

KIPP & ALLEN, L.L.P.
By: Richard J. Allen, Jr., Attorney No. 023041981
52 Chestnut Street
P. O. Box 133
Rutherford, New Jersey 07070
(201) 933-3633
Attorneys for Plaintiff Borough of East Rutherford

SUPERIOR COURT BERGEN COUNTY
FILED

JUL 20 2015


DEPUTY CLERK

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-BERGEN COUNTY

DOCKET NO. : BER-L-005925-15

Civil Action
(Mount Laurel)

**PROOF OF SERVICE OF
NOTICE OF FILING OF A
COMPLAINT BY THE
BOROUGH OF EAST RUTHERFORD
FOR A DECLARATORY JUDGMENT
SEEKING A JUDGMENT OF
COMPLIANCE AND REPOSE**

Richard J. Allen, Jr., of full age hereby certifies as follows:

I. I am an attorney at law of New Jersey and attorney for plaintiff in the above matter. On July 10, 2015 I mailed one copy of each of the **Notice of Filing of a Complaint by the Borough of East Rutherford For a Declaratory Judgment Seeking a Judgment of Compliance and Repose**, a copy of which is attached as Exhibit "A," to each of the entities identified in Paragraph 2 of this Certification simultaneously by certified mail, return receipt requested and regular mail, each postage prepaid. A copy of the receipt for mailing ("white card") for each addressee is attached hereto for each addressee as Exhibit "B".

2. The recipients of such documents are:

<u>Name</u>	<u>Address</u>	<u>Interest</u>
Tomu Development, Inc.	Robert Hopper, Registered Agent Sax, Macy & Fromm 855 Valley Road Clifton, NJ 07013	Holder of Builders' remedy
10 Morton Street Associates, LLC	c/o Richard J. Abrahamsen, Esq. The Abrahamsen Law Firm 115 River Road; Suite 828 Edgewater, N.J. 07020	Objection to Plan before COAH
Group at Rt. 3, LLC	16 Microlab Road; Suite A Livingston, N.J. 07039	Objection to Plan before COAH (settled)
Oak St., LLC, Inc.	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates Meadowland Office Complex 301 Route 17; Suite 505, 5 th Fl. Rutherford, N.J. 07070	Objection to Plan before COAH
Russo Acquisitions, LLC	c/o Richard G. Berger, Esq. 71 Hudson Street Hackensack, N.J. 07601	Objection to Plan before COAH
Avalon Bay Communities, Inc.	517 Route One South Suite 5500 Iselin, NJ 08830	Entity Expressing Interest
Star Rutherford Corp.	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates Meadowlands Office Complex 301 Route 17 Suite 505 5th floor Rutherford, NJ 07070	Entity Expressing Interest
Sterling Development Group, LLC	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates Meadowlands Office Complex 301 Route 17 Suite 505 5th floor Rutherford, NJ 07070	Entity Expressing Interest
Helen Properties, Inc.	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates Meadowlands Office Complex 301 Route 17 Suite 505 5th floor Rutherford, NJ 07070	Entity Expressing Interest
NCP Fund I Holding, Inc.	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates Meadowlands Office Complex 301 Route 17 Suite 505 5th floor Rutherford, NJ 07070	Entity Expressing Interest

New Jersey Builders Association	c/o Stephen M. Eisdorfer, Esq. Hill Wallack, LLP 202 Carnegie Center Princeton, N.J. 08540	Entity Expressing Interest and 2015 Case Service List
N.J. State League of Municipalities	c/o Edward J. Buzak, Esq. Buzak Law Group, LLC 150 River Road; Suite N4 Montville, N.J. 07045	2015 Case Service List
Borough of Atlantic Highlands	c/o Jeffrey R. Surenian, Esq. Jeffrey R. Surenian and Associates, LLC 707 Union Avenue; Suite 301 Brielle, N.J. 08730	2015 Case Service List
Bernards Township, Clinton Township, Union Township and Green Wick Township	c/o Jonathan E. Drill, Esq. Stickel, Koenig, Sullivan & Drill, LLC 571 Pompton Avenue Cedar Grove, N.J. 07009	2015 Case Service List
New Jersey Council on Affordable Housing	c/o Geraldine Callahan, Deputy Attorney General Hughes Justice Complex 25 W. Market Street Trenton, N.J. 08625	2015 Case Service List
Fair Share Housing Center	Kevin D. Walsh, Esq. Fair Share Housing Center 510 Park Boulevard Cherry Hill, NJ 08002	2015 Case Service List
Eden Property Company, LLC	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates 301 Route 17; Suite 505, 5 th Floor Rutherford, NJ 07070	Entity Expressing Interest
Catalyst Development Partners	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates 301 Route 17; Suite 505, 5 th Floor Rutherford, NJ 07070	Entity Expressing Interest

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

Date: July 16, 2015

Notice of Filing of Compl-7-15-15


Richard J. Allen, Jr.

KIPP & ALLEN, L.L.P.

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

52 Chestnut Street

P. O. Box 133

Rutherford, New Jersey 07070

(201) 933-3633

Attorneys for Plaintiff

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

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-BERGEN COUNTY

DOCKET NO. : BER-L-005925-15

Civil Action

**NOTICE OF FILING OF A COMPLAINT
BY THE BOROUGH OF EAST
RUTHERFORD FOR A DECLARATORY
JUDGMENT SEEKING A JUDGMENT
OF COMPLIANCE AND REPOSE**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the Borough of East Rutherford, acting pursuant to the authority granted by the New Jersey Supreme Court in its decision in the case captioned *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015)* has filed a Complaint (with exhibits) with the Superior Court of New Jersey seeking the following relief:

(a) An Order exercising jurisdiction over the compliance by East Rutherford with its constitutional affordable housing obligations;

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

(c) 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 the Court issues a Final Judgment of Compliance and Repose to the Borough of East Rutherford for its Housing element and Fair Share Plan to be formulated, adopted and approved in accordance with the applicable formula and methodology established by this Court;

(d) An Order declaring that East Rutherford has fully discharged its constitutional affordable housing obligations and is granted protection and repose against exclusionary zoning litigation;

(e) A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry;

(f) An Order approving the Spending Plan of East Rutherford heretofore pending before the Council on Affordable Housing;

(g) An Order continuing the jurisdiction of this Court to consider and approve any amendments to the Approved Spending Plan; and

(h) An Order granting such additional relief as the Court deems equitable and just.

The complaint and exhibits are available for public inspection at the office of the Borough Clerk at the East Rutherford Municipal Building, One Everett Place, East Rutherford, New Jersey during normal business hours. The complaint and exhibits are also available on the internet at <http://castrutherfordnj.us/news/coah-lawsuit-documents>.

If you have any objections or comments to the relief sought by the Borough you must make a motion before the court to intervene in this matter.

KIPP & ALLEN, L.L.P.
Attorneys for Plaintiff/Petitioner,
BOROUGH OF EAST RUTHERFORD

Dated: July 10, 2015

By: _____


Richard J. Allen, Jr.
Borough Attorney

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