-girls-hijab>

<sup>8</sup> Tracey Tully, *Online Furor Over a Student’s Hijab Engulfs a Liberal Town*, The New York Times (Oct. 22, 2021) (last visited April 1, 2023), <https://www.nytimes.com/2021/10/22/nyregion/hijab-muslim-nj-student.html>;

comments thereto include anti-Jewish rhetoric.<sup>9</sup> This petition has garnered over 40,000 signatures to date.<sup>10</sup>

25. More damage was done on the local level. The SOMA [South Orange and Maplewood] Black Parent Workshop issued a statement on October 11, 2021 denouncing Islamophobia and notifying the Essex County Prosecutor's office of the alleged incident, saying that the story is part of a pattern of abuse of Black children in the District. SOMA Justice, a racial justice/social justice organization in Maplewood/South Orange, thanked Muhammad on Instagram for drawing attention to this case and pledged to purchase Muhammad's book for every elementary school classroom in the District. In addition, local Facebook group comments like those in SOMA Lounge accused me of Islamophobia, racism, and of perpetrating a hate crime—all because of the false accusations spread by the defendants.

#### **D. My Relationship With Muhammad**

26. I know Muhammad personally, having developed what had been a friendly relationship prior to the events at issue in this action from having worked out together at the NBD Fitness Gym in Springfield, New Jersey as part of a small training group on numerous occasions and having also shared the same personal trainer; from me having attended one of Muhammad's book signings on July 25, 2018 for Muhammad's book, *Proud: My Fight for an Unlikely American Dream*, where we posed for a photograph together proudly displaying Muhammad's book and Muhammad signed a copy of her book for me with the personal handwritten message: "*Tamar, Here's To Believing The Impossible Is Always Possible* [hand-signed by Muhammad]", which I have used in my classroom; from several conversations in

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<sup>9</sup> <https://www.change.org/p/everyone-fire-the-teacher-that-pulled-off-a-second-grader-s-hijab-forcefully> (last visited April 1, 2023).

<sup>10</sup> *Id.*

which we discussed Muhammad speaking at the School (which, memorably, is Muhammad's alma mater) and visiting my classroom, resulting in us exchanging phone numbers and Muhammad sharing her email address. We also discussed how holding a sporting event in Israel between people of different religions could build cross-cultural understanding.

27. As well, prior to the events at issue in this action, I expressed support for Muhammad specifically, and Islam generally, online, where we were Facebook friends. For example, on May 5, 2019, in response to Muhammad posting on her Facebook account the news that she had been named Stanford Baccalaureate speaker, I posted: "Go Ibtu! [Muhammad]. A Seth Boyden student and Bronze medalist in the Olympics!" On an earlier occasion, April 10, 2019, in response to Muhammad posting on the internet the news that she was featured in a Nike ad campaign called "Dream Crazier," I posted: "Go Ibtihaj! A Seth Boyden graduate and a Muslim female athlete who has amazing discipline, determination, and purpose in spite of soooo much adversity."

28. My affinity and respect for Muhammad was perhaps best evidenced by Muhammad's prominent place in my classroom and its surroundings: I had a poster of Muhammad displayed in the hallway outside my classroom on a special class bulletin board of character traits and accomplishments, and the class studied Muhammad as an example of perseverance, persistence, dedication, overcoming obstacles, overcoming adversity, and achieving excellence in spite of it all.

29. Prior to October 7, 2021, Muhammad and I had shared a personal relationship and been friendly for many years, having first met at NBD Fitness approximately 10 years ago, where we worked out together as part of a small training group on numerous occasions and also shared the same personal trainer.



30. At the aforementioned book signing, Muhammad and I took a photo together proudly displaying Muhammad's book.

31. On numerous occasions, I also invited Muhammad to speak to my class and the wider community at the School, which resulted in Muhammad and I exchanging phone numbers and Muhammad giving me her email address. We also discussed how holding a sporting event in Israel between people of different religions could build cross-cultural understanding.

32. As well, prior to the events at issue in this action, I expressed support for Muhammad specifically, and Islam generally, online, where we were Facebook friends, including a May 5, 2019 post in which I messaged: "Go Ibtly! [Muhammad]. A Seth Boyden student and Bronze medalist in the Olympics!"; and an April 10, 2019 post in which I posted: "Go Ibtihaj! A Seth Boyden graduate and a Muslim female athlete who has amazing discipline, determination, and purpose in spite of soooo much adversity."

33. My affinity and respect for Muhammad was perhaps best evidenced by Muhammad's prominent place in my classroom and its surroundings, including a poster of Muhammad displayed in the hallway and class sessions in which Muhammad was the subject of study as an example of perseverance, persistence, dedication, overcoming obstacles, overcoming adversity, and achieving excellence.

34. Despite the *overwhelming* evidence that Muhammad and I knew each other (and knew each other before I commenced this action), Muhammad submitted a Certification in support of her Motion For Summary Judgment and To Dismiss Herman's first Complaint, dated March 22, 2023 (Trans ID: LCV20231010661) (the "Certification"). In the Certification, Muhammad asserted that she found a private old photo of Herman from Google (Certification ¶ 16), denied having my phone number (Certification ¶ 17), denied being Facebook friends with

me (Certification ¶ 18), and perhaps most astoundingly, asserted that: “I have no recollection of ever speaking with Herman, either before or after the events in question.” (Certification ¶ 19). These assertions are outright falsehoods. Muhammad also asserted that “[w]hile I believe Herman and I may have exchanged pleasantries at the gym, I do not recall any in particular.” (*Id.*). This assertion is at best misleading, as Muhammad and I frequently interacted during the fitness instruction at NBD Fitness, having built a friendship out of our shared connection to the School (Muhammad’s alma mater and my place of employment).

35. As I have now learned from reading the Certification of Muhammad’s mother, Denise Garner-Muhammad (“Garner-Muhammad”), submitted by Muhammad in support of her motions to dismiss and for summary judgment (Trans ID: LCV20231010661) (“Garner-Muhammad Cert.”), without ever seeking my version of the interaction with the Student that occurred on October 6, 2021—something Muhammad could have easily done, given her relationship with me, her familiarity with me, and her possession of my contact information—Muhammad, in making her social media posts of October 7, 2021, maliciously and heedlessly repeated and embellished the words of Cassandra Wyatt (“Wyatt”), the mother of the Student, who Muhammad knew from the close-knit Maplewood Muslim community.

36. Rather, on October 6, 2021, after school had been dismissed for the day, the Student apparently spoke to her mother, Wyatt, about the interaction between the Student and Herman. (Garner-Muhammad Cert. at ¶ 9). The precise content of this conversation is unknown to me at this time, but will be ascertained through discovery in this action.

37. As I have also now learned from reading Garner-Muhammad’s Certification, sometime later that same evening or the next morning, Wyatt apparently called Garner-Muhammad, with whom Wyatt was personally acquainted through the Maplewood Muslim

community. (*Id.* at ¶¶ 7, 9). According to Garner-Muhammad, during this conversation, Wyatt claimed that the Student had purportedly told her that I pulled off the Student's hijab and that the Student had resisted. (*Id.* at ¶ 9). Wyatt further relayed that I had purportedly made a comment regarding the Student's hair being beautiful. (*Id.* at ¶ 9). As mentioned *supra*, Wyatt's account could not have been accurate, as I did not pull off the Student's hijab, the Student did not resist (the interaction lasted mere seconds and I immediately brushed the hood back into place), and I did not make any comments about the Student's appearance.

38. I have also learned from reading the Garner-Muhammad Certification that on October 7, 2021, after Garner-Muhammad spoke to Wyatt, Garner-Muhammad spoke to her daughter, Defendant Muhammad, and relayed the substance of the conversation with Wyatt. (*Id.* at ¶ 10).

39. After listening to Garner-Muhammad, Muhammad prepared her first defamatory social media post and read it to Garner-Muhammad in a purported attempt to confirm the accuracy of what Garner-Muhammad told her. (*Id.* at ¶ 11). However, Muhammad made no effort to contact Wyatt, the Student, or me, before making her defamatory social media posts, despite the fact that Muhammad could have easily had access to Wyatt or the Student via Garner-Muhammad, and to me via internet social media, via our shared personal trainer at the gym, or via my cell phone number which Muhammad was in possession of. This is because Muhammad simply did not care at all whether the facts alleged in the post were true or false – she desired to make the post to create publicity for herself, and her clothing and book businesses, all of which would generate income for her and social media clout for her cause. From Muhammad's perspective and in her mindset, the importance of the truth or falsity of the statements was not important in comparison to their sensational nature. Thus, even though the statements were

based on third-hand accounts from informants of dubious veracity (including a family with notorious antisemitic views), she published them without a care of providing true information to the public, but with the goal of attracting publicity for herself, with complete disregard for the fact that they were false. This fact demonstrates actual malice on Muhammad's part.

40. Muhammad's posting of Wyatt's purported report of what her 7-year-old said was reckless, as Muhammad knew that I was not Islamophobic and, to the contrary, repeatedly celebrated Muhammad's Muslim heritage, Muhammad also knew that I was not disposed to use force against a student, and it is common knowledge that young children are not reliable reporters and can be easily manipulated. Moreover, Muhammad's post was based on a *thirdhand* account—the account of Garner-Muhammad obtained from Wyatt, in turn obtained from her 7-year-old daughter. Again, as discussed herein, Muhammad made no effort to verify the truth of these accusations *because she did not care whether the accusations were true or false*, because making them would generate publicity for her.

41. Furthermore, Muhammad, instead of using her private access to me to check the accuracy of Wyatt's purported allegations, used her personal connection to me to make her malicious defamation "go viral." Indeed, in the time Muhammad spent browsing my private Facebook page to dig up the years-old photo of me for her false narrative, she could have easily privately messaged, called, or texted me to obtain my version of events. Instead, Muhammad scrolled through my Facebook photos to find a photo that was just right for Muhammad's accusatory post, an unattractive photo of me with my arm and fingers outstretched. Muhammad's use of my private Facebook page to obtain photos for her defamatory allegations was particularly malicious and reckless, given that she knew from working out in the same physical fitness training group, my supportive Facebook posts, multiple school speaking requests, and from my

book event attendance and book purchase, that it was not in my character to have “forcibly” removed a hijab, or “stripped” a child of her clothing in front of classmates, or told a child that she need not wear her hijab to school anymore.

42. Further, displaying a photograph of me along with Muhammad’s defamatory accusations served to promote visual recognition of me by members of the public, putting a target on my back.

43. Accordingly, on October 7, 2021 at 8:14 p.m. Eastern Time (approximately four hours after Muhammad’s first post regarding the previous day’s events), Muhammad and I exchanged several text messages in which I informed Muhammad that her social media posts were false. In a texted response, Muhammad admitted that she was relying on the recall of a 7-year-old who was being coached by her mother (Wyatt),<sup>11</sup> something Muhammad knew or should have known given the young age of the child. Again, as discussed herein, Muhammad made no effort to verify the truth of these accusations *because she did not care whether the accusations were true or false*, because making them would generate publicity for her.

44. On October 9, 2021 at 8:24 p.m. Eastern Time, after receiving no further response from Muhammad and seeing that her Instagram and Facebook posts had not been deleted, I sent another text message to Muhammad. In this message, I again attempted to correct the record by explaining briefly what had transpired between me and the Student. Further, I wrote that, due to Muhammad’s “tremendous” influence, her social media messages had “turned [Herman’s] life upside down overnight,” and had resulted in my “receiving threats” and “being hounded by the media.” I explicitly stated that what had been posted by Muhammad and reported

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<sup>11</sup> *Id.*, <https://rumble.com/vnktof-nj-hijab-story-mothers-facebook-live-session-she-deleted.html> (last visited April 1, 2023). Notably, this video reveals that, even with the coaching, the child does not corroborate Muhammad’s false and inflammatory claims.

on the media was “completely false and terribly damaging.” I further requested that Muhammad remove the social media posts, explain that there are varying accounts of the interaction, and allow the District to carry out its investigative process before passing judgment. Muhammad did not reply.

45. Rather than heed my reasonable requests, instead, on or around October 30, 2021, Muhammad posted an Instagram Live video in which she referred to the “alleged incident” that happened in Maplewood, NJ, though she did not mention me by name.

46. The fact that Muhammad and I knew each other well enough to each have the other’s phone numbers and to be Facebook friends, and to work out in the same physical fitness training group and share the same physical fitness trainer, and the fact that I immediately gave Muhammad an opportunity to correct or retract her defamatory posts, are all particularly significant, as Muhammad’s malicious choice to instead perpetuate her lies and to not correct or retract her defamatory posts until a year later when she was sued for defamation and false light herein, and her choice to act as judge and jury, caused incalculable harm to me that was cruel, needless, and undertaken to advance Muhammad’s personal, financial and political agendas.

47. Further, the fact that—subsequent to my communications and almost one month after the initial post—Muhammad referred to my interaction with the student as the “alleged incident,” which evidenced that Muhammad was aware at that point that she had committed libel against me and was (unsuccessfully) attempting to buffer herself *against her own libelous statements*. In all her previous posts, Muhammad, motivated by her desire to find and combat Islamophobia and to sell her book and burnish her brand, never once used the word “allegedly” – presenting her false allegations as statements of fact.

48. Notably, Muhammad, as part of her dishonest effort to deny that she knows

me, claims that “I had no idea who the text message was from but could surmise from context that it was from the person who pulled off the student’s hijab, i.e. Tamar Herman.” (Certification at ¶ 20). This statement is also false and misleading, as Muhammad had my phone number and had communicated with me on numerous prior occasions. This dishonesty and failure to remedy her falsehood even after receiving communication from me further demonstrates Muhammad’s actual malice.

49. These text messages between Muhammad and I should have given a reasonable person in Muhammad’s position serious pause as to the accuracy of her social media posts, yet Muhammad did not retract her defamatory statements.

50. Muhammad continues: “I was not even sure that the texter was Herman. This was the only communication I recall ever having with Herman.” (Certification at ¶ 22). This statement is also categorically false, as Muhammad had communicated with me on numerous occasions prior to these texts as we had a personal relationship. As well, her claim that she wasn’t sure who the texter was strains credulity.

51. Disturbingly, Muhammad’s dishonesty about knowing me seems to have no boundaries. Later in her Certification, she states: “Immediately after Herman texted me, I texted with and then spoke with my trainer by telephone. My trainer confirmed that Herman went to the same gym.” (Certification at ¶ 28). She further claims that “I also confirmed with my trainer Herman’s phone number, so that I knew the texts were from Herman and not a hoax.” (Certification at ¶ 30). These claims make no sense since I did not identify myself in her text as a friend from the gym; if Muhammad did not know me, she would not have known to contact her trainer to confirm my identity. Even if, *arguendo*, Muhammad’s claim about contacting the

trainer were true, already knowing my identity is the only explanation for Muhammad contacting her trainer, a trainer Muhammad knew she shared with me.

52. That Muhammad already knew me is also clear from Muhammad's decision to respond to rather than ignore my text message and in the manner of her response. In her response to my text, Muhammad neither denies her friendship with me (I had just texted Muhammad "I considered you a friend") nor expresses surprise about receiving a text from me. Rather, she responds conversationally as one would do to a friend, even referring to the 7-year-old Student by name. This is because Muhammad and I were personally familiar with each other and on friendly terms from numerous workout sessions together. Muhammad downplays our relationship by claiming that: "In retrospect, I recognize Herman by face (but not by name) from the gym. I do not remember whether I made that connection when I made my Instagram post and googled her photograph, or after my trainer confirmed we went to the same gym." (Certification at ¶ 31). It was not possible to find this photo of me by Googling me. Muhammad's contention that she only recognized me by face, and only after jogging her memory at that, is absurd.

53. Notably, Muhammad also claimed that she "did not know Herman was Jewish until after the filing of this lawsuit." This is also implausible because we had discussed cross-cultural sporting events in Israel bringing together people of different religions.

54. The bottom line is that Muhammad had many reasons to know that her social media posts were likely riddled with inaccuracies, and also had ample opportunity to correct or retract those posts, yet in what can only be described as plain confirmation of her actual malice, declined to do so.

55. Furthermore, Muhammad's malicious repetition and embellishment of



Wyatt's inflammatory and false accusations was even more egregious because, upon information and belief, Muhammad was familiar with Wyatt's and her ex-husband's (Joseph Wyatt) antisemitic sentiments, given that they were a part of the same small, local and close-knit Islamic community and that Wyatt declared her anger at my Judaism on Facebook—knowledge that should have made her highly suspicious of Wyatt's distorted presentation of me, as Muhammad knew I was Jewish.

56. Indeed, Wyatt's grossly distorted account was so unreliable and unworthy of trust that even Garner-Muhammad admitted that she did not remember the exact substance of Wyatt's claim that I made a comment about the Student's hair ("Cassandra also told me that the teacher made a comment regarding the student's hair being beautiful, but I no longer remember the exact statement.") (Certification of Garner-Muhammad at ¶ 9). Yet, Muhammad, in a display of actual malice, recklessly wrote that: "*Herman told the student that her hair was beautiful and she did not have to wear hijab to school anymore.*" This, despite the fact that Garner-Muhammad didn't even remember the supposed exact statement and thus Muhammad had no basis to rely on this account.

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct.

**THEREFORE**, I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

DATED: April 11, 2023



The image shows a digital signature box for Tamar Herman. The signature is written in a cursive font. Below the signature, the text "boxSIGN" and a long alphanumeric string "18Q79XW4-4Z729VYX" are visible.

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Tamar Herman