

**M. James Maley, Jr.**  
**Attorney License No. 019561982**  
**Erin E Simone**  
**Attorney License No. 019222003**

**Law Offices**  
**MALEY & ASSOCIATES**  
**A Professional Corporation**  
**1150 Haddon Avenue**  
**Suite 210**  
**Collingswood, New Jersey 08108**  
**856-854-1515**  
Attorneys for Plaintiffs

FRIENDS OF HISTORIC  
FLEMINGTON, LLC, GARY  
SCHOTLAND, and LOIS K. STEWART,

Plaintiffs,

v.

BOROUGH OF FLEMINGTON,  
BOROUGH COUNCIL OF THE  
BOROUGH OF FLEMINGTON,  
PLANNING BOARD OF THE  
BOROUGH OF FLEMINGTON, THE  
HONORABLE PHIL GREINER, in his  
individual and official capacities,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
HUNTERDON COUNTY  
DOCKET NO. **L-417-16**

CIVIL ACTION

**COMPLAINT IN LIEU OF  
PREROGATIVE WRIT**

Plaintiffs, Friends of Historic Flemington, LLC, Gary Schotland, Lois K. Stewart  
(collectively "Plaintiffs") by way of Complaint say:

**PARTIES**

1. Plaintiff, Friends of Historic Flemington, LLC, is a limited liability corporation with offices at 77 Jefferson Court, Flemington, NJ 08822, which is a group of citizens, professionals, business and property owners concerned about Flemington's historic buildings and historic district.

BATCH NO:	440
DATE:	9-22-16
PAYMENT:	CA/CK/MO
CK/MO #:	1261
AMOUNT:	250 <sup>00</sup>
PREPARER:	mal

RECEIVED/FILED  
SUPERIOR COURT

2016 SEP 22 A 10:40

HUNTERDON COUNTY  
CLERK OF SUPERIOR COURT

2. Plaintiff, Gary Schotland, is one of the principals of 123 Main, LLC, which owns property located at 123 Main Street, Flemington, New Jersey 08822.

3. Plaintiff, Lois K. Stewart, is an individual residing at 26 Spring Street, Flemington, New Jersey 08822.

4. Defendant, Borough of Flemington, is a municipal corporation of the State of New Jersey, having offices at 38 Park Avenue, Flemington, New Jersey 08822 (“Borough”).

5. Defendant, Borough Council of the Borough of Flemington, is the governing body of the Borough, having offices at 38 Park Avenue, Flemington, New Jersey 08822 (“Council”).

6. Defendant, Planning Board of the Borough of Flemington, is a municipal land use board created pursuant to N.J.S.A. 40:55D-23, having offices at 38 Park Avenue, Flemington, New Jersey 08822 (“Planning Board”).

7. Defendant, the Honorable Phil Greiner, is the Mayor of the Borough of Flemington and the Chairperson of the Council (“Council Chairman”). He is being sued in both his individual and official capacities.

### **JURISDICTION**

8. Jurisdiction is appropriate under N.J.S.A. 10:4-15(b), which allows any member of the public to file an action in lieu of prerogative writ in order to void any action taken at a meeting that was in violation of the OPMA.

### **COUNT ONE**

### **VIOLATIONS OF OPEN PUBLIC MEETINGS ACT FOR AUGUST 8, 2016 MEETING**

9. Plaintiffs repeat the allegations set forth in Paragraphs 1 through 8 as if fully set forth herein and incorporates the same herein by reference.

10. Under the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. (“OPMA”), “all meetings of public bodies shall be open to the public at all times.” N.J.S.A. 10:4-12(a).

11. The OPMA requires that a municipal governing body set aside a portion of every meeting for public comment. N.J.S.A. 10:4-12(a).

12. In adopting the OPMA, the Legislature declared that there was a “right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies” and that this right is “vital to the enhancement and proper functioning of the democratic process...” N.J.S.A. 10:4-7,

13. The Legislature further declares that it is the public policy of the state to insure its citizens the “right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way” subject to a few limited exceptions. N.J.S.A. 10:4-7.

14. The exclusion of some or all of the public from any portion of a public meeting, except in accordance with the OPMA, violates the OPMA.

15. The Council is a public body subject to the OPMA.

16. The Council is required to hold all of its meetings in accordance with the requirements of the OPMA.

17. On August 8, 2016, the Council held a meeting at the Borough Hall located at 38 Park Avenue, Flemington, New Jersey 08822.

18. The room selected for the public meeting was too small to accommodate all of the members of the public who attempted to attend the meeting.

19. Because of the size of the room, several members of the public were forced to stand in the hall and were unable to witness in full detail the actions taken by the Council at the

August 8, 2016 meeting.

20. The room selected by the Council for the public meeting did not have any amplification mechanism or speakers to allow the conversations of the Council Members to be audible beyond the room.

21. Upon information and belief, the members of the public who stood in the hall were unable to hear many of the statements made by the Council Members and the public at the August 8, 2016 meeting.

22. The Council had knowledge that members of the public were excluded from the meeting.

23. The Chairman of the Council, on at least one occasion, asked people to move out of the doorway because they were blocking the entrance.

24. Following that request, the people in the doorway had to exit the room.

25. The actions taken by the Council at the August 8, 2016 meeting violated the OPMA and as a result, all actions taken at the August 8, 2016 are therefore void. N.J.S.A. 10:4-15(b).

WHEREFORE, Plaintiffs request that judgment be rendered and an order be entered as follows:

- a. Declaring the August 8, 2016 meeting of the Council violated the OPMA; and
  - b. Finding the actions taken at the August 8, 2016 meeting of the Council to be void;
- and
- c. Enjoining the Council from holding any further meetings at Borough Hall and compelling them to hold all Council meetings at a venue large enough to accommodate all of the members of the public who wish to attend; and

- d. Compelling the Council to revise, repost, mail and submit a revised annual notice with the revised meeting location in accordance with N.J.S.A. 10:4-18.
- e. Awarding Plaintiffs reasonable attorney's fees, costs of suit; and
- f. Granting such other relief as the Court deems just and equitable.

## COUNT TWO

### INVALIDITY OF REDEVELOPMENT DESIGNATION

26. Plaintiffs repeat the allegations set forth in Paragraphs 1 through 25 as if fully set forth herein and incorporates the same herein by reference.

27. On September 6, 2013, the New Jersey Legislature adopted P.L. 2013, c. 159, which amended the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") to change the process for designating an area in need of redevelopment ("New Law").

28. The New Law stated that although the New Law was effective immediately, it did not apply to any area designated in need of redevelopment that was adopted on or before the 90<sup>th</sup> day following enactment ("Exemption Deadline").

29. The Exemption Deadline expired on December 5, 2013, which is 90 days from the enactment of the New Law.

30. All redevelopment designations adopted after December 5, 2013 were required to comply with the procedures set forth in the New Law.

31. In adopting the New Law, the Legislature gave municipalities 90 days to finish up any preliminary investigation process that had already been started.

32. Any preliminary investigation process which was not completed by the Exemption Deadline had to be redone in accordance with the requirements of the New Law.

33. The new process required under the New Law is as follows:

- a. The Municipality must adopt a resolution directing the planning board to undertake a preliminary investigation, and to indicate in the resolution whether the area is a Condemnation Redevelopment Area or a Non-Condemnation Redevelopment Area. N.J.S.A. 40A:12A-6(a).
- b. The Planning Board shall conduct a hearing on the preliminary investigation. N.J.S.A. 40A:12A-6(b)(1) & (2).
- c. Where the resolution indicates that it is a Non-Condemnation Redevelopment Area, the notice shall state that the redevelopment area does not authorize eminent domain. N.J.S.A. 40A:12A-6(b)(3)(b).
- d. After completing the hearing, the Planning Board shall make recommendations regarding the designation of the area as in need of redevelopment. N.J.S.A. 40A:12A-6(b)(5)(a).
- e. After receiving the recommendation, the Governing Body shall adopt a resolution determining the area in need of redevelopment. N.J.S.A. 40A:12A-6(b)(5)(b).

34. Block 22, Lots 2, 5, 6, 7, 8, 9 & 10, and Block 23, Lots 1 & 7 (“Redevelopment Area”) was designated as an area in need of redevelopment by the Council on February 10, 2014 by way of Resolution 2014-44.

35. Because the Redevelopment Area was designated as a redevelopment area after the December 5, 2013 Exemption Deadline, the Council was required to follow the procedures set forth in the New Law.

36. On August 12, 2013, the Council adopted Resolution 2013-132, which authorized the Planning Board to undertake a preliminary investigation of whether the Redevelopment Area parcels qualified as an area in need of redevelopment pursuant to the LRHL (“Study Area”).

37. Resolution 2013-132 did not contain any language indicating whether the Study Area was to be a Condemnation Area or a Non-Condemnation Area.

38. Resolution 2013-13 did not comply with the New Law.

39. Under the New Law, the only entity authorized to determine whether an area in need of redevelopment should be a Condemnation Area or a Non-Condemnation Area is the governing body. N.J.S.A. 40A:12A-6(a).

40. Pursuant to N.J.S.A. 40A:12A-4(a)(1) the governing body of a municipality is the entity who has the power to cause a preliminary investigation to be made.

41. Also under N.J.S.A. 40A:12A-4(b)(1) (emphasis added), a planning board's authority is limited to "[c]onduct[ing], **when authorized by the municipal governing body**, a preliminary investigation and hearing and make a recommendation pursuant to subsection b. of section 6 of P.L.1992, c. 79 (C.40A:12A-6) as to whether an area is in need of redevelopment."

42. As of December 5, 2013, Resolution 2013-132 expired, which was adopted in non-conformance with the new statutory requirements under the New Law, expired, became void, and/or was impliedly repealed because it could no longer result in a valid redevelopment designation.

43. As of December 5, 2013, the Planning Board lacked the authority to conduct a preliminary investigation because the authorizing resolution was not in conformance with the New Law.

44. The Planning Board also lacked the statutory authority to determine whether the Redevelopment Area would be a Condemnation Area or a Non-Condemnation Area.

45. Although the Planning Board did not have the authority to determine whether the Redevelopment Area should be a Condemnation Area or a Non-Condemnation Area, Planning Board unilaterally decided that it would investigate the area as a Non-Condemnation Area.

46. Because the Planning Board lacked the authority to make such a determination, it should have referred the matter back to the Council for a new resolution in compliance with the New Law.

47. Instead, on December 16, 2013, the Planning Board held a public hearing for the purposes of undertaking the Planning Board's preliminary investigation to determine whether the Redevelopment Area satisfied the criteria for designating the Redevelopment area as an area in need of redevelopment.

48. Once the Council realized that the Planning Board was not going to even hold its public hearing until after the December 5, 2013 exemption deadline, it could have and should have adopted a new resolution directing the Planning Board to undertake its preliminary investigation in compliance with the New Law, and indicating whether the area was to be a Condemnation Area or a Non-Condemnation Area.

49. Prior to the December 16, 2013 Planning Board meeting, a Council meeting was held on December 9, 2013, in which two other resolutions were adopted directing the Planning Board to undertake a preliminary hearing for different areas within the municipality which were adopted in accordance with the statutory requirements of N.J.S.A. 40A:12A-6(a).

50. There is simply no reason why the Council could not have complied with the requirements of the New Law and adopted a new resolution for the Redevelopment Area at the December 9, 2013 Council meeting.

51. Deciding whether the Redevelopment Area should be a Condemnation Area or a Non-Condemnation Area is a discretionary decision vested solely with the Council by the Legislature pursuant to N.J.S.A. 40A:12A-6(a).

52. Allowing the Planning Board to make the initial determination of whether the Redevelopment Area would be a Condemnation Area or a Non-Condemnation Area was an illegal and improper delegation of municipal authority.

53. The actions of the Planning Board taken at the December 16, 2013 meeting are therefore ultra vires and void.

54. The designation of the Redevelopment Area as an area in need of redevelopment pursuant to Resolution #2014-44 is invalid and void for failure to comply with the requirements of the New Law.

WHEREFORE, Plaintiffs request that judgment be rendered and an order be entered as follows:

a. Finding the actions taken at the December 16, 2013 Planning Board were ultra vires and void; and

b. Finding that the designation of Block 22, Lots 2, 5, 6, 7, 8, 9 & 10, and Block 23, Lots 1 & 7 as an area in need of redevelopment did not comply with the requirements of N.J.S.A. 40A:12A-6; and

c. Declaring that the designation of Block 22, Lots 2, 5, 6, 7, 8, 9 & 10, and Block 23, Lots 1 & 7 as an area in need of redevelopment is void; and

d. Invalidating Resolution #2014-44; and

e. Invalidating any redevelopment plans adopted for Block 22, Lots 2, 5, 6, 7, 8, 9 & 10, and Block 23, Lots 1 & 7; and

- f. Invalidating any redevelopment agreements, or other agreements entered into by the Council relating to Block 22, Lots 2, 5, 6, 7, 8, 9 & 10, and Block 23, Lots 1 & 7; and
- g. Invalidating any other action of the Council authorized under N.J.S.A. 40A:12A-8 as it relates to Block 22, Lots 2, 5, 6, 7, 8, 9 & 10, and Block 23, Lots 1 & 7;
- h. Awarding Plaintiffs reasonable attorney's fees, costs of suit; and
- i. Granting such other relief as the Court deems just and equitable.

### COUNT THREE

#### VIOLATION OF 42 U.S.C. 1983

55. Plaintiffs repeat the allegations set forth in Paragraphs 1 through 54 as if fully set forth herein and incorporates the same herein by reference.

56. 42 U.S.C. 1983 is a federal statute that protects individuals from violations of constitutional rights by governmental actors.

57. Section 1983 provides that a person who, under color of law, deprives another person "of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." 42 *U.S.C.A.* § 1983.

58. The "prevailing party" in a Section 1983 action may be awarded "a reasonable attorney's fee" as well as costs. 42 *U.S.C.A.* § 1988(b). Tumpson v. Farina, 218 N.J. 450, 474-475 (2014).

59. One constitutional right protected under Section 1983 is the right to freedom of speech, which is guaranteed in the First Amendment to the United States Constitution.

60. Under the First Amendment, strict limitations are placed on government entities' ability to restrict private speech in a public forum. Pleasant Grove City, Utah v. Summum, 555

U.S. 460, 469–470 (2009).

61. Where a governmental entity had intentionally opened up governmental property as a public forum, speech thereon is protected. Pleasant Grove City, 555 U.S. at 469.

62. A council meeting is considered a “limited public forum” because the meeting is held for the purposes of discussing topics related to governance. Galena v. Leone, 638 F.3d 186, 199 (3d Cir. 2011).

63. In a limited public forum such as a council meeting, the government’s ability to restrict speech is strictly limited.

64. Where a content-neutral speech restriction is applied in a discriminatory manner, it is considered viewpoint discrimination in violation of the First Amendment. Galena, 638 F.3d at 199.

65. At the August 8, 2016 Council meeting, the Council’s application of its three (3) minute per person limitation on public speeches was applied discriminatorily based solely on the speaker’s viewpoint.

66. At the August 8, 2016 Council meeting, Plaintiffs retained M. James, Maley, Jr. to attend the Council meeting.

67. When Mr. Maley was first allowed to speak, he was allowed to speak just over three minutes in opposition to the redevelopment project being considered by the Council, at which time the Council Chairman, said “time is up.”

68. After a Councilwoman and the Chairman responded to Mr. Maley’s comments, without allowing any further response from Mr. Maley, the Chairman stated, “please take a seat” and advised that the Council was limiting the public to three (3) minutes.

69. At the same meeting, Edna Pedrick, of 17 Capner Street, spoke in favor of the redevelopment project, and was allowed to speak for approximately six (6) minutes.

70. She was allowed to speak, uninterrupted for approximately five and a half (5 ½) minutes, when someone on the Council said it was time to wrap it up.

71. Thereafter, the Council continued to let her speak at least another thirty (30) seconds when the Borough Solicitor asked her to wrap it up, and Ms. Pedrick finally ended her speech shortly thereafter.

72. Mr. Maley was allowed to speak a second time during the August 8, 2016 meeting for just over three (3) minutes, during which Mr. Maley discussed the issue of the Borough's non-compliance with his Open Public Records Act ("OPRA") request.

73. About seventeen (17) seconds over the three (3) minute mark, the Council Chairman then stated "wrap it up," which was immediately followed by the Chairman's statement that the public meeting was not the proper forum for such a discussion.

74. When Mr. Maley tried to tell them that he had every right to speak on this issue and ask if he was allowed to speak beyond three-minute limit, the Borough Solicitor said, "you're done."

75. Mr. Maley's entire second speech lasted just under three and a half (3 ½) minutes.

76. At all relevant times, the Borough Council and the Borough Chairman were all acting under color of state law.

77. As a result of the actions of the Borough Council and the Borough Chairman Plaintiffs were damaged.

78. The actions of the Borough Council and the Borough Chairman all violate 42 U.S.C. 1983.

WHEREFORE, Plaintiffs request that judgment be rendered and an order be entered as follows:

- a. Declaring that the conduct of the Borough Council and the Borough Chairman violate the First Amendment of the United States Constitution; and
- b. Declaring that the Borough Council and the Borough Chairman's conduct violated 42 U.S.C. 1983; and
- c. Declaring the Borough Council and the Borough Chairman, in their official and/or individual capacities, to Plaintiffs for violation of 42 U.S.C. 1983; and
- d. Awarding Plaintiffs damages incurred as a result of the Borough Council and/or the Borough Chairman's violations of 42 U.S.C. 1983, and
- e. Awarding Plaintiffs reasonable attorney's fees, costs of suit; and
- f. Granting such other relief as the Court deems just and equitable.

#### **COUNT FOUR**

#### **VIOLATIONS OF OPEN PUBLIC MEETINGS ACT FOR THE SEPTEMBER 12, 2016 MEETING**

79. Plaintiffs repeat the allegations set forth in Paragraphs 1 through 78 as if fully set forth herein and incorporates the same herein by reference.

80. Under the OPMA, except as set forth in N.J.S.A. 10:4-9(b) or N.J.S.A. 10:4-12(b), "no public body shall hold a meeting unless adequate notice thereof has been provided to the public." N.J.S.A. 10:4-9(a).

81. "Adequate Notice" is defined under the OPMA as being:

written advance notice of at least 48 hours, giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, telegrammed, or hand

delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices...

N.J.S.A. 10:4-8(d).

82. Strict compliance is required with the OPMA and its notice provisions are required when considering whether the OPMA has been violated. Polillo v. Deane, 74 N.J. 562, 578 (1977).

83. The clear intent of the act is to allow adequate notice of all public meetings. Dunn v. Mayor & Council & Clerk of Borough of Laurel Springs, 163 N.J. Super. 32, 34 (App. Div. 1978).

84. The Council is a public body subject to the OPMA.

85. The Council is required to hold all of its meetings in accordance with the requirements of the OPMA.

86. On September 12, 2016, the Council held a meeting.

87. Upon information and belief, under the annual notice prepared pursuant to N.J.S.A. 10:4-18, the location listed for the September 12, 2016 Council meeting was the Borough Hall located at 38 Park Avenue, Flemington, New Jersey 08822.

88. Prior to the September 12, 2016 Council meeting, a decision was made to change the location to the Hunterdon County Court House at 71 Main Street, Flemington, New Jersey 08822.

89. Upon information and belief, no new notice of the change in location was published in the newspaper.

90. Instead, information concerning the change in location was posted on the Borough's website on September 12, 2016, which is less than 48 hours from the date and time of the meeting.

91. N.J.S.A. 10:4-9.1 allows a public body to provide electronic notice of a meeting through the Internet, but requires that such notice be “at least 48 hours” advanced notice.

92. The notice posted on the Borough’s website did not comply with the requirements of N.J.S.A. 10:4-9.1.

93. Moreover, N.J.S.A. 10:4-9.2 makes clear that no electronic notice issued pursuant to N.J.S.A. 10:4-9.1 shall be deemed as a substitute for compliance with the notice required to be provided by N.J.S.A. 10:4-8(d).

94. The notice provided by the Borough regarding the September 12, 2016 did not comply with the notice requirements of N.J.S.A. 10:4-8(d).

95. The notice for the September 12, 2016 Council meeting violated the OPMA and as a result, all actions taken at the September 12, 2016 are therefore void. N.J.S.A. 10:4-15(b).

WHEREFORE, Plaintiffs request that judgment be rendered and an order be entered as follows:

a. Declaring the Borough failed to give adequate notice of the September 12, 2016 Council meeting in violation of the OPMA; and

b. Finding the actions taken at the September 12, 2016 meeting of the Council to be void; and

c. Enjoining the Council from holding any further meetings at Borough Hall and compelling them to hold all Council meetings at a venue large enough to accommodate all of the members of the public who wish to attend; and

d. Compelling the Council to revise, repost, mail and submit a revised annual notice with the revised meeting location in accordance with N.J.S.A. 10:4-18.

e. Awarding Plaintiffs reasonable attorney’s fees, costs of suit; and

f. Granting such other relief as the Court deems just and equitable.

**MALEY & ASSOCIATES, P.C.**

Dated: September 21, 2016

By:   
M. JAMES MALEY, JR.  
ERIN E. SIMONE  
Attorneys for Plaintiffs

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, M. James Maley, Jr., Esquire is hereby designated as trial counsel on behalf of Plaintiffs.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

Pursuant to Rule 4:5-1, it is hereby stated that the matter in controversy is not the subject of any other action pending in any other Court or of a pending arbitration proceeding to the best of our knowledge and belief. However, Plaintiff, Friends of Historic Flemington, LLC does have a pending action against the Borough of Flemington and Rebecca Newman, Records Custodian for denial of access under the Open Public Records Act, under captiriends of Historic Flemington, LLC v. Borough of Flemington and Rebecca Newman, as Records Custodian on F. No Docket Number has been assigned as of yet. To the best of our knowledge and belief, no other action or arbitration proceeding is contemplated. Furthermore, we know of no other parties that should be joined in the above action.

**MALEY & ASSOCIATES, P.C.**

Dated: September 21, 2016

By:   
M. JAMES MALEY, JR.  
Attorneys for Plaintiffs

**CERTIFICATION PURSUANT TO RULE 1:38-7(c)**

I certify that confidential personal identifiers have been redacted from documents submitted to the Court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

**MALEY & ASSOCIATES, P.C.**

Dated: September 21, 2016

By: \_\_\_\_\_

  
M. JAMES MALEY, JR.  
Attorneys for Plaintiffs

# MALEY & ASSOCIATES

A PROFESSIONAL CORPORATION

*Counsellors at Law*

1150 Haddon Avenue

Suite 210

Collingswood, New Jersey 08108-2003

www.maleyassociates.com

M. James Maley, Jr.\*  
Emily K. Givens  
Erin E. Simone  
John Terruso\*  
M. Michael Maley\*

P 856.854.1515  
F 856.858.2944

\* Admitted in PA & NJ

September 21, 2016

## VIA FEDERAL EXPRESS

Clerk, Law Division  
Superior Court of New Jersey  
Hunterdon County  
65 Park Avenue  
Flemington, NJ 08822

RECEIVED/FILED  
SUPERIOR COURT  
2016 SEP 22 A 10:39  
HUNTERDON COUNTY  
DEPUTY CLERK

**Re: Friends of Historic Flemington, LLC and Lois K. Stewart  
v. Borough of Flemington, Borough Council of the Borough of  
Flemington, Planning Board of the Borough of Flemington,  
The Honorable Phil Greiner, in his individual and official capacities**

Dear Sir or Madam:

Enclosed please find an original and two (2) copies of the following in regard to the above captioned matter:

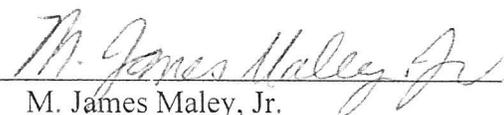
1. Case Information Statement;
2. Complaint in Lieu of Prerogative Writ; and
3. Check #1261 in the amount of \$250.00 representing filing fee.

Kindly file same and provide a copy marked "filed" in the envelope provided. If you should have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

**MALEY & ASSOCIATES**

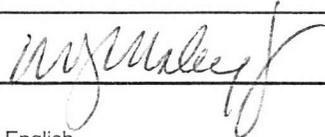
A Professional Corporation

By: 

M. James Maley, Jr.

MJM/mw  
Enclosure

**Appendix XII-B1**

	<h2 style="margin:0;">CIVIL CASE INFORMATION STATEMENT (CIS)</h2> <p style="margin:0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</b></p>		<b>FOR USE BY CLERK'S OFFICE ONLY</b> PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHS/CK NO. <span style="font-size:10px; color:gray;">RECEIVED/FILED SUPERIOR COURT</span> AMOUNT: <span style="font-size:10px; color:gray;">\$ 10.40</span> OVERPAYMENT: <span style="font-size:10px; color:gray;">\$ 10.40</span> BATCH NUMBER: <span style="font-size:10px; color:gray;">20170828</span>
	ATTORNEY / PRO SE NAME M. James Maley, Jr.		TELEPHONE NUMBER (856) 854-1515
	COUNTY OF VENUE Hunterdon <span style="float:right;">▼</span>		DOCKET NUMBER (when available) <span style="font-size:12px; font-family:monospace;">L-417-16</span>
	FIRM NAME (if applicable) Maley & Associates, P.C.		DOCUMENT TYPE Complaint
OFFICE ADDRESS 1150 Haddon Avenue, Suite 210 Collingswood, New Jersey 08108		JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Friends of Historic Flemington, LLC, Gary Schotland and Lois K. Stewart		CAPTION Friends of Historic Flemington, LLC, Gary Schotland, and Lois K. Stewart v. Borough of Flemington, Borough Council of the Borough of Flemington, Planning Board of the Borough of Flemington, and the ...	
CASE TYPE NUMBER (See reverse side for listing)  701	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS Not yet available	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION  N/A			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 			

HUNTERDON COUNTY JUSTICE CENTER  
CIVIL DIVISION  
65 PARK AVE  
FLEMINGTON NJ 08822

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (908) 237-5820  
COURT HOURS 8:30 AM - 4:30 PM

DATE: SEPTEMBER 22, 2016  
RE: HISTORIC FLEMINGTON VS FLEMINGTON BOROUGH  
DOCKET: HNT L -000417 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON MICHAEL F. ONEILL

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001  
AT: (908) 237-5822.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: MAURICE MALEY  
MALEY & ASSOCIATES PC  
1150 HADDON AVE STE 210  
COLLINGSWOOD NJ 08108-2003

JUTNERO