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

JUL 2 0 2015

Sam Q. Sendoni 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 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:

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

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 Complt-7-15-15

Richard J. Allen, Jr.

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(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 <u>In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing</u>, 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 <a href="http://eastrutherfordnj.us/news/coah-lawsuit-documents">http://eastrutherfordnj.us/news/coah-lawsuit-documents</a>.

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,

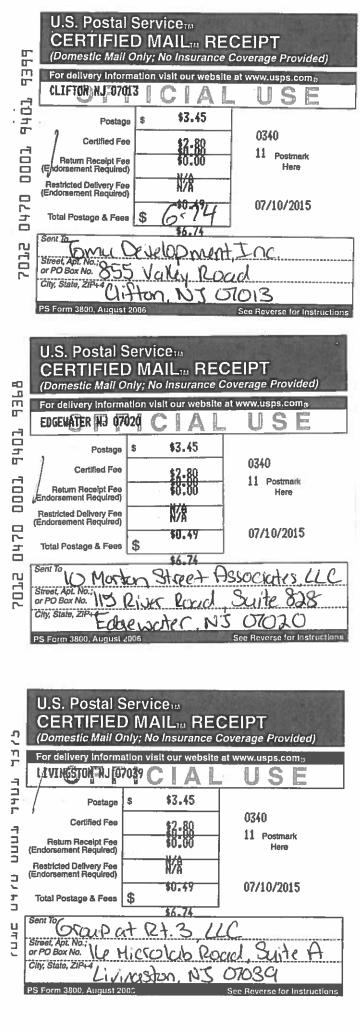
BOROUGH OF EAST RUTHERFORD

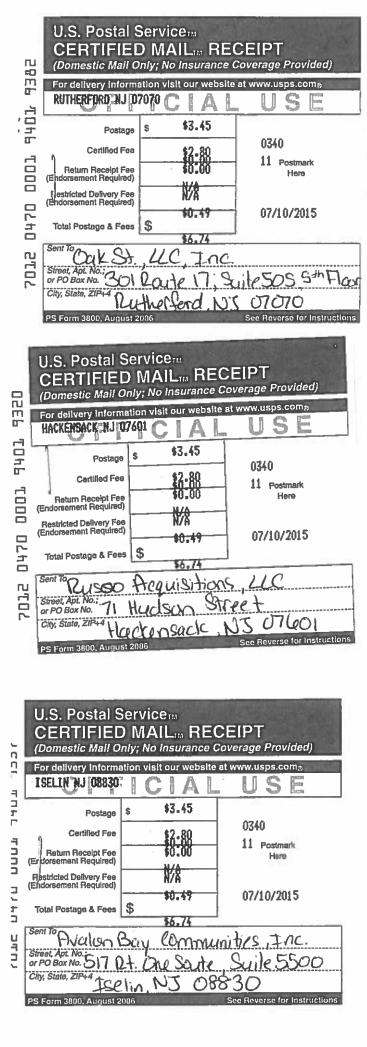
Dated:

July /0, 2015

Bv:

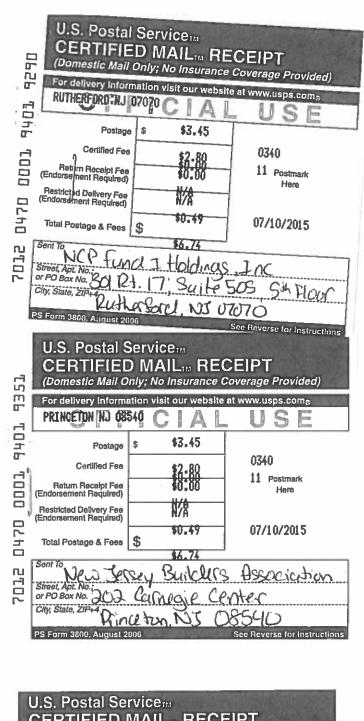
Richard J. Allen, Jr. Bordugh Attorney





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Street, Apt. No.; or PO Box No. \50	River Road	Suite N4	
City, State, ZIP+4	tuile, 103	07054	
PS Form 3800, August 2	2006	See Reverse for Instructions	

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See Reverse for Instructions