

**KIPP & ALLEN, L.L.P.**

**By: Richard J. Allen, Jr., Attorney No. 023041981**

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**Attorneys for Plaintiff Borough of East Rutherford**

SUPERIOR COURT BERGEN COUNTY  
**FILED**

JUL 31 2015

*Thomas G. Simabian*  
DEPUTY CLERK

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-BERGEN COUNTY

DOCKET NO. : BER-L-005925-15

Civil Action  
(Mount Laurel)

IN THE MATTER OF THE APPLICATION  
OF THE BOROUGH OF EAST  
RUTHERFORD FOR A JUDGMENT OF  
COMPLIANCE AND REPOSE

**NOTICE OF MOTION FOR AN ORDER  
GRANTING EAST RUTHERFORD A  
PERIOD OF TIME TO COMPLETE AN  
UPDATED HOUSING ELEMENT AND FAIR  
SHARE PLAN AND FOR TEMPORARY  
IMMUNITY FROM EXCLUSIONARY  
ZONING LAWSUITS DURING THE  
PENDENCY OF THIS LITIGATION.**

TO: ALL INTERESTED PARTIES IDENTIFIED ON SCHEDULE A.

PLEASE TAKE NOTICE that I will apply to the above-named Court for the following relief:

RELIEF SOUGHT:

1. An Order granting East Rutherford a five month period from the date that a methodology or formula is established by this Court, or otherwise, to prepare a constitutionally compliant HEFSP that incorporates the formula and methodology approved by this trial court or otherwise;

2. An Order granting temporary immunity from third party exclusionary zoning lawsuits against East Rutherford from the date of the filing of this Declaratory Judgment action until

this Court issues a Final Judgment of Compliance and Repose to the Borough of East Rutherford for its HEFSP formulated, adopted and approved in accordance with the applicable formula and methodology established by this Court; and

3. An Order granting such additional relief as the Court deems equitable and just.

RETURN DATE: August 21, 2015

TIME: 9:00 a.m. or as soon thoughts as counsel may be heard.

PLACE: Hon. Menelaos W. Toskos, J.S.C.  
Chambers Room 424  
Bergen County Justice Center  
10 Main Street  
Hackensack, New Jersey 07601

SUPPORTING DOCUMENTS:

1. Certification of George Stevenson, PP;
2. Letter Brief in Support of the Motion;
3. Proposed form of Order.

ORAL ARGUMENT: Requested if Motion is opposed.

TRIAL DATE: Not yet assigned.

1:6-2 CERTIFICATION: Not Applicable.

CERTIFICATION OF SERVICE:

I certify that a copy of a Notice of Filing of this Notice of Motion and supporting papers were served upon all interested parties identified on Schedule A via both Regular Mail and Certified Mail, Postage pre-paid on July 30, 2015.

Dated: July 30, 2015

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BOROUGH OF EAST RUTHERFORD

By: 

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