
MIRYAM MALACHI,

Plaintiffs,

v.

AVRAHAM APPEL, ROBERT
KELETI, and CHAYA
ROSENZWEIG,

Defendants.

SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY
LAW DIVISION

Docket No. OCN-L-_____-26

**BRIEF IN SUPPORT OF PLAINTIFF'S
ORDER TO SHOW CAUSE**

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Plaintiff Miryam Malachi (“Mrs. Malachi”) respectfully submits this brief in support of her application for preliminary injunctive relief against Defendants Avraham (“Appel”), Robert Keleti (“Keleti”), and Chaya Rosenzweig (“Rosenzweig” and, together with Appel and Keleti, “Defendants”).

PRELIMINARY STATEMENT

This civil action arises from Appel’s abuse of his position as a rabbi, mentor, and trusted community leader to sexually assault and exploit Mrs. Malachi, followed by a sustained and coordinated campaign of threats, intimidation, defamation, retaliation, and tortious interference clearly intended to destroy her personal and professional life.

As detailed herein, Appel first leveraged his religious authority, purported charitable organizations, and financial influence to gain access to and exert control over Mrs. Malachi during a period of acute financial and personal vulnerability. After committing sexual assault and egregious acts, Appel attempted to conceal his conduct through threats, manipulation, and an effort to purchase Mrs. Malachi’s silence.

When those efforts failed, Appel, Keleti, and Rosenzweig jointly launched a smear campaign designed to publicly discredit Mrs. Malachi and torment her and her family. Through a website titled “**Beware of Miri Malachi**” and identifying Mrs. Malachi as a “danger” to all Jews, as well as social media posts and signs and fliers littered throughout Ocean County’s closely-knit orthodox community, including on the very grounds of Mrs. Malachi’s children’s own school, Defendants

have falsely accused Mrs. Malachi of being a “thief” and “talented fraudster” who cannot be trusted, extorting Appel and others, and having affairs with married men and a “revolving door of male visitors.”

Defendants’ unlawful conduct has caused Mrs. Malachi devastating and irreparable harm. Mrs. Malachi has suffered from severe emotional distress, physical and psychological trauma, reputational ruin, and the destruction of longstanding business relationships.

Mrs. Malachi brings this application to prevent further irreparable injury and to preserve the *status quo* pending final adjudication of her claims.

STATEMENT OF FACTS¹

A. Mrs. Malachi Seeks Assistance from Appel

In 2019, Mrs. Malachi—an Israeli immigrant and then a single mother—was in significant financial distress and struggling to make ends meet for her and her children (L.M., now age 13, and M.M., now age 11). *See* Certification of Miryam Malachi, dated January 5, 2026 (“Malachi Cert.”), ¶ 2.

When, in early 2020, Mrs. Malachi shared with M.M.’s former schoolteacher that she was having difficulty paying for M.M.’s daycare, the teacher suggested that Mrs. Malachi contact Appel. According to M.M.’s former teacher, Appel was a trusted rabbi and pillar of the community who ran several charitable

¹ This Statement of Facts represents of a summary of the full set of facts set forth in the Verified Complaint and corroborated by the supporting certifications submitted with the instant application.

organizations, including Diversified Charities (“Diversified”), often counseled and assisted women in similar circumstances, and was a teacher at a religious private school—Kollel Cheshek Shlomo—that he owned and operated. *See id.*, ¶¶ 2-3.

In February 2020, Appel arranged to meet with Mrs. Malachi at a local Starbucks. During that meeting, Appel presented himself to Mrs. Malachi as a rabbi, mentor, advisor, and friend, whom Mrs. Malachi could trust, confide in, and depend on. Appel also offered Mrs. Malachi—who had significant experience in real estate—the opportunity to solicit investments on behalf of his real estate business and its development projects. *See id.*, ¶¶ 5-7.

Appel structured Mrs. Malachi’s compensation as “draws” or advances against future commissions. *See id.*, ¶¶ 8. For example, between June 16, 2022, and July 17, 2022, Appel issued six separate payments to Mrs. Malachi, which were characterized as advances or loans against future commissions, totaling \$20,000. *See id.*, ¶ 9 and Ex. 1. Upon information and belief, those payments were issued by Appel’s charitable entity, Diversified. Although the payments were characterized as advances or loans against future commissions, and Mrs. Malachi is unaware of any deals for which she solicited investment funds that have closed, Appel has never requested that those funds be returned to him. *See id.*, ¶¶ 10-11.

During the same period, Appel also provided Mrs. Malachi with financial “assistance” to pay for groceries and other necessities, such as medical expenses and water bills. Upon information and belief, the “assistance” payments and/or donations were also issued by Diversified. *See id.*, ¶¶ 12-13 and Ex. 1.

Regardless of how they were characterized by Appel and his charitable organization, it is now apparent that the payments—the most significant of which were immediately after Appel sexually assaulted Mrs. Malachi on or about June 1, 2022—were part of Appel’s calculated scheme to maintain control over her, keep her quiet, and continue to take sexual advantage of her. *See id.*, ¶ 15.

B. Appel Sexually Assaults Mrs. Malachi

On or about June 1, 2022, Appel came to Mrs. Malachi’s home when he knew that Mrs. Malachi was alone and vulnerable because her children had already left for school and her then-husband had been hospitalized. During that visit, Appel forced himself upon Mrs. Malachi and sexually penetrated and contacted her, despite Mrs. Malachi’s clear and persistent cries that Appel stop (the “Sexual Assault”). Appel was abusive and unrelenting. The more Mrs. Malachi pled for mercy, the more aggressive Appel became. *See id.*, ¶¶ 16-18.

Before leaving, Appel insisted that Mrs. Malachi delete the Ring camera footage of him entering her home and supervised her undertaking of that task to ensure that it was done to his satisfaction. *See id.*, ¶ 19.

Unfortunately, the Sexual Assault was not an isolated incident. In the months that followed the Sexual Assault, Appel forced himself upon Mrs. Malachi and took sexual advantage of her on other occasions. Appel also bombarded Mrs. Malachi with demands for sexual acts, along with a steady barrage of text and WhatsApp messages containing incredibly crude and graphic sexual content. *See id.*, ¶¶ 20-22. For example, Appel sent Mrs. Malachi a picture of himself along

with messages saying: “I want to squeeze your breasts.”; “Lick your vagina dry.”; and “That’s the look you get before I flatten you.” *Id.*, Ex. 2. Appel also sent Mrs. Malachi a picture of his penis with a comment about “sucking” it. *Id.*, Ex. 3.

C. Appel Threatens and Intimidates Mrs. Malachi

When Mrs. Malachi refused to be silenced about the Sexual Assault and other incidents, Appel threatened and intimidated her. For example, Appel repeatedly threatened Mrs. Malachi that he knew people, including an inmate who had taken the fall for Appel in connection with another matter, who would “take care of” Mrs. Malachi if she disclosed any details regarding the Sexual Assault and his other conduct. He also threatened that he would have Mrs. Malachi exiled from the community if she chose to speak to anyone regarding the Sexual Assault and his other conduct. *See id.*, ¶¶ 26-28.

Appel likewise not only insisted that Mrs. Malachi treat with a therapist he recommended but also scripted exactly what Mrs. Malachi was to say to the therapist to get the help she needed to deal with the trauma he had caused her without revealing what had occurred. *See id.*, ¶ 29.

D. Appel Admits to Doing Terrible Things with Mrs. Malachi

In July 2024, Mrs. Malachi met with Rabbi Joseph Rabinowicz and shared with him evidence of the Sexual Assault and other incidents involving Appel. Convinced by the evidence that something must be done to address the situation and the danger Appel posed to the community, particularly as a rabbi, teacher, and counselor for troubled women, Rabbi Rabinowicz summoned the help of other

rabbis and, together, they arranged for an intervention with Appel. *See* Certification of Rabbi Joseph Rabinowicz, dated January 5, 2026 (“Rabinowicz Cert.”), ¶¶ 2-3.

At that meeting, Appel admitted that he had done terrible things with Mrs. Malachi and that he had a “problem.” In response, the rabbis directed, among other things, that Appel step down as a rabbi and from all other positions of trust (including teacher and counselor). *See id.*, ¶¶ 4-5.

E. Appel Attempts to Buy Mrs. Malachi’s Silence

When the efforts to threaten and intimidate Mrs. Malachi appeared to be failing, Appel attempted to buy Mrs. Malachi’s silence. In late 2024, Appel requested that Mrs. Malachi and Mr. Richenberg meet with his attorney, Ian Goldman (“Goldman”), to discuss a “resolution.” Goldman advised that Appel was willing to make a lump sum payment of \$50,000 to Mrs. Malachi to cover her future therapy expenses if and only if Mrs. Malachi and Mr. Richenberg agreed to execute what was effectively a full release of any claims related to the Sexual Assault and keep all incidents involving Appel strictly confidential. But Mrs. Malachi and Mr. Richenberg vehemently rejected that proposal. *See* Malachi Cert., ¶¶ 30-33.

F. Appel Threatens and Intimidates Mr. Richenberg

When Mrs. Malachi and Mr. Richenberg learned, in November 2025, that Appel continued to serve as a rabbi and hold his other positions of trust in violation of the arrangement with me with Rabbi Rabinowicz (and the other

rabbis), Mr. Richenberg went to Appel's school on several occasions to confront Appel, but Appel was not present. *See* Certification of Yehonatan Richenberg, dated January 5, 2026 ("Richenberg Cert."), ¶ 3.

When Mr. Richenberg went to the school on November 11, 2025, he was confronted by Rabbi Rabinovich, who runs the school. Rabbi Rabinovich advised Mr. Richenberg that Appel now had a new rabbi, Rabbi Pearl, advising him, and that Rabbi Pearl permitted Appel to start teaching again. In response, Mr. Richenberg told Rabbi Rabinovich that he was going to continue to come to the school until he had an opportunity to speak with Appel and that Mrs. Malachi is going to pursue claims against Appel in secular court. *See id.*, ¶ 4.

When Mr. Richenberg returned to the school on November 13, 2025, there was security present. Rabbi Rabinovich told Mr. Richenberg to leave the premises, or he was going to call the police. *See id.*, ¶ 5.

Days later, on November 16, 2025, Goldman sent Mr. Richenberg a letter warning him to stay away from the premises of Appel's home and school and other businesses and organizations. *See id.*, ¶ 6.

G. Defendants Launch a Fierce Campaign to Destroy Mrs. Malachi and Her Lucrative Business Relationships

Soon after learning that Mrs. Malachi intended to pursue her claims against Appel in secular court, Appel, Keleti, and Rosenzweig launched a fierce campaign to destroy Mrs. Malachi—personally and professionally—and publicly vindicate Appel and Rosenzweig. In fact, Mrs. Malachi's former husband

acknowledged in a text message to a close friend of Mrs. Malachi, sent before the campaign began, that Appel had reached out to Mrs. Malachi's former husband to enlist his assistance in his plan to "take down" Mrs. Malachi. *See* Malachi Cert., ¶¶ 34-36 and Ex. 4. In that same text exchange, Mrs. Malachi's former husband acknowledged that Rosenzweig also had contacted him during the same period and similarly asked for his help in "taking down" Mrs. Malachi. *See id.*

As Mrs. Malachi first learned on December 15, 2025, Appel, Keleti, and Rosenzweig created a website with the domain address <https://malachichavala.com>, and which is titled "Beware of Miri Malachi/Maolem/Reichenberg" and subtitled "A DANGER TO KLAL YISROEL" (the "Website"). *See id.*, ¶ 37 and Ex. 5. "Klal Yisroel" means "Jewish peoplehood." Thus, the subtitle of the Website effectively stated that Mrs. Malachi is a "danger" to all Jews.

While the Website purports to "warn the public about this dangerous, individual [*i.e.*, Mrs. Malachi], and to provide a platform for victims," it is based entirely on an array of patently false and defamatory statements, which were curated and manipulated, in many respects, by Rosenzweig. Examples of those patently false and defamatory statements include the following:

(1) The Website alleges that Mrs. Malachi stole funds she raised for the benefit of Binyamin Doyev and Tehila Recht—a couple for whom she hosted a wedding celebration at her house—stating: "She pocketed everything. Not one dollar when to them." "She freakin' stole the money. THIEF!" *Id.*, Ex. 5.

But as Mr. Doyev and Ms. Rechet explain in their sworn certification, Mrs. Malachi did attempt to raise money to pay for the \$10,000 celebration held in her backyard. But Mrs. Malachi was able to raise only \$2,000 through her campaign. And she and her husband contributed their own money—\$8,000—to cover the balance. *See* Certification of Binyamin Doyev and Tehila Recht, dated January 5, 2026 (“Doyev/Recht Cert.”).

(2) The Website alleges that Mrs. Malachi blackmailed and extorted Appel (referred to on the Website as “the rosh kollel”) based on a completely tortured and distorted account of the relevant events between Mrs. Malachi and Appel purportedly provided by a “relative” of Appel, which states, in relevant part, that:

My relative is a respected rosh kollel in Lakewood and a tremendous baa’l chessed. Miri started asking him for money about 4 years ago. She posed a poor single mother who couldn’t put food on the table. “I can’t pay my water bill, I can’t pay tuition, I’m gonna send them to public school . . . I’m going to kill myself” [I saw the e-mails myself]. So he sent her money for utilities, therapy and tuition.

She then waited a few years and instead of saying thank you, tried to extort money from him making up all kinds of crazy allegations with “evidence” . . .

We have evidence that Miri had actually disclosed to someone 2 years prior to making up any allegations that she planned on blackmailing the rosh kollel and extorting money from. We were also made aware that askanim gave her thousands and thousands of dollars to help her deal with the “trauma” she experienced.

Malachi Cert., Ex. 5. The Website further alleges that Mr. Richenberg sent Appel a text message threatening that he and his wife were going to “break the silence” if Appel did not pay them \$48,000 and purports to include a screenshot of that text chain. *See id.*

But while Mrs. Malachi did receive funds from Appel (through his charitable organization, Diversified), those funds were always understood by her to be “draws” in advance of future real estate commissions or gifts/donations to help her and her children with their financial needs. *See* Malachi Cert., ¶ 44. And Mr. Richenberg never sent the text message depicted on the Website or any other message to that effect. *See* Richenberg Cert., ¶¶ 7-8.

(3) The statements concerning Rabbi Forscheimer are blatantly and demonstrably false. While the Website states that Mrs. Malachi told Rabbi Forscheimer that she had “evidence” of Appel’s reprehensible conduct but refused to turn over her phone for a forensic screening, Mrs. Malachi met Rabbi Forscheimer after she learned of the Website and Rabbi Forscheimer confirmed first-hand that he had never even spoken with Mr. Richenberg or Mrs. Malachi prior to that meeting, much less requested that Mrs. Malachi give him her phone for a forensic screening. *See* Malachi Cert., ¶ 46.

(4) The Website accuses Mrs. Malachi of stealing \$25,000 from Appel and states that she did so under the guise of considering suicide. *See* Malachi Cert., Ex. 5. But, once again, the monies received from Appel were understood to

be “draws” against future commissions or gifts/donations to help Mrs. Malachi and her family pay necessary expenses. *See id.*, ¶ 49.

(5) The Website falsely states that Mrs. Malachi routinely asks for money under various pretenses, such as needing it for her son’s Bar Mitzva, and then uses that payment as “evidence” that she was paid for “services,” and threatens to publicize that solicitation unless you pay her more. *See id.*, Ex. 5. But Mrs. Malachi has never engaged in any such conduct. *See id.*, ¶ 51.

(6) The Website also contains of host of other accusations that could not possibly be more untrue and are solely intended to torment Mrs. Malachi and destroy her reputation, including, but not limited to, that (i) Mrs. Malachi “enjoys having affairs with married men” and has had “countless married ‘boyfriends’ in numerous places at the same time”; that (ii) Mrs. Malachi hosts parties involving “drugs” and dancing between “married and non-marrieds”; that (iii) Mrs. Malachi married her former husband solely to get her green card; that (iv) Mrs. Malachi failed to keep a kosher household; and that (v) Mrs. Malachi had a “revolving door of male visitors” while at 26 Green Cove in the Westgate apartment complex—a statement specifically attributed to Keleti, who admittedly was Mrs. Malachi’s immediate neighbor when she previously resided at that location. *See id.*, ¶ 52.

(7) The statement entitled “C. Story” is directly attributable to Rosenzweig and is admittedly nothing more than a summary of the false claims that Rosenzweig previously asserted against Mrs. Malachi before a rabbinical court but could never prove. *See id.*, ¶ 55.

What is more, the Website discloses Mrs. Malachi's private address—the only conceivable purpose of which is to invite and encourage members of the community to further harass her and her family by visiting and rallying her home—and solicits donations that will purportedly be used to fund the campaign. *See id.*, Ex. _5.

And as if the Website itself were not enough, Keleti has taken upon himself to spread the message in every other possible way. For example, Keleti has posted a link to the Website on his Facebook page accompanied by the following message:

She used threats, false stories, and create[d] social media groups to shame and intimidate people who knew too much about her.

Private investigators were hired by people she threatened, and they found many others who had been harmed.

The community is urged to be very careful and to cut off all contact with this woman, this warning urgently to protect innocent people.

Her name – Miri Malachi Richenberg.

Id., Ex. 6.

Moreover, as evidenced by the screenshots attached to the Malachi Certification as Exhibit 7, Keleti (and possibly others) posted signs smearing Mrs. Malachi at public locations throughout the community, including the school that her children attend, and placed pamphlets and fliers of a similarly tortious message and tone on cars and in mailboxes throughout the area. *See id.*, ¶ 59.

H. Rosenzweig's Competitive Animus and Commercial Motives

Upon information and belief, Rosenzweig is a licensed real estate professional and founder/owner of Rose Capital Group, a business that markets commercial real estate investment opportunities in Ocean County and other parts of the region to Israeli investors. Rosenzweig competes directly with Mrs. Malachi in the solicitation of investments from Israeli-based and other investors in the very niche and tightly knit local Jewish community in which a person's name and reputation is critical to their success. Upon information and belief, there is a material overlap between Rosenzweig's and Mrs. Malachi's respective networks of investors. *See id.*, ¶¶ 60-62.

Upon information and belief, Rosenzweig's animus toward Mrs. Malachi is driven by more than just their direct competition with each other. Because of Mrs. Malachi's experience with commercial real estate investments, members of the community who have invested monies through Rosenzweig and/or Rose Capital Group reached out to Mrs. Malachi and expressed concerns regarding those investments because, among other reasons, there were inconsistencies in the stories the investors were being told and the de minimis distributions that some but not others who invested in the same property had received. *See id.*, ¶¶ 63-64.

Mrs. Malachi researched what information is publicly available regarding those investments and identified what appears to be causes for concern, including that one of the properties which had purportedly been acquired on behalf of the

investors has been taken back by the original owner. *See id.*, ¶ 65.

Upon information and belief, Rosenzweig is concerned that, like Mrs. Malachi, her investors are preparing to pursue claims against her in secular court and, like Appel, is using the Website and other components of the smear campaign to discredit the information that Mrs. Malachi provided them and get ahead of the investors' story. *See id.*, ¶ 66.

I. The Catastrophic Impact of Defendants' Actions

The toll that Defendants' conduct has taken on Mrs. Malachi, her family, her reputation, and her business interests has been nothing short devastating. The emotional trauma that she has suffered since the Sexual Assault and has now been further exacerbated by Defendants' tortious and vindictive campaign is truly crippling. Despite consistent therapy and a steady regimen of prescription medication, Mrs. Malachi cannot control her anxiety and her panic attacks—the most recent of which occurred on Christmas Eve—which have become so intense and severe that they require emergency medical intervention. Most days, Mrs. Malachi finds it difficult to leave her home or accomplish even her basic daily functions and chores. She also finds it difficult—and sometimes impossible—to have sexual relations with her husband. *See id.*, ¶¶ 67-71.

Mrs. Malachi and her husband are no longer comfortable in their own community and do not feel safe or secure in their home. In fact, they recently paid thousands of dollars to contractors to install an advanced security system and remove trees and shrubs that were obstructing their view of the perimeter.

See id., ¶ 71.

Life for Mrs. Malachi's children is no better. They, too, are ashamed to go to school and feel exiled when walking through their own neighborhood. Their teachers have advised Mrs. Malachi that their children appear to be struggling, acting out, and are no longer themselves. *See id.*, ¶¶ 72-73.

Defendants' actions have also ruined Mrs. Malachi's professional reputation and her lucrative business relationships and opportunities. Mrs. Malachi has built a network of investors from whom she solicits investment funds on behalf of real estate developers, including Sapphire Investment Group, LLC ("Sapphire") and 15 Beaver Hill, LLC ("Beaver Hill"), which are both located in Ocean County. *See id.*, ¶ 75.

Since the Website launched, however, two investors who invested in projects being developed by Beaver Hill have demanded and received a refund of their investments—one for \$94,300, which was returned by wire dated December 18, 2025, and another for \$109,269, which was returned by wire dated December 23, 2025. Similar requests for a return of monies have been made by multiple other clients who have invested approximately \$1 million through Mrs. Malachi. It is only a matter of time before everyone asks for their money back, and no one answers her calls. *See id.*, ¶¶ 76-78 and Ex. 8.

LEGAL ARGUMENT

MRS. MALACHI IS ENTITLED TO INJUNCTIVE RELIEF.

To succeed on an application for a preliminary injunction, a movant must show that (i) its claims are based on settled law and have a reasonable probability of success on the merits; (2) movant will suffer irreparable harm if the requested relief is not granted; and (3) there would be greater harm to movant in denying the requested relief than to respondent in granting it. *See Crowe v. DeGioia*, 90 N.J. 126, 132-33 (1982).

In addition, New Jersey law has long been clear that preliminary injunctive relief should be used to preserve the status quo “where the subject matter of the litigation would be destroyed or substantially impaired if a preliminary injunction did not issue.” *Waste Mgmt. of N.J., Inc. v. Morris County Mun. Util. Auth.*, 433 N.J. Super. 445, 453 (App. Div. 2013) (internal citation and quotation marks omitted); *Westfield Ctr. Serv., Inc. v. Cities Serv. Oil Co.*, 172 N.J. Super. 196, 201 (App. Div. 1980), *aff’d*, 86 N.J. 453 (1981) (“[I]nterlocutory injunctions were appropriate and necessary temporary measures to preserve the status quo pending the opportunity of the court to resolve the important basic controversy between the parties[.]”).

“‘[A] court may take a less rigid view’ of the *Crowe* factors and the general rule that *all* factors favor injunctive relief ‘when the interlocutory injunction is merely designed to preserve the status quo.’” *Waste Mgmt. of N.J., Inc.*, 433 N.J.

Super. at 453 (quoting *Waste Mgmt. of N.J., Inc. v. Union Cnty. Utilities Auth.*, 399 N.J. Super. 508, 520 (App. Div. 2008)); see also *Dansby v. Pac. Union Fin., LLC*, No. A-2529-19, 2021 WL 1307465, at *3 (App. Div. Apr. 8, 2021); *FTERA Advisors, LLC v. Caputo*, No. A-2366-19, 2021 WL 1657592, at *7 (App. Div. Apr. 28, 2021). Under this “less rigid” approach, a court is permitted to grant injunctive relief to preserve the status quo “even if the claim appears doubtful” when “a balancing of the relative hardships substantially favors the movant, or the irreparable injury to be suffered by the movant in the absence of the injunction would be imminent and grave, or the subject matter of the suit would be impaired or destroyed.” *Waste Mgmt. of N.J., Inc.*, 433 N.J. Super. at 454; see also *McKenzie v. Corzine*, 396 N.J. Super. 405, 414 (App. Div. 2007) (a court “may take a less rigid view in its consideration of [the *Crowe*] factors when the interlocutory injunction sought is designed to merely preserve the status quo”).

A. Mrs. Malachi Will Continue to Suffer Irreparable Harm Absent the Requested Injunctive Relief.

It is well settled that a preliminary injunction should be issued when necessary to prevent irreparable harm. See *Citizens Coach Co. v. Camden Horse R.R. Co.*, 29 N.J. Eq. 299, 303-04 (1878). In other words, injunctive relief is appropriate if the harm threatened “cannot be redressed adequately by monetary damages.” *Crowe*, 90 N.J. at 132-133.

That is particularly so where, as here, the impending harm threatens to destroy an individual's business interest and reputation. "Acts destroying a complainant's business, custom, and profits do an irreparable injury and authorize the issue of a preliminary injunction." *Ferraiuolo v. Manno*, 1 N.J. 105, 108 (1948); *see also Scherman v. Stern*, 93 N.J. Eq. 626, 631 (1922) ("An injury is irreparable when it cannot be adequately compensated in damages or when there exists no certain pecuniary standard for the measurement of the damages. Inadequacy of damages as compensation may be due to the nature of the injury itself or the nature of the right or property injured. Acts destroying a complainant's business, custom, and profits do an irreparable injury and authorize the issuance of a preliminary injunction.").

As a direct and immediate result of the Website launched by Defendants in mid-December 2025 and their proliferation of false and disparaging statements through other means, including, but not limited, social media and signs, posters, and fliers disseminated throughout the community, two investors that Mrs. Malachi solicited and secured have already demanded and received the return of investments funds totaling approximately \$200,000. And several other clients of Mrs. Malachi with investments totaling approximately \$1 million have made similar requests. It is only a matter of time before Mrs. Malachi's business reputation and her entire network of existing and prospective clients have been destroyed beyond repair, and everyone stops answering or returning her calls. *See Malachi Cert.*, ¶¶ 76-78 and Ex. 8.

Furthermore, while emotional distress itself typically is not considered to be irreparable, the level of trauma and torment that Defendants' deliberate acts have inflicted upon Mrs. Malachi is so severe and unrelenting that it cannot possibly be fully remedied or recompensed through money damages. As detailed in Mrs. Malachi's certification, the emotional trauma, stress, and anxiety she has been suffering since the Sexual Assault has become even more crippling as a direct result of Defendants' blatant campaign to destroy her good name and reputation, harass and intimidate her and her family, and effectively exile them from Ocean County's closely-knit Jewish community. Her panic attacks—the most recent of which was recent of which occurred Christmas Eve—have become more frequent and so intense that they sometimes require emergency medical intervention. She and her husband are no longer comfortable in their own home—the location of which is purposely and prominently featured on the Website—so much so that they recently had a new security system installed. And their children are now ashamed and anxious about walking through the neighborhood and going to school and showing tell-tale signs of distress and anguish. *See Malachi Cert.*, ¶¶ 67-74. No person should have to endure such ill-motivated persecution and that is especially so for someone who, like Mrs. Malachi, has already been subjected to sexual attacks and other menacing and predatory conduct. *See Ward v. Bd. of Fire Commissioners of Avenel, Fire Dist. No. 5 in Twp. of Woodbridge, Middlesex Cnty.*, A-4877-14T3, 2017 WL 764451, at *1 (App. Div. Feb. 28, 2017) (trial court entered restraints where plaintiff alleged defamation and intentional infliction of

emotional distress); *Oshiver v. Court of Common Pleas, Court Administration*, 469 F. Supp. 645, 648 (E.D. Pa. 1979) (awarding plaintiff an injunction and reinstating her employment because “evidence of the emotional and nervous problems brought on by her dismissal demonstrated that she would suffer irreparable harm in the absence” of such relief.).

B. Mrs. Malachi Is Likely to Succeed on the Merits of Her Claims.

As set forth below, Mrs. Malachi’s success on the merits of all her claims is virtually certain. The following are some examples.

1. Tortious Interference (Fourth Count)

To establish a claim for tortious interference with existing contractual relations, a plaintiff must allege and prove (i) actual interference with an existing contract or relationship, (ii) that the interference was inflicted intentionally by a defendant who is not a party to the contract or relationship, (iii) that the interference was without justification, and (iv) that the interference caused the damage. *See Printing Mart-Morristown v. Sharp Elecs. Corp.*, 116 N.J. 739 (1988).

“An action for tortious interference with a prospective business relation protects the right to pursue one’s business . . . ‘free from undue influence or molestation.’” *Lamorte Burns & Co. v. Walters*, 167 N.J. 285, 305 (2011) (quoting *Printing Mart-Morristown*, 116 N.J. at 750)). To succeed on such a claim, the “plaintiff must show that it had a reasonable expectation of economic advantage that was lost as a direct result of the defendants’ malicious interference, and that

it suffered losses thereby.” *Id.* at 305-06 (citation omitted). “Malice” “means that harm was inflicted intentionally and without justification or excuse.” *Id.*

a. Interference

Defendants tortiously interfered with Mrs. Malachi’s existing and prospective business relationships by, among other intentional acts, launching the Website, making social media posts, and distributing signs, fliers, and pamphlets throughout the community, all of which contain patently false and disparaging statements. *See* Malachi Cert., ¶¶ 34-59.

b. Malice

There is no conceivable excuse or justification for any of Defendants’ tortious acts. The sole purpose of publishing and disseminating patently false and disparaging statements concerning Mrs. Malachi, including that she is a “danger” to all Jews and “talented fraudster,” has “scammed” and stolen money from friends and investors, and manufactured the story of the Sexual Assault, all while warning everyone “[d]on’t give her money!!,” is to ruin her professional reputation, her business relationships, and her goodwill. *Id.* In fact, both Appel and Rosenzweig admitted to a third party before their smear campaign even began that their objective is to “take down” Mrs. Malachi. *Id.*, Ex. 4.

c. Damages

The damages caused by Defendants’ tortious interference are significant and certain to continue in the absence of the requested injunctive relief. As previously detailed, two clients of Mrs. Malachi have already demanded and

received a return of their investments totaling approximately \$200,000 and several other clients of Mrs. Malachi with investments totaling approximately \$1 million have made similar requests. See Malachi Cert., ¶¶ 67-74 and Ex. 8.

2. Defamation/Defamation Per Se (Fifth Count) and False Light (Sixth Count)

The tort of defamation “imposes liability for publication of false statements that injure the reputation of another.” *Printing-Mart Morristown*, 116 N.J. at 765. Under New Jersey law, the elements of a defamation claim are: (i) that the defendant “made a false and defamatory statement concerning” the plaintiff; (ii) “that the statement was communicated to another person (and not privileged);” and (iii) that the defendant “acted negligently or with actual malice.” *G.D. v. Kenny*, 205 N.J. 275, 292-93 (2011).

A statement is defamatory when it “is false and injurious to the reputation of another’ or exposes another person to ‘hatred, contempt, or ridicule’ or subjects another person to ‘a loss of the good will and confidence’ in which he or she is held by others.” *Higgins v. Pascack Valley Hosp.*, 158 N.J. 404, 426 (1999) (quoting *Romaine v. Kallinger*, 109 N.J. 282, 289 (1988)). Words that are defamatory *per se* those concerning “misconduct affecting one’s business, trade, profession, office or calling[.]” *Hall v. Heavey*, 195 N.J. Super. 590, 595 (App. Div. 1984). A statement “falsely attributing criminality to an individual [also] is defamatory as a matter of law.” *G.D.*, 205 N.J. at 293.

The tort of false light requires a plaintiff to establish that: (i) the false light in which the plaintiff was placed would be highly offensive to a reasonable person, and (ii) the defendant had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which plaintiff would be placed. *See id.* The falsity must be, in fact, false or have the capacity to give rise to a false public impression. *See Romaine*, 109 N.J. at 289.

The statements contained on the Website and disseminated through social media and the signs, fliers, and pamphlets distributed throughout the community are textbook examples of defamation, defamation per se, and false light. They contain salacious allegations that concern Mrs. Malachi's personal and professional character and falsely attribute criminality, immorality, and unlawfulness, including, but not limited to, that Mrs. Malachi "scammed" a young couple for whom she held a wedding at her home, "stole" from Appel, has "extorted" multiple "victims," and is a "talented fraudster," who cannot be trusted. *Malachi Cert.*, ¶¶ 34-59.

They are also patently and demonstrably false. By way of example, but not limitation:

- Mrs. Malachi did not steal money she raised to pay for the wedding of Binyamin Doyev and Tehila Recht that she hosted at her home. *See id.*, Ex. 5. Mrs. Malachi contributed the entire \$2,000 or so that she did raise to pay for the celebration and she and her husband contributed their own monies—approximately \$8,000—to cover the balance. *See Doyev/Recht Cert.*

- Mrs. Malachi did not “steal” any money from Appel. Every payment she received was understood to be either a “draw” or advance of future commissions or a gift/donation to help her pay for groceries and other necessities. *See* Malachi Cert., ¶¶ 44 and 49.
- The text message depicted on the Website in which Mr. Malachi purported to extort Appel is completely manufactured. *See* Richenberg Cert., ¶¶ 7-8.
- Mrs. Malachi never even met Rabbi Forscheimer, much less refused his request to submit her phone to a forensic screening in search of evidence of the Sexual Assault and Appel’s other egregious conduct. *See* Malachi Cert., ¶ 46.

3. Sexual Assault (First Count)

The elements of civil sexual assault in New Jersey are derived from the intentional tort of battery combined with the definitions found in the criminal sexual assault statutes. A plaintiff asserting a civil claim for sexual assault must establish: (1) an intentional act by the defendant; (2) involving sexual penetration or sexual contact; (3) without the victim’s consent. *See State in Interest of M.T.S.*, 129 N.J. 422 (1992) (citing N.J.S.A. 2A:61B-1). “Sexual penetration” is defined as “vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of hand, finger, or objection into the anus or vagina.” N.J.S.A. 2C:14-1. “Sexual contact” means “an intentional touching by the victim or actor, either directly or through clothing, of the victim’s or actor’s intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or gratifying the actor.” *Id.*

As detailed in Mrs. Malachi's certification, Appel sexually assaulted her on or about June 1, 2022, whereby he forced himself upon and took sexual advantage of her without her consent and despite her desperate cries for him to stop. *See* Malachi Cert., ¶¶ 16-25.

4. Breach of Fiduciary Duty (Eighth Count)

To establish a claim for breach of fiduciary duty, a plaintiff must show that: (1) the defendant had a duty to the plaintiff; (2) the duty was breached; (3) injury to the plaintiff occurred as a result of the breach; and (4) the defendant caused that injury. *See Namerow v. PediatriCare Associates, LLC*, 461 N.J. Super. 133, 146 (Ch. Div. 2018).

“The essence of a fiduciary relationship is that one party places trust and confidence in another who is in a dominant or superior position.” *F.G. v. MacDonnell*, 150 N.J. 550, 563 (1997); *see also Big M, Inc. v. Dryden Advisory Grp.*, No. 08-3567, 2009 WL 1905106, at *24 (D.N.J. June 30, 2009) (“A fiduciary obligation exists whenever one person places special ‘trust and confidence’ in another person upon whom the person relies to exercise discretion and expertise on behalf of that person.”).

New Jersey courts have specifically held that spiritual leaders owe a fiduciary duty to their parishioners, members of their congregation, and anyone else who seeks their guidance and assistance:

Trust and confidence are vital to the counseling relationship between parishioner and pastor. By accepting a parishioner for counseling, a pastor also accepts the

responsibility of a fiduciary. Often, parishioners who seek pastoral counseling are troubled and vulnerable. Sometimes, they turn to their pastor in the belief that their religion is most likely the source to sustain them in their time of trouble. The pastor knows, or should know of the parishioner's trust and the pastor's dominant position.

Id.

All the essential elements are easily satisfied here. Appel owed Mrs. Malachi a fiduciary duty to act in her best interest because she reposed her trust and confidence in him as a rabbi, mentor, confidant, and advisor, who undertook to counsel, guide, and provide her with financial assistance, at a time when she was truly desperate and vulnerable. *See* Malachi Cert., ¶¶ 2-15. Appel breached that duty by, among other acts, sexually assaulting and harassing her, threatening and intimidating her to keep her from revealing the truth about his reprehensible course of conduct, and tortiously interfering with her existing and prospective business relationships and ruining her name and reputation through a widespread smear campaign. *See id.*, ¶¶ 16-59. And as a direct and proximate result of Appel's breaches, Mrs. Malachi has suffered, will continue to suffer, extreme emotional distress and physical pain, as well as significant financial harm. *See id.*, ¶¶ 67-78

5. Intentional Infliction of Emotional Distress (Third Count)

New Jersey recognizes the tort of intentional infliction of emotional distress. *See Taylor v. Metzger*, 152 N.J. 490, 508-21 (1998). To prevail on such a claim:

the plaintiff must establish intentional and outrageous conduct by the defendant, proximate cause, and distress that is severe. Initially, the plaintiff must prove that the defendant acted intentionally or recklessly. For an intentional act to result in liability, the defendant must intend to both do the act and to produce emotional distress. Liability will also attach when the defendant acts recklessly in deliberate disregard of a high degree of probability that emotional distress will follow.

Second, the defendant's conduct must be extreme and outrageous. The conduct must be "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community." Third, the defendant's actions must have been the proximate cause of the plaintiff's emotional distress. Fourth, the emotional distress suffered by the plaintiff must be "so severe that no reasonable man could be expected to endure it.

Buckley v. Trenton Sav. Fund Soc'y, 111 N.J. 355, 365-66 (1988) (citations omitted).

It is hard to fathom conduct more "outrageous," "atrocious," beyond the "bounds of decency," or "utterly intolerable in a civilized community" than the sexual assault of a vulnerable woman by a trusted religious leader followed by a barrage of sexually explicit and graphic text messages, threats of social exile and intimidation, an offer to buy her silence, and the widespread, public dissemination of patently false and extraordinarily disparaging statements. And as a direct and proximate result of those actions, Mrs. Malachi has been suffering, and will continue to suffer, from extreme emotional distress, anxiety, intense panic attacks requiring to medical intervention, an inability to have intimate relations with her

husband, and an unrelenting fear for the safety of her and her family. *See Malachi Cert.*, ¶¶ 67-73.

C. A Balancing of the Hardships Militates Solely in Mrs. Malachi's Favor.

A preliminary injunction is appropriate so long as granting such relief will not result in even greater harm to the non-moving party. *See Crowe*, 90 N.J. at 132-33. Here, the injunctive relief sought by Mrs. Malachi would merely require Defendants to remove the Website, social media posts, fliers, posters, and other materials containing false and disparaging statements; refrain from taking any further actions to interfere with Mrs. Malachi's existing and prospective business relationships, to ruin her name, goodwill, and reputation, and/or to threaten, intimidate, and/or harass her and/or her family; and, if they so choose, litigate their defenses to Mrs. Malachi's claims in this proper judicial forum rather through a public smear campaign intended solely to cause Mrs. Malachi harm and despair.

Defendants, on the other hand, will not suffer any conceivable harm or hardship if Mrs. Malachi's application is granted.

CONCLUSION

For the foregoing reasons, Mrs. Malachi respectfully requests that the Court grant her application for temporary and preliminary injunctive relief consistent with the Order to Show Cause and the proposed form of Order Granting Injunctive Relief submitted herewith.

Respectfully submitted,

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