



CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS
A CIVIL TRIAL ATTORNEY

PLEASE REFER TO:

LAW OFFICES
PHILIP T. CIPRIETTI

79 SOUTH MAPLE AVENUE

(AT ROUTE 73 SOUTH)

P.O. BOX 1009

MARLTON, NEW JERSEY 08053

TEL (856) 983-8695

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15-101

June 10, 2015

Workers' Compensation Court - Camden
2 Riverside Drive
3rd Floor - Suite 301
Camden, NJ 08103

Re: Steven M. Perez vs. Stratford Borough
Claim Petition No.: 2015-5466

Dear Sir/Madam:

Enclosed please find an original and one copy of a Notice of Motion to Enter Default with Certification and proposed Order in connection with the above matter. Kindly file same and return one copy to my office marked "filed" in the envelope provided.

Thank you for your cooperation in this matter.

Very truly yours,

PHILIP T. CIPRIETTI

PTC:rp

Encl.

cc w/encl:

Borough of Stratford, Attn: Manager
(Via Certified Mail, Return Receipt Requested
and Regular Mail)

State of New Jersey
Department of Labor and Workforce Development
DIVISION OF WORKERS' COMPENSATION
WC-7 (12-07 interactive)

NOTICE OF MOTION

CASE NO'S.:
2015-5466
VICINAGE: **Camden**

PETITIONER

NAME:
STEVEN M. PEREZ
ADDRESS:
**3 N. ATLANTIC AVENUE
STRATFORD, NJ 08084**

ATTORNEY FOR
PETITIONER

NAME:
PHILIP T. CIPRIETTI, ESQUIRE
ADDRESS:
**79 SOUTH MAPLE AVENUE, P.O. BOX 1009
MARLTON, NJ 08053**

TELEPHONE NUMBER (AREA CODE): **856-983-8695**

VS

RESPONDENT

NAME: **STRATFORD BOROUGH**
ADDRESS:
**307 UNION AVENUE
STRATFORD, NJ 08084**

ATTORNEY FOR
RESPONDENT

NAME: **NO ANSWER HAS BEEN FILED**
ADDRESS:

TELEPHONE NUMBER (AREA CODE):

INSURANCE CARRIER

NAME: ☐ SELF-INSURED ☐ NOT-COVERED
HIGHLAND CLAIM SERVICES, INC.
ADDRESS:
**P.O. BOX 222
McAFEE, NJ 07428**
CLAIM NUMBER: **PAC012253**

TO: **BOROUGH OF STRATFORD, ATTN: MANAGER**

307 UNION AVENUE, STRATFORD, NJ 08084

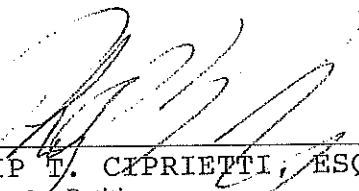
(ADDRESS)

Please take Notice that on a date to be set by the Court, the undersigned will move for the following relief:

TO ENTER DEFAULT AGAINST THE RESPONDENT.

Movant will rely upon the following in support of this motion:

ATTACHED CERTIFICATION AND ORDER


PHILIP T. CIPRIETTI, ESQUIRE
Attorney for Petitioner

Dated: 6/10/2015

PHILIP T. CIPRIETTI
Certified by the Supreme Court
of New Jersey Civil Trial Attorney
79 South Maple Avenue
P.O. Box 1009
Marlton, NJ 08053
(856) 983-8695
Attorney for Petitioner
ATTORNEY ID NO. 011061974

STEVEN M. PEREZ,	:	DEPARTMENT OF LABOR
	:	AND INDUSTRY
Petitioner,	:	DIVISION OF WORKERS'
	:	COMPENSATION
vs.	:	CLAIM PETITION
	:	NO. 2015-5466
STRATFORD BOROUGH,	:	
	:	
Respondent.	:	

CERTIFICATION OF COUNSEL

PHILIP T. CIPRIETTI, ESQUIRE, of full age, hereby
certifies as follows:

1. I am an attorney-at-law of the State of New Jersey
and represent the Petitioner in this matter.

2. On February 3, 2015, a Claim Petition was filed in
this matter.

3. To date, no Answer has been filed by the
Respondent.

4. Therefore, it is respectfully requested that an
Order be entered to enter default against the Respondent.

I hereby 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.



PHILIP T. CIPRIETTI, ESQUIRE

Dated: June 10, 2015

PHILIP T. CIPRIETTI
Certified by the Supreme Court
of New Jersey Civil Trial Attorney
79 South Maple Avenue
P.O. Box 1009
Marlton, NJ 08053
(856) 983-8695
Attorney for Petitioner
ATTORNEY ID NO. 011061974

STEVEN M. PEREZ,	:	DEPARTMENT OF LABOR
	:	AND INDUSTRY
Petitioner,	:	DIVISION OF WORKERS'
	:	COMPENSATION
vs.	:	CLAIM PETITION
	:	NO. 2015-5466
STRATFORD BOROUGH,	:	
	:	
Respondent.	:	

ORDER

THIS MATTER having been opened to the Court by Philip T. Ciprietti, Esquire, Attorney for the Petitioner, STEVEN M. PEREZ, appearing; and there being no objections thereto and good cause having been shown;

IT IS on this _____ day of _____, 2015,
ORDERED that default be entered in favor of the Petitioner,
STEVEN M. PEREZ, and against the Respondent, STRATFORD
BOROUGH.

J.W.C.

Appendix XII-B1

() Cash (X) Check

CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
 Use for Initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: ☐ CK ☐ CC ☒ CA	
		CHG/CK NO. JUL 26 2016	
		AMOUNT: 5351	
		OVERPAYMENT: 2000 B. 969	
		BATCH NUMBER:	
1. ATTORNEY / PRO SE NAME JOHN GENTLESS PRO SE		2. TELEPHONE NUMBER [REDACTED]	
3. COUNTY OF VENUE CAMDEN		5. DOCKET NUMBER (when available) L-2757-16	
4. FIRM NAME (if applicable)		7. DOCUMENT TYPE ORDER TO SHOW CAUSE COMPLAINT	
6. OFFICE ADDRESS 111 UNION AVE STRATFORD NJ 08084 JUL 26 2016		8. JURY DEMAND ☐ Yes ☐ No	
9. NAME OF PARTY (e.g., John Doe, Plaintiff) JOHN GENTLESS		10. CAPTION BOROUGH OF STRATFORD	
11. CASE TYPE NUMBER (See reverse side for listing) 801		12. HURRICANE SANDY RELATED? ☐ YES ☒ NO	
13. IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ 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.		14. RELATED CASES PENDING? ☐ YES ☒ NO	
15. IF YES, LIST DOCKET NUMBERS		16. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO	
17. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) FARMERS		18. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE. CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
18. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☒ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS Former Mayor	
20. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION VIOLATION OF FIRST AMENDMENT RIGHT TO PETITION THE LOCAL GOVERNMENT TO ACCEPT A PETITION TO HAVE A NON-BINDING REFERENDUM PLACED ON THE LOCAL BALLOT FOR NOV. 2016 ELECTION. DUE TO THE TIMELINES REQUIRED FOR PLACEMENT ON THE BALLOT, THERE IS A TIMELINESS ISSUE			
21. DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☒ YES ☐ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
22. WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE?	
23. 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 Rule 1:38-7(b).			
24. ATTORNEY SIGNATURE: 			

JUL 26 2016

RECEIVED

2016 JUL 25 AM 10:16

SUPERIOR COURT/LAN 211

Plaintiff or Filing Attorney Information:

Name John Gentless
NJ Attorney ID Number N/A
Address 111 Union Ave
Stratford NJ 08084
Telephone Number [REDACTED]

John Gentless,
Plaintiff,
v.
Borough of Stratford,
Defendant(s).

Superior Court of New Jersey
Division _____ County _____
Part
Docket No: L-2757-16
(to be filled in by the court)
Civil Action
Complaint

Plaintiff, John Gentless, residing at
(your name)
111 Union Ave, City of Stratford
(your address) (your city or town)
County of Camden
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On July 12th, 2016, Stratford Mayor & Council, Defendant
(name of person being sued)
(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)
see attached #1

The defendant in this action resides at 307 Union Ave Stratford NJ 08084,
(defendant's address)
In the County of Camden, State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

Injunctive Relief may be what is needed because I want the court to Order council to accept and act upon the petition. That action being the acceptance of the petition and placing the issue on the November 2016 ballot for the voters of Stratford to decide.

Number 2

On July 12, 2016 which was the date of Stratford Borough regular monthly council meeting I formally submitted a petition to be placed on November 2016 ballot. The petition was created for the purpose of having a non-binding referendum placed on November 2016 election in the Borough of Stratford.

The petition was created in conformance with the procedures as stated by the Camden County Board of Elections with the advice being provided by John Schmidt. This procedure requires the signatures of 10% of the registered voters from the November 2015 general election. The total number was 4430. as verified by the Camden County Board of Elections. Between the dates of 6-1-2016 and 6-30-2016. 537 signatures of registered voters from Stratford were obtained. This number exceeds the 10% requirement.

There is no local code in the Borough of Stratford which would contradict the procedures as outlined by the Camden County Board of Elections.

The petitioner can not proceed with having the voting residents of Stratford decide in a timely fashion upon the subject of the petition on November 2016 ballot unless the Borough Council takes positive action soon to have it placed on the ballot.

The plaintiff, exercising his First Amendment right to petition the government, seeks to have the Borough Council accept the petition containing sufficient signatures of the residents of Stratford, and to act upon the petition by having the voting citizens of Stratford decide on the issue of the park as a local question/referendum in the November 2016 election.

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. The Mayor and Borough Council of Stratford refuse to act on a petition in violation of the Plaintiff's First Amendment right.
2. The Plaintiff and the voters of the Borough of Stratford have been denied the opportunity to participate in a local issue of land use, creation of a park space, etc. in the Borough.
3. By denying the acceptance of the petition, the procedures in place to have the issue on the Nov. 2016 ballot have been delayed, and further delay may prevent the issue from being on the ballot due to time factors and procedures for creating the Borough of Stratford ballot for the November 2016 election.

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: 7-25-16

Signature: 

3. The harm that occurred as a result of the defendants acts include: (list each item of damage and injury)

Additional Items

4. Should the petition not be on the November 2016 ballot, additional expense would be incurred by a Special Election on this matter, and/or, the property at issue may increase in price or be purchased for another use prior to the voters deciding the matter.

5. On June 30th 2016 Mayor Josh Keenan published a letter on his facebook site denouncing the petition as non factual and a big scare tactic, which interferes with our First Amendment right, freedom of speech and petition.

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: 7-25-16 Signature: John Gentless

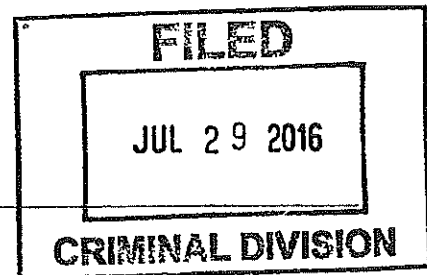
OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

Dated: _____ Signature: _____

ORDER PREPARED BY THE COURT



John Gentless,
Plaintiff

v.

Borough of Stratford,
Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET# L-2757-16

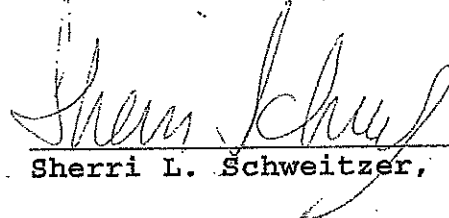
Civil Action

ORDER TO SHOW CAUSE
SUMMARY ACTION

THIS MATTER having come before the Court by Plaintiff, John Gentless, not appearing and self-represented, for relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the verified complaint filed herewith, and the Court having determined this matter may be commenced by order to show cause as a summary proceeding, and for good cause shown;

IT IS on this 29th day of July, 2016 ORDERED as follows:

1. Plaintiff shall serve a copy of this order to show cause, the verified complaint, and any and all other documents submitted in support of this application upon Albert J. Olizi, Esq., attorney for Defendant, and upon the clerk of ~~the Borough of Stratford within five (5) days of the date~~ of this Order.
2. Defendant shall file and serve its response within five (5) days of receipt of Plaintiff's order to show cause.
3. The parties shall appear for a hearing on August 15, 2016 at 3:00PM before the Hon. Sherri L. Schweitzer, J.S.C.


Sherri L. Schweitzer, J.S.C.

*mailed Memoire
Catapano RUE
08-27-12*


PARIS ACKERMAN & SCHMIERER LLP

101 Eisenhower Parkway
Roseland, New Jersey 07068
Phone: (973) 228-6667
Fax: (973) 629-1246
David S. Paris, Esq.

ROBERT WALTERS, individually and on
behalf of all others similarly situated;

Plaintiff,

vs.

THE BOROUGH OF STRATFORD,
REDFLEX TRAFFIC SYSTEMS, INC.,
WWW.PHOTONOTICE.COM, AND
UNIDENTIFIED ENTITIES A
THROUGH Z.

Defendants.

STATE OF NEW JERSEY
SUPERIOR COURT
LAW DIVISION: CAMDEN
COUNTY
DOCKET NO.: CAM-L- 3560-12

SUMMONS

**From The State of New Jersey
To the above named Defendant(s):**

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this Summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court of the county listed above within 35 days from the date you received this summons, not counting the date you received it. If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee (\$200 for Law Division) payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to Plaintiffs attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: August 24, 2012

/s/ Jennifer M. Perez /s/
JENNIFER M. PEREZ,
Acting Clerk of the Superior Court

Name of Defendants to be served: The Borough of Stratford

Address for Service: Stratford Borough Hall
307 Union Avenue
Stratford, NJ 08084
Attention: Borough of Stratford

PARIS ACKERMAN & SCHMIERER LLP

101 Eisenhower Parkway

Roseland, New Jersey 07068

Phone: (973) 228-6667

Fax: (973) 629-1246

David S. Paris, Esq.

ROBERT WALTERS, individually and on
behalf of all others similarly situated;

Plaintiff,

vs.

THE BOROUGH OF STRATFORD,
REDFLEX TRAFFIC SYSTEMS, INC.,
WWW.PHOTONOTICE.COM, AND
UNIDENTIFIED ENTITIES A
THROUGH Z.

Defendants.

STATE OF NEW JERSEY
SUPERIOR COURT
LAW DIVISION: CAMDEN
COUNTY

DOCKET NO.: *L-3560-12*

**CLASS ACTION COMPLAINT AND
JURY DEMAND**

Plaintiff, Robert Walters, ("Plaintiff") individually, and on behalf of all others similarly situated, by and through his counsel, Paris Ackerman & Schmierer LLP hereby brings this class action against the defendants the Borough of Stratford, New Jersey ("Stratford"), Redflex Traffic Systems, Inc. ("Redflex"), www.photonotice.com ("Photonotice") and Unidentified Entities A through Z (collectively "the Defendants"). In support thereof, the Plaintiff alleges as follows:

I. NATURE OF THE CASE

1. This is a class action lawsuit brought by, and on behalf of, New Jersey residents challenging Stratford's uniform policy of issuing illegitimate citations and collecting fines through the unlawful implementation of an automated photo enforcement program established in Stratford (the "Red Light Camera Program").

2. On or about September 7, 2009 Stratford contracted with Redflex, to administer the Red Light Camera Program and provide photo enforcement at dangerous intersections in the township.¹

3. Upon information and belief, Redflex is also instrumental in the issuance of the actual citations in connection with the Red Light Camera Program.

4. At all relevant times, New Jersey motorists who received citations in connection with the Red Light Camera Program were instructed to pay certain fees to Defendant Photonotice, the online collections processor for Stratford and Redflex.

5. Throughout the relevant Class Period (as hereinafter defined), Stratford was ineligible to operate the Red Light Camera Program, due to its failure to comply with the mandatory statutory requirements imposed to by N.J.S.A. 39:4 -8.14.

6. At all relevant times, Stratford, Redflex, and Photonotice realized significant unjust financial gains by each retaining percentages of the fines collected though the unlawful implementation of the Red Light Camera Program.

7. This action asserts claims for unjust enrichment and a declaratory judgment, declaring that throughout the Class Period, Stratford failed to comply with the statutory requirements governing the Red Light Camera Program.

8. Plaintiff and the putative class seek injunctive and declaratory relief, including: (i) an order establishing a court-supervised program to carry out an audit and refunds to class members victimized by Stratford's deceptive misconduct; and (ii) an order enjoining Stratford from continuing to operate the Red Light Camera Program until the program is brought into

¹ http://www.redflex.com/documents/public_documents/asx_announcements/2009-09-07%20Stratford,%20Denham%20Springs,%20EstLouis.pdf

compliance with all New Jersey Department of Transportation ("NJDOT") and statutory requirements.

II. VENUE

9. Venue is appropriate in this case as Defendant Stratford is located within Camden County.

10. Venue is appropriate in this case as Defendant Redflex transacts substantial business within Camden County, including, without limitation, the administration of the Red Light Camera Program.

11. Venue is appropriate in this case as Defendant Photonotice transacts substantial business within Camden County, including, without limitation, providing online video and photographic media relating to motorist violations:

III. PARTIES

12. Plaintiff is a citizen of the State of New Jersey, residing in Cherry Hill, New Jersey.

13. Like all other class members, Plaintiff received a citation issued by Stratford, in connection with a purported violation captured on video through the Red Light Camera Program.

14. Plaintiff received said citation when, on or about March 26, 2011, his vehicle was captured on video purportedly driving through a red traffic light at the intersection of White Horse Road and Berlin Road in Stratford, New Jersey.

15. Plaintiff received an \$85 fine in connection with the purported violation, which was paid in full.

16. Defendant, the Borough of Stratford, is a borough organized under the laws of the state of New Jersey.

17. Upon information and belief, Defendant Redflex is a Delaware corporation, wholly-owned by non-United States owners, maintaining principal offices in Scottsdale, Arizona. Redflex operates as a foreign corporation in the state of New Jersey.

18. Upon information and belief, Photonotice is owned by Redflex and operated as a division or subsidiary thereof, and maintains a principal place of business in Scottsdale, Arizona.

IV. FACTUAL BACKGROUND

A. The Institution of Red Light Running Systems

19. Speed and red light cameras are a new type of automated enforcement technology used to detect, deter and enforce local driving laws.

20. Presently, twenty-one States have authorized the use of speed and red light cameras and nine States prohibit their use.²

21. On January 13, 2008, the New Jersey Legislature passed Assembly Bill 4314 establishing a five-year pilot program to determine the effectiveness of installing and utilizing traffic control signal monitoring systems, also known as a red light running system (hereinafter a "RLR System").

22. A RLR System is an integrated device that employs one or more cameras, which are connected to traffic signal controllers and inroad sensor zones. During green and amber traffic signal phases the system is not active. The system activates during the red traffic signal

² Information current as of July, 2012 - http://www.ghsa.org/html/stateinfo/laws/auto_enforce.html

phase where one or more cameras will capture images of vehicles. Accordingly, a RLR System is able to produce images of vehicles that purportedly disregard a red signal.

23. The implementation of the pilot program authorized under Assembly Bill 4314 was codified under N.J.S.A. 39:4-8.14(a).

24. This statute requires a municipality that desires to participate in the pilot program to first file an application with NJDOT to identify the intended location of the RLR System, provide evidence that a high number of traffic violations occurs at the intended location and most importantly to submit:

A certification by the municipal engineer that (a) the intersection or intersections in question have a minimum duration of the amber light at the traffic control signal of three seconds if at least 85 percent of the vehicular traffic approaching the signal is travelling at a speed of 25 miles per hour or less; and (b) for each five mile increase in the speed of vehicular traffic referred to in subparagraph (a) of this paragraph above 30 miles per hour this minimum duration of the amber light shall be increased by one-half second. N.J.S.A. 39:4-8.14(a)(3).

25. The statute approving the use of the red light cameras in participating municipalities mandates that after a municipality is admitted into the program, each RLR System must be inspected at least once every six months by the municipal engineer and that the municipality must submit a report of such inspection at least every six months. See N.J.S.A. 39:4-8.14(e).

26. The language of N.J.S.A. 39:4-8.14(e) vests no discretion with anyone to waive compliance with this requirement, expressly using the mandatory language that requires that a RLR System "shall be inspected and certified at least once every six months."

B. Stratford's Red Light Camera Program

27. Stratford enrolled in the state pilot program in 2011.

28. Prior to receiving authorization from NJDOT to employ the use of RLR System technology, Stratford entered into a contract with Defendant Redflex who supplied, operated and maintained the RLR System installed in Stratford.

29. At that time, Redflex was the largest provider of digital red light and speed enforcement services in North America, having contracts with at least 240 U.S. cities.

30. Stratford's contract with Redflex entitled Redflex and its affiliate Photonotice, to share in any fines collected as a result of citations issued through the Red Light Camera Program.

31. On or about August 1, 2011, Stratford implemented the Red Light Camera Program and began issuing traffic violations through the use of a RLR System.

32. At all times throughout the Class Period, Stratford failed to comply with the mandatory statutory requirement of N.J.S.A 39:4-8.14(e) that each municipality "shall" conduct an inspection of each RLR System in the municipality at least once every six months and "shall" submit a report on such inspection at least once every six months.

33. Indeed, on June 19, 2012, NJDOT suspended 21 New Jersey municipalities, including Stratford, from the pilot red light camera program for failure to conduct the statutorily mandated inspections every six months, and for failure to submit the statutorily mandated certifications of such inspections every six months.

34. Thus, NJDOT formally recognized that Stratford's failure to conduct the bi-annual inspection of its RLR System had rendered Stratford's Red Light Camera Program legally ineligible to operate.

35. Stratford was never in compliance with N.J.S.A 39:4-8.14(e) when it issued citations and collected fines in connection with its Red Light Camera Program.

36. Upon information and belief, Stratford's Red Light Camera Program caused there to be roughly 350 tickets issued per month that generated annual revenues of \$300,000.³

37. Stratford has not refunded any of this money, despite the fact that the Red Light Camera Program that operated in Stratford was not operated in compliance with the standards set forth at N.J.S.A. 39:4-8.14(e).

38. N.J.S.A. 39:4-8.14(e), clearly states that to be legally eligible to operate a RLR System in New Jersey, a municipality has to inspect its system every six months and submit a certification as to the results of that inspection every six months.

39. No provision of the statute vests any person or entity with discretion to waive the mandatory eligibility requirements or to extend the statute's six month time period.

40. Nor does any provision of the statute provide for or authorize a municipality to retroactively cure a violation of N.J.S.A. 39:4-8.14(e).

41. Regardless of what steps Stratford takes to comply with N.J.S.A. 39:4-8.14(e) after its ability to use the RLR System was suspended by NJDOT, Stratford had not previously been in compliance with statutory requirements since the Red Light Camera Program's inception in 2011.

42. Stratford must therefore refund the fines it illegally collected in the past during that period when it was not statutorily eligible to impose such fines and expunge the records of the affected drivers for the period when Stratford was not statutorily eligible to issue such violations.

V. CLASS ACTION ALLEGATIONS

³ <http://pqasb.pqarchiver.com/courierpostonline/access/2692788471.html?FMT=ABS&date=Jun+21%2C+2012>

43. This action is brought as a class action pursuant to New Jersey Court Rule 4:32 on behalf of Plaintiff named above and all others similarly situated. The class is defined as:

All New Jersey motorists who paid fines associated with citations issued by Stratford in connection with the Red Light Camera Program (the "Class"), from August 1, 2009 through June 20, 2012.

44. All Class members also pray for money damages.

45. All Class members pray for temporary and permanent injunctive relief, declaratory relief because the parties opposing the Class have acted on grounds generally applicable to the Class, thereby making appropriate injunctive relief to the class as a whole.

46. The proposed Class meets the criteria set forth for the maintenance of a class action as described below.

47. **Numerosity:** Members of the Class are so numerous that their individual joinder is impractical. The precise identities, number and addresses of members of the Class are unknown to Plaintiff, but may and should be known with proper and full discovery of defendants, third-parties, and their respective records.

48. **Existence of Common Questions of Fact:** The common nucleus of operative facts to be determined for the Class as a whole center upon the Defendants' unjust enrichment stemming from the unlawful misconduct which transpired in the State of New Jersey. The questions of fact common to Class members include, but are not limited to, whether the Defendants' non-compliance with New Jersey laws led to improper issuance of traffic violations and collection of unjustified traffic fines.

49. **Existence of Common Questions of Law:** There is a well-defined commonality and community of interest in the questions of fact and law affecting the members of the Class. The common questions of fact and law include, among other things:

a. Whether Stratford complied with the requirements of N.J.S.A. 39:4-8.14(e) by conducting inspections of its RLR System and submitting a certification for each such inspection to NJDOT every six months during the class period, as required by N.J.S.A. 39:4-8.14(e);

b. Whether Stratford's failure to comply with the mandatory six month inspection and certification requirements of N.J.S.A. 39:4.8.14(e) rendered it ineligible to issue citations and collect fines through the implementation of the Red Light Camera Program during that period of non-compliance;

c. Whether Stratford, Redflex, and/or Photonotice were unjustly enriched by retaining the \$85.00 fines paid by Plaintiff and the Class as a result of citations issued in connection with the Red Light Camera Program, during the period of time that Stratford was not in compliance with N.J.S.A. 39:4.8.14(e);

d. Whether Stratford's failure to comply with the mandatory inspection and certification requirements of N.J.S.A. 39:4.8.14(e) for a given period of time in the past can be retroactively cured by conducting an inspection and submitting a certification outside the time period mandated by N.J.S.A. 39:4-8.14(e); and

e. Whether Plaintiff and the Class are entitled to a court-supervised program of audits and refunds relating to those \$85 fees collected by Stratford during any period in which it was found to be ineligible to maintain a red light camera system in New Jersey.

50. **Typicality:** Plaintiff is a member of the Class. Plaintiff's claims have a common origin and share common bases with the Class. All claims originate from the same illegal and fraudulent practices of the Defendants, and the Defendants act in the same way toward the Plaintiff and the Class members. If brought and prosecuted individually, the claims of each Class member would necessarily require proof of the same material and substantive facts, rely upon the same remedial theories, and seek the same relief.

51. **Adequacy:** Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the members of the Class he seeks to represent. Plaintiff has retained competent counsel, and intends to prosecute this action vigorously.

Plaintiff's counsel will fairly and adequately protect the interests of the members of the Class.

52. **Superiority:** A class action is superior to any other available method for the fair and efficient adjudication of this controversy, because: (i) common questions of law and fact overwhelmingly predominate over any individual questions that may arise, such that there will be efficiencies to the courts and the parties in litigating the common issues on a class basis rather than on an individual basis; (ii) the damages to some class members are larger than to others, but all claims are sufficiently small that individual prosecution of the claim would not be an economically viable alternative; (iii) class treatment is desired for optimal deterrence and compensation; (iv) the economies of scale inherent in litigating similar claims on a common basis will enable this case to be litigated on a cost-efficient basis as a class action, especially when compared to repetitive individual actions; (v) no unusual difficulties are likely to be encountered in the management of this class action as the proofs as to liability are common to all class members; and (vi) this action would be effectively impossible to bring as individual actions leaving Plaintiff and others similarly situated with no viable remedy.

FIRST COUNT **UNJUST ENRICHMENT**

53. Plaintiff repeats and realleges each of the foregoing paragraphs of this Complaint as if set forth in full.

54. Stratford's actions evidence an indifference to the rights of Plaintiff, the Class and the laws of the State of New Jersey.

55. By the acts alleged herein, Stratford disregarded the statutory mandates required of all municipalities to continually monitor the RLR System that was installed as a means to deter and enforce traffic laws.

56. Stratford received a benefit from Plaintiff and the Class in the form of its retained percentage of the \$85 fines improperly imposed on and collected from Plaintiff and the Class members in the manner alleged herein.

57. Redflex received a benefit from Plaintiff and the Class in the form of its retained percentage of the \$85 fines improperly imposed on and collected from Plaintiff and the Class members in the manner alleged herein.

58. Photonotice received a benefit from Plaintiff and the Class in the form of its retained percentage of the \$85 fines improperly imposed on and collected from Plaintiff and the Class members in the manner alleged herein.

59. Plaintiff and the Class conferred a benefit upon the Defendants by paying their \$85 fines.

60. The Defendants unlawfully accepted said benefits, which under the circumstances, would be unjust to allow the Defendants to retain.

61. By failing to comply with the statutory six month inspection and reporting requirements, Stratford knowingly received and appreciated benefits at the expense and to the detriment of Plaintiff and the Class.

62. By sharing in the fines levied upon Plaintiff and the Class, Redflex knowingly received and appreciated benefits at the expense and to the detriment of Plaintiff and the Class.

63. By sharing in the fines levied upon Plaintiff and the Class, Photonotice knowingly received and appreciated benefits at the expense and to the detriment of Plaintiff and the Class.

64. Plaintiff and the Class, therefore, seek, and equity demands, the disgorgement of all wrongfully obtained fines received by the Defendants as a result of their non-compliant operation of the RLR System.

SECOND COUNT
DECLARATORY JUDGMENT

65. Plaintiff repeats and realleges each of the foregoing paragraphs of this Complaint as if set forth in full.

66. N.J.S.A. 39:4-8.14(e) mandates that after a municipality is admitted into the red light camera pilot program, each RLR System must be inspected at least once every six months by the municipal engineer and that the municipality must submit a report of such inspection at least every six months.

67. The language of N.J.S.A. 39:4-8.14(e) vests no discretion with anyone to waive compliance with this requirement, expressly using the mandatory language that requires that a RLR System "shall be inspected and certified at least once every six months."

68. On June 19, 2012, NJDOT suspended Stratford's participation in the pilot program for its failure to conduct the statutorily mandated inspections every six months, and for failure to submit the statutorily mandated certifications of such inspections every six months

69. Plaintiff and the Class are therefore entitled to a declaration from the Court that Stratford was not eligible to issue citations and levy fines in connection with Stratford's Red Light Camera Program, during the time period of non-compliance with N.J.S.A. 39:4-8.14(e).

WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks the following relief:

- a. Certify the proposed class as a class action pursuant to R 4:32;
- b. Enter an order for injunctive and declaratory relief as described herein;

- c. Enter judgment in favor of each class member for damages suffered as a result of the conduct alleged herein, to include interest and pre-judgment interest;
- d. Award Plaintiff reasonable attorneys' fees and costs;
- e. Award Plaintiff and the Class actual damages;
- f. Grant such other and further legal and equitable relief as the court deems just and equitable.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues so triable.

August 14, 2012

PARIS ACKERMAN & SCHMIERER LLP

By: 

David S. Paris, Esq.

Bryan H. Mintz, Esq.

Eric M. Finkelstein, Esq.

101 Eisenhower Parkway

Roseland, New Jersey 07068

Phone: (973) 228-6667

Fax: (973) 629-1246

CERTIFICATION OF REDACTION OF PERSONAL IDENTIFIERS RULE 1:38-7(c)

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 Rule 1:38-7(b) and Rule 1:39-7(c).

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Bryan H. Mintz, Esq. is hereby designated as trial counsel for Plaintiff and the Class in the within matter.

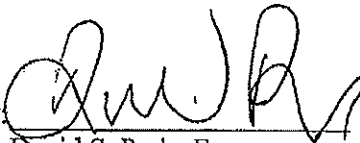
CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that I am not aware of any parties that should be joined in this action. I further certify that this pleading has been filed within the time required by the Rules of Court and/or an order of the Court and/or the stipulation of the parties.

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.

PARIS ACKERMAN & SCHMIERER LLP

Dated: August 14, 2012.

By: 
David S. Paris, Esq.
Bryan H. Mintz, Esq.
Eric M. Finkelstein, Esq.

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for Initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> 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		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME David S. Paris, Esq.		TELEPHONE NUMBER (973) 228-6667	COUNTY OF VENUE Camden
	FIRM NAME (if applicable) Paris Ackerman & Schmlerer LLP		DOCKET NUMBER (when available) L-3560-12	
	OFFICE ADDRESS 101 Eisenhower Parkway Roseland, New Jersey 07068		DOCUMENT TYPE Class Action Complaint JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Robert Walters, Plaintiff		CAPTION: Robert Walters, individually and on behalf of all others similarly situated v. The Borough of Stratford, Redflex Traffic Systems, Inc., www.photonotice.com, and unidentified entities A through Z.		
CASE TYPE NUMBER (See reverse side for listing) 508		IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☒ Yes ☐ No		IF YES, LIST DOCKET NUMBERS ESX-L-5104-12; MID-L-4759-12; UNN-L-2487-12; WRN-L-305-12		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☒ Yes ☐ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ Yes ☒ No		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ Yes ☒ No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
☒ Do you or your client need any disability accommodations? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ Yes ☒ 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: 				

MARRAZZO & PLATT, P.C.

Attorneys at Law

JOSEPH A. MARRAZZO, JR.*
STUART A. PLATT*
ERIC J. RISO**

*Member of NJ & NY Bar
**Member of NJ & PA Bar

JOSEPH A. MARRAZZO, JR., joe@marrazzoplattlaw.com
STUART A. PLATT, sapesq@marrazzoplattlaw.com
ERIC J. RISO, ejresq@marrazzoplattlaw.com

April 2, 2010

John Keenan, Borough Clerk
Borough of Stratford
307 Union Avenue,
Stratford, New Jersey 08084

Re: Gentless v. Stratford Republican Club, et al.
Docket No.: L-1586-10
Our File No.: 8411/L002

Dear John:

As I am sure you are aware, Stuart Platt is a named Defendant in the above captioned litigation. The complaint allegations concern his activities as Conflict Solicitor for the Borough of Stratford. Inasmuch, as Conflict Solicitor should be considered an Official of Stratford Borough, I request that you forward the enclosed complaint to Stratford's insurance carrier. I request that the carrier confirm defense and coverage for Mr. Platt and that the same contact my office so that we may discuss this matter in more detail.

Your cooperation is greatly appreciated.

Very truly yours,



JOSEPH A. MARRAZZO, JR.
For the Firm

JAM/rmc
Enclosures

KEARNEY AND ASSOCIATES, P.C.
By: Scott D. Burns, Esquire
210 White Horse Pike
P.O. Box 279
Haddon Heights, NJ 08035
(856) 547-7733
Attorneys for Plaintiff

JOHN GENTLESS,

Plaintiff,

vs.

**STRATFORD REPUBLICAN
CLUB, ABC CORPORATIONS
1-10, (fictitious names of
unknown corporations,
partnerships, sole
proprietorships, or other
entities), WILLIAM GROVER,
STEVEN VENUTO, STUART A.
PLATT, ESQUIRE, JOAN
TREXLER, AND JOHN DOES
1-50, (the Fictitious names of
unknown Individuals),
jointly/individually and/or in the
alternative,**

Defendants

**SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY – LAW DIVISION**

DOCKET NO: CAM-L-1586-10

Civil Action

SUMMONS

From the State of New Jersey, to the Defendant Named Above:

STUART A. PLATT, ESQUIRE

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date your received it. The address of each deputy clerk of the Superior Court is provided.

A \$135.00 filing fee (w/out children) or a \$160.00 filing fee (with children) payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to Plaintiff's attorney whose name and address appear above, or to Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written Answer or Motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within 35 days, the Court may enter a judgment against you for relief of the Plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

/s/ Jennifer M. Perez

Jennifer M. Perez

Acting Clerk of the Superior Court

DATED: March 31, 2010

**NAME OF DEFENDANT TO BE SERVED:
ADDRESS OF DEFENDANT TO BE SERVED:**

**Stuart A. Platt, Esquire
40 Berlin Avenue
Stratford, NJ 08084**

**DIRECTORY OF SUPERIOR COURT DEPUTY CLERK'S OFFICES
COUNTY LAWYER REFERRAL AND LEGAL SERVICES OFFICES**

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL

(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601

LAWYER REFERRAL

(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL

(609) 261-4862
LEGAL SERVICES
(800) 496-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice
1st Fl., Suite 150
101 South 5th Street
Camden, NJ 08103

LAWYER REFERRAL

(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Cape May Court House, NJ 08210

LAWYER REFERRAL

(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street
P.O. Box 10
Bridgeton, NJ 08302

LAWYER REFERRAL

(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102

LAWYER REFERRAL

(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street
Woodbury, NJ 08096

HUDSON COUNTY:
Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House--1st Floor
583 Newark Ave.
Jersey City, NJ 07306

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court,
Middlesex Vicinage
2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269

MORRIS COUNTY:
Morris County Courthouse
Civil Division
Washington and Court Streets
P. O. Box 910
Morristown, NJ 07963-0910

OCEAN COUNTY:
Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL

(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079

LAWYER REFERRAL

(856) 678-8363
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, N.J. 08876

LAWYER REFERRAL

(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL

(908) 353-4715
LEGAL SERVICES
(908) 354-4340

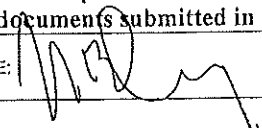
WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

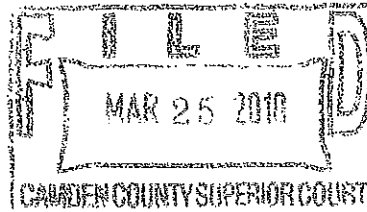
LAWYER REFERRAL

(973) 267-5882
LEGAL SERVICES
(908) 475-2010

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA	
		CHG/CK NO.	
		AMOUNT:	
		OVERPAYMENT:	
		BATCH NUMBER:	
ATTORNEY/PRO SE NAME John B. Kearney, Esquire	TELEPHONE NUMBER (856) 547-7733	COUNTY OF VENUE Camden	
FIRM NAME (If applicable) Kearney and Associates, P.C.		DOCKET NUMBER (When available) 2-15816-10	
OFFICE ADDRESS 210 White Horse Pike P. O. Box 279 Haddon Heights, NJ 08035		DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) John Gentless		JURY DEMAND ☒ YES ☐ NO	
		FILED MAR 28 2018 CAMDEN COUNTY SUPERIOR COURT	
CASE TYPE NUMBER (See reverse side for listing) 609	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ YES ☒ NO	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☒ YES ☐ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN ☐ NONE ☒ UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO	IF YES, IS THAT RELATIONSHIP ☐ EMPLOYER-EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:		
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ 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 Rule 1:38-7(b).			
ATTORNEY SIGNATURE: 			

KEARNEY and ASSOCIATES, P.C.
210 White Horse Pike
P. O. Box 279
Haddon Heights, NJ 08035
Phone: (856) 547-7733
Fax: (856) 546-5154
Attorneys for Plaintiff



JOHN GENTLESS,	:	SUPERIOR COURT OF NEW JERSEY
	:	CAMDEN COUNTY - LAW DIVISION
Plaintiff,	:	
	:	DOCKET NO: <i>L-1586-10</i>
vs.	:	
	:	Civil Action
STRATFORD REPUBLICAN	:	
CLUB, ABC CORPORATIONS	:	
1-10, (fictitious names of	:	
unknown corporations,	:	
partnerships, sole	:	COMPLAINT, JURY DEMAND,
proprietorships, or other	:	CERTIFICATION OF NO OTHER ACTIONS,
entities), WILLIAM GROVER,	:	DESIGNATION OF TRIAL COUNSEL,
STEVEN VENUTO, STUART A.	:	DEMAND FOR CERTIFICATION OF
PLATT, ESQUIRE, JOAN	:	INSURANCE COVERAGE, DEMAND FOR
TREXLER, AND JOHN DOES	:	PRODUCTION OF DOCUMENTS, DEMAND
1-50, (the Fictitious names of	:	FOR ANSWERS TO
unknown Individuals),	:	INTERROGATORIES, NOTICE PURSUANT
jointly/individually and/or in the	:	TO R.1:5-1(A), R.4:17-4(C), AND NOTICE
alternative,	:	PURSUANT TO R.1:7-1(B)
	:	
Defendants	:	

Plaintiff John Gentless, of full age, residing at 111 Union Avenue, Borough of Stratford, County of Camden and State of New Jersey, hereby certifies as follows:

PRELIMINARY STATEMENT

1. This is a suit for defamation, invasion of privacy, harassment, intentional infliction of emotional distress, negligent infliction of emotional distress, and civil conspiracy.

JURISDICTION

2. Each of these Defendants is subject to the jurisdiction of this Court by virtue of the actions and publication in New Jersey and/or their commission of tortious acts in New Jersey.

VENUE

3. Venue is proper in this Court because the causes of action outlined in this Complaint arose and/or were committed in the Borough of Stratford, County of Camden and State of New Jersey. Damages suffered by the Plaintiff give rise to the causes of action which occurred in the Borough of Stratford, County of Camden and State of New Jersey.

PARTIES

4. Plaintiff is an individual and is now, and at all times mentioned in this Complaint resided at 111 Union Avenue, Borough of Stratford, County of Camden and State of New Jersey. Plaintiff is the duly elected mayor of the Borough of Stratford and has previously served as a council member. Plaintiff has during all this time enjoyed a good reputation, both generally, and in his occupation as a podiatrist.

5. Defendant, Stratford Republican Club, and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities) is an individual and is now, and at all times mentioned in this Complaint was an entity with a mailing address at Post Office Box 135, in the Borough of Stratford, County of Camden and State of New Jersey. The Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole

proprietorships or other entities) regularly conducts its meetings at the Borough facilities. Joan Trexler is an officer/agent of the Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities), and responsible for all activities and responsible for all activities and dissemination of literature/information of the Defendant, Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities).

6. Defendant, Joan Trexler is an individual and is now, and at all times mentioned in this Complaint resided at 11 S. Central Avenue, Borough of Stratford, County of Camden and State of New Jersey. Joan Trexler is the President of the Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities).

7. Defendant, William Grover is an individual and is now, and at all times mentioned in this Complaint resided at 9 Parkview Avenue, Borough of Stratford, County of Camden and State of New Jersey. Defendant Grover is a former councilman of the Borough of Stratford.

8. Defendant, Steve Venuto is an individual and is now, and at all times mentioned in this Complaint resided at 17 Jefferson Avenue, Borough of Stratford, County of Camden and State of New Jersey. Defendant Venuto is a former duly elected councilman of the Borough of Stratford.

9. Defendant, Stuart A. Platt, Esquire, is an individual and attorney at law of the State of New Jersey, and his office is now and at all times mentioned in this

Complaint is located at 40 Berlin Avenue, Borough of Stratford, County of Camden and State of New Jersey.

10. The true names of Defendants DOES 1-50, inclusive, are unknown to Plaintiff at this time. Plaintiff is informed and believes, and based on that information and belief alleges, that each of the Defendants designated as DOE is legally responsible for the events and happenings referred to in this Complaint, and unlawfully caused the injuries and damages to Plaintiff alleged in this Complaint.

11. The true names of ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities), inclusive, are unknown to Plaintiff at this time. Plaintiff is informed and believes, based on that information and belief alleges, that each of the Defendants designated as ABC Corporation 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities) is legally responsible for the events and happenings referred to in this Complaint, and unlawfully caused the injuries and damages to Plaintiff alleged in this Complaint.

SUMMARY OF PLAINTIFF'S CLAIMS

12. On or about December 24, 2009, Defendant Stuart A. Platt, Esquire at the behest of Defendants William Grover and Steve Venuto, drafted a document titled, "REPORT TO STRATFORD BOROUGH COUNCIL RE: THE INVESTIGATION OF THE ACTIVITIES OF MAYOR JOHN GENTLESS WHILE IN OFFICE" (attached as **Exhibit "A"** and hereinafter referred to as "The Report").

13. On or about December 28, 2009, Defendant, Stuart A. Platt, Esquire, in

concert with William Grover and Steve Venuto, published the contents of The Report in public at an open, public meeting of the Mayor and Council.

14. The Report referred to Plaintiff by name throughout, was made of and concerning Plaintiff, and was understood by those who read and heard the Report, to mean the Plaintiff.

15. The statement is false as it pertains to Plaintiff John Gentless, as outlined in the Counts of this Complaint. The Defendants conducted no investigation concerning the truth or veracity of their defamatory statements.

COUNT ONE-DEFAMATION

16. The Report is libelous on its face. It clearly exposes Plaintiff to hatred, contempt, ridicule and obloquy because it charges Plaintiff with having committed a crime(s). The matters referred to were also made with knowledge that the accusations of illegal conduct on the part of the Plaintiff in his official capacity were false, or were made with reckless disregard of whether they were false or not.

17. The Report was seen and read on or about December 28, 2009, by Defendant, Stuart A. Platt, Esquire, William Grover and Steve Venuto that day in a public forum, and also on subsequent dates was made available to the public.

18. It is the Plaintiff's understanding and belief that Defendant Stuart A. Platt, Esquire was compensated in the amount of \$6,000.00 in taxpayer money to prepare The Report.

19. Defendant, Stuart A. Platt, Esquire exceeded his role as conflict solicitor in drafting such a document, and in conducting an "investigation" of the Plaintiff. Such

actions are unlawful and inappropriate. Defendant, Stuart A. Platt, Esquire, was hired as a conflict solicitor to perform legal services as ordinarily required to be performed by a conflict solicitor.

20. As a proximate result of the above-described publication, Plaintiff has suffered loss of his reputation, shame, mortification, and injury to his feelings, mental pain, anguish and humiliation, all to his damage in a total amount to be established by proof at trial.

21. The above-described publication was not privileged because it was published by Defendants with malice, hatred and ill-will toward Plaintiff and the desire to injure him, in that Defendants expressed a desire to "get" Plaintiff. The false and malicious statements of and concerning the Plaintiff were made by the Defendants in retaliation, with intent to injure him in his capacity as a public official and as a private citizen. Because of the Defendants' malice in publishing, Plaintiff seeks punitive damages in a total amount to be established by proof at trial.

LIBELOUS ACTS

22. The Plaintiff responds to the ten claims made in The Report as follows:

A. The first claim alleges that the Plaintiff appointed himself to the Shade Tree Commission. Plaintiff denies this claim. He was appointed to a five-year term on the Shade Tree Commission by then Mayor Angelucci on January 3, 2005. Plaintiff was a Commissioner at the time of his appointment.

B. The Plaintiff is accused of facilitating the cutting down of a curbside tree located at property owned by Barbara, John and Vincent Gentless, without

prior authorization from the Shade Tree Commission. Plaintiff did in fact receive the permission of the Shade Tree Commission to remove the tree at his own expense, which he did. Plaintiff has documentation to prove his actions complied with the direction of the Shade Tree Commission. Plaintiff was never interviewed, or asked to provide his proofs by Defendants.

C. The third allegation accused the Plaintiff of obtaining quotes for the removal of various trees and stump grinding and awarding and instructing the purported low bidder to commence the work and doing so without the borough council's approval of the expenditure and despite the fact this violated the Pay-to-Play rules. The Plaintiff obtained bids for the work as a member of the Shade Tree Commission. It was the contractors' off-season and the bids came in under the threshold for the Pay-to-Play rules; however, they were for more money than the Borough had available for the work. The Plaintiff was advised by the borough solicitor to get quotes and have the work done by the company submitting the lowest quote. The Plaintiff held the check back for the payment of the work for two months. The Plaintiff did not violate the Pay-to-Play rules.

D. Plaintiff is accused of signing a letter as the "Chairman of the Shade Tree Commission". The Defendants claim that Plaintiff never held that position. Plaintiff was indeed the Chairman of the Shade Tree Commission at the time he signed the aforementioned letter.

E. Plaintiff is accused of signing a letter as "Vice-Chairman of the Shade

Tree Commission", alleging that no such position exists. The position did in fact exist.

F. Defendants allege that Plaintiff intercepted various e-mails sent to Borough Clerk by enabling "email forwarding" setting on Borough Clerk's email account so that those emails were sent to Plaintiff's email address also. Plaintiff admits that he did in fact have the Borough Clerk's emails forwarded to his own email account. The Plaintiff drafted a form and the chief of police signed it, permitting Plaintiff to sign out the Clerk's computer.

G. The Defendants accuse the Plaintiff of sending a letter to the borough residents with their 2008 tax bills without first obtaining the approval of the Council. Plaintiff admits that he did in fact send the borough residents a letter with their 2008 tax bills. He did this legally in his capacity as Mayor.

H. Defendants allege that the Plaintiff accused Councilman Venuto of having a "self inflated Tony Soprano mentality". Plaintiff admits that he did so. The making of this statement is not actionable.

I. Defendants allege that Plaintiff told a private property owner that he wanted the Princeton School changed from siding to brick. This claim is patently false and fictitious.

J. Finally, Defendants allege that Plaintiff obtained a key to the fire chief's SUV which was government owned, and removed the vehicle from the parking lot of the Lindenwold Police Station. This claim is true and Plaintiff does not deny it. He contends that the taxpayers should not have to pay for the fire

chief's, or any other public official's use of government issued vehicles for their personal use.

23. In the four-page document prepared by and mailed by Councilmen Steve Venuto and Bill Grover, (hereinafter referred to as The Mailer and attached hereto as **Exhibit "B"**), many false and erroneous claims against Plaintiff. Specifically, the Defendants claimed that The Report presented at the Council Meeting on December 28, 2009, presented the results of an investigation by Defendant Stuart Platt, the conflict attorney. Plaintiff contends that no investigation was conducted as most of the contents of The Report were indeed knowingly false or in reckless disregard for the truth.

24. Defendants claim that the Shade Tree Commission was "taken away" from the Plaintiff, inferring that he was dishonest.

25. The Defendants also claimed that Plaintiff "controls" Councilman Ben Angeli and his votes as a councilman. Plaintiff in fact does not control anyone.

26. The Defendants alleged that the Plaintiff and his family members own several properties in the Borough and are the largest owner of residential properties in town. Further they allege that the Plaintiff does not want to pay fees on these properties. This claim is baseless and without merit.

27. The Defendants also alleged that the Plaintiff is responsible for "steering the process of redevelopment at the land use board level, by defying every order given to him by the solicitor". They further claim that the Plaintiff has tried to stop this process every step of the way by intentionally creating problems for the Borough. Defendants

accuse the Plaintiff of using these tactics to stall residential growth in the Borough, as same would hurt his rental business. Again, the statements are patently false.

28. The Defendants also attacked Plaintiff's personal life and also that of Defendant's mother, stating that the Plaintiff lives with his mother and that her taxes are frozen. They imply that this is the reason the Plaintiff lives with his mother. They go on to accuse the Plaintiff of single-handedly using the town for his own benefit. Although Plaintiff's mother does live with him, the other allegations are false and hurtful.

29. Although the Defendants claim The Mailer was written to inform the residents as to what is going on in their town, the actual purpose is the second step in a coordinated three step plan in their efforts to have the Plaintiff removed from office. Defendants have worked together to execute a political vendetta. The individual Defendants acted as agents of the Defendant Stratford Republican Club, and in their individual capacities.

30. The Defendants filed a Notice of Intention to Recall John Gentless, Mayor of the Borough of Stratford on January 7, 2010, (Attached hereto as **Exhibit "C"**), wherein they have accused the Plaintiff of unethical and negligent behavior, although they have performed no real investigation, nor produced any evidence to support their claims. Regardless, the Defendants purport eight separate additional claims against the Plaintiff. Those being:

- A. Inappropriate actions. Plaintiff denies this claim as untrue and with no basis.

B. Continued viewing of Borough Clerk emails, thereby violating OPRA regulations; however they offer no proof that OPRA regulations were in fact violated.

C. Falsifying documents/titles: This claim is false.

D. Fabrication of a story in the Stratford Times: Plaintiff asserts that this is not true; it is libel *per se*.

E. Unrelenting efforts to keep taxpayers uninformed: This claim is patently false.

F. Repeatedly demonstrates an unmitigated disregard for the limits of his authority: Plaintiff asserts this claim is false and it has no basis or merit.

G. Frequently neglects to present required issues to Council: This claim is false as there is no proof.

H. Knowingly and willingly endangered the health, safety and welfare of himself and others in an attempt to thwart the Borough's tree cutting project. This claim is ridiculous; its meaning cannot be determined as written.

31. The Defendants conducted no investigation concerning the truth or veracity of their defamatory statements. In fact, the Defendants defamatory statements were made intentionally and without concern for whether the statements were true. The false statements have harmed Plaintiff and Plaintiff is entitled to punitive damages. The Defendants' defamatory statements are liable *per se*.

WHEREFORE, Plaintiff demands judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT TWO – INVASION OF PRIVACY

32. Plaintiff incorporates the allegations in Paragraphs 1 through 31 as though set forth at length.

33. The concerted activities of Defendants alleged above invaded Plaintiff's right of privacy by placing Plaintiff in a false light before Plaintiff's peers and the general public. The Defendants intentionally entered upon the solitude and seclusion of the Plaintiff and his family members by publishing false statements to the entire Borough of Stratford, including Plaintiff's family.

34. As a result of Defendants' concerted activities alleged above, Defendants gained substantial benefit from the publication by generating support for a recall based on falsehoods.

35. As a direct and proximate result of the concerted activities of the Defendants, as alleged above, Plaintiff was exposed to public ridicule and contempt. Plaintiff was held in disrepute among Plaintiff's professional and political colleagues and patients, causing Plaintiff to suffer extreme embarrassment and humiliation and severe mental distress, all to Plaintiff's damage.

36. In addition, or alternatively, the Defendants' publicity given to Plaintiff's private life was and is an invasion of privacy.

37. The Defendants actions and statements were highly offensive to a reasonable person.

38. The Defendants' actions and statements were not consistent with any legitimate concern to the public.

39. Defendants acted maliciously with intent to defraud the public and with a wanton disregard of Plaintiff's reputation, character, and good name, for which Plaintiff seeks punitive damages.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT THREE – HARASSMENT

40. Plaintiff incorporates the allegations in Paragraphs 1 through 39 as though set forth at length.

41. On each of the above-mentioned occasions, the actions and statements of Defendant imputed to persons present that Plaintiff was dishonest and guilty of obtaining property unlawfully, a crime of moral turpitude.

42. Defendants knew or should have known that such actions and statements would be offensive to persons of ordinary sensibilities and that the statements of Defendants could cause great annoyance and alarm on the part of Plaintiff. The actions and statements alleged above were not justifiable efforts to inform the public of any malfeasance or wrongdoing by Plaintiff. They were oppressive and threatening acts and statements calculated to coerce Plaintiff to step down from office.

43. As a direct and proximate result of the actions and statements alleged above, Plaintiff's reputation was severely damaged and Plaintiff suffered public humiliation, embarrassment, and public ridicule causing Plaintiff severe pain and mental anguish, all to Plaintiff's damage.

44. Defendants acted maliciously and with a wanton disregard of Plaintiff's feelings and reputation, for which Plaintiff seeks punitive damages.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT FOUR - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

45. Plaintiff incorporates the allegations in Paragraphs 1 through 44 as though set forth at length.

46. The Defendants' conduct as described above, was intentional and reckless.

47. The Defendants' conduct was extreme and outrageous. The Defendants intended to harm Plaintiff and his family.

48. Defendants acted recklessly in publishing statements that Defendants knew or should have known were false or in reckless disregard for the truth.

49. Defendants knew or should have known that there was a high probability that their actions would result in the Plaintiff's severe emotional distress.

50. Given the Defendants Grover and Venuto's loss of their council seats after the 2009 election, Defendants' publication was outrageous; Defendants' disregard for the truth and the residents of Stratford entitles Plaintiff to an award for punitive damages.

51. As a result of Defendants' actions Plaintiff suffers from severe and continuing emotional distress, in the form of anxiety, embarrassment, and stress.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT FIVE - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

52. Plaintiff incorporates the allegations in Paragraphs 1 through 51 as though set forth at length.

53. Defendants should have known that Plaintiff would suffer serious, mental distress if the above named statements were published.

54. Despite the reasonable foreseeability of Plaintiff's emotional distress, Defendants published the statements nonetheless.

55. As a result of Defendants' actions Plaintiff suffers from severe and continuing emotional distress, in the form of anxiety, embarrassment, and stress.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT SIX - CIVIL CONSPIRACY

56. Plaintiff incorporates the allegations in Paragraphs 1 through 55 as though set forth at length.

57. The individual Defendants reached an agreement and conspired to take the Plaintiff out of office, to invade the privacy of Plaintiff and to defame the Plaintiff.

58. The individual Defendants used their publication of false statements to further

perpetrate their tortious acts by defaming the Plaintiff and causing further harm by committing a continual and intentional infliction of emotional distress, invasion of privacy and defamation.

59. As more fully described above, the Defendants' actions were and continue to be unlawful.

60. Upon information and belief, the Defendants financially and otherwise contributed to Defendant Stratford Republican Club in order to carry out their conspiracy and wrongful acts. All of the above named Defendants, Stratford Republican Club and/or ABC Corporations 1-10 (fictitious names of unknown corporations, partnerships, sole proprietorships or other entities), William Grover, Steven Venuto, Stuart A. Platt, Esquire, Joan Trexler, and John Does 1-50, conspired to defame, and otherwise injure Plaintiff.

61. The conduct of the Defendants has been sufficiently outrageous as to entitle Plaintiff to an award of punitive damages.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT SEVEN - ABUSE OF PROCESS

62. Plaintiff incorporates the allegations in Paragraphs 1 through 61 as though set forth at length.

63. On or about November 28, 2009 Defendant William Grover posted defamatory and false statements on an online community chat room known as NewJersey.com. Defendant William Grover is an individual who resides at 9 Parkview Avenue, Borough of Stratford, County of Camden and State of New Jersey. Plaintiff, John Gentless filed a complaint against Defendant William Grover for harassment. The matter was transferred to the Pine Hill Municipal Court, as Plaintiff is the Mayor in Stratford Borough. As a result Defendant William Grover filed a retaliatory counter-claim against Plaintiff John Gentless. The matter was adjourned and postponed many times. When the parties appeared in Court, Defendant William Grover agreed to retract the false and defamatory statements, but failed to do so. The Parties went back to Court for an enforcement hearing, and again, the Defendant agreed to retract the false and defamatory statements. Ultimately on February 11, 2010 the Defendant William Grover issued a formal letter of retraction.

64. A portion of the content of the posting is as follows: Plaintiff John Gentless was accused of placing a "false story in the town paper", "... cannot be trusted as mayor", "... Gentless violated the pay-to-play laws", "spent money without counsel approval", and he "... made it his mission to inform all residents of Stratford on every move (Plaintiff) makes".

65. The wrongful acts of Defendant William Grover caused the Plaintiff great physical inconvenience and discomfort, mental suffering, and humiliation of mind, all to Plaintiff's damage.

66. Defendant William Grover in filing these wrongful charges against Plaintiff was guilty of gross and willful oppression and acted wrongfully, maliciously, and without regard for the health and rights of the Plaintiff and with the intent to vex, harass, annoy, humiliate and embarrass the Plaintiff.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

COUNT EIGHT – MALICIOUS PROSECUTION

67. Plaintiff incorporates the allegations in Paragraphs 1 through 66 as though set forth at length.

68. On or about August 2009, Defendant William Grover commenced an action against Plaintiff for alleged violation of 2C:33-4 (harassment) in the Pine Hill Municipal Court of the County of Camden and the State of New Jersey.

69. The action set forth above was terminated in favor of Plaintiff Gentless. Defendant William Grover brought the action against Plaintiff maliciously and without

probable cause and for the purpose of harassing the Plaintiff.

70. By reason of the above, Plaintiff suffered injury to Plaintiff's good name and then was prevented from attending to his business, all to Plaintiff's damage. Plaintiff was, further, compelled to pay, and did actually pay \$2,500.00 costs and counsel fees in defending the action, a reasonable and necessary amount for such defense.

71. In instituting the above action, Defendant William Grover acted maliciously and with intent to injure Plaintiff. Therefore, Plaintiff is entitled to punitive damages.

WHEREFORE, Plaintiff requests judgment against Defendants, and each of them for:

1. Compensatory damages according to proof;
2. Punitive damages;
3. Interest as allowed by law;
4. Costs of suit; and
5. Such other and further relief as this court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

CERTIFICATION OF NO OTHER ACTIONS

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. Also, to the best of our knowledge and belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, we know of no other parties

that should be joined in the above action. In addition; we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, John B. Kearney, Esquire, is hereby designated as trial counsel for the Plaintiff in the above matter.

DEMAND FOR CERTIFICATION OF INSURANCE INFORMATION

TO: ALL DEFENDANTS AND /OR THEIR COUNSEL:

PLEASE TAKE NOTICE that pursuant to R.4:10(b), DEMAND is made that all Defendants or Defendants' counsel disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy such a judgment, and if such agreements or policies exist, that they supply to the undersigned a copy of each such policy or agreement together with a statement under oath or certification, setting forth: a) policy number; b) names and addresses of the insurer or issuer; c) inception and/or expiration dates; d) names and addresses of all person insured thereunder; e) personal injury liability limits; f) medical payments limit; g) name(s) and addresses of person(s) who have custody or possession thereof; and h) where and when each policy or agreement can be inspected and copied.

REQUEST FOR PRODUCTION OF DOCUMENTS ADDRESSED TO

DEFENDANTS

TO: ALL DEFENDANTS AND/OR THEIR COUNSEL:

PURSUANT TO NEW JERSEY RULE OF CIVIL PRACTICE 4:18, you are requested to produce the below listed documents and/or items for the purpose of discovery. The material will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced. Said documents or tangible things are to be produced at the law office of Kearney and Associates, 210 White Horse Pike, Haddon Heights, New Jersey 08035, within fifty (50) days of the date of service hereof and supplemented in accordance with R. 4:18.

1. The entire contents of any investigation file or files and/or other documentary material in your possession that relate to the allegations of Plaintiff's Complaint (excluding references to mental impressions, conclusions or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communication to and from counsel).
2. Any and all statements concerning this action, as defined by R. 4:18, from all witnesses, including any statements from the parties herein, or their respective agents, servants and/or employees.
3. Any and all documents containing the names and home addresses of all individuals contacted as potential witnesses.
4. Reports of any and all experts who will testify at trial.

DEMAND FOR ANSWERS TO INTERROGATORIES DIRECTED TO

DEFENDANTS

TO: ALL DEFENDANTS AND/OR THEIR COUNSEL

PLEASE TAKE NOTICE that pursuant to R. 4:17(b), Plaintiff demands from Defendant(s), under oath or duly certified answers to Form C and C1 of the Uniform Interrogatories; to be answered by said Defendants within the time prescribed by the Rules of the Court.

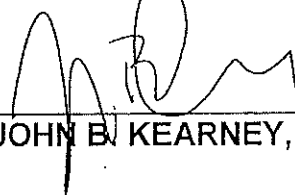
NOTICE PURSUANT TO R.1:5-1(a) and R. 4:17-4(c)

PURSUANT to R. 1:5-1(a) and R 4:17-4(c), all parties and their counsel shall forthwith promptly produce to Plaintiff's attorney, copies of any and all Answers to Interrogatories or Replies to Request for Production of Documents from any other party in this action.

TAKE FURTHER NOTICE that, pursuant to New Jersey Court Rule 1:7-1(b), the Plaintiff may suggest to the trier of fact, with respect to any element of damages, that unliquidated damages be calculated on a time unit basis without reference to a specific sum.

Dated:

KEARNEY and ASSOCIATES, P.C.



JOHN B. KEARNEY, ESQUIRE

EXHIBIT A

**REPORT TO STRATFORD BOROUGH COUNCIL REGARDING
INVESTIGATION OF ACTIVITIES OF MAYOR JOHN GENTLESS
WHILE IN OFFICE**

**PREPARED BY: STUART A. PLATT, ESQUIRE
MARRAZZO & PLATT, P.C.
40 BERLIN AVENUE
STRATFORD, NEW JERSEY 08084
CONFLICT SOLICITOR**

Date: December 24, 2009

MARRAZZO & PLATT, P.C.

Attorneys at Law

JOSEPH A. MARRAZZO, JR.*
STUART A. PLATT*
ERIC J. RISO**

*Member of NJ & NY Bar
**Member of NJ & PA Bar

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STUART A. PLATT, saplat@marrazzoplattlaw.com
ERIC J. RISO, ejreso@marrazzoplattlaw.com

December 24, 2009

VIA HAND-DELIVERY

Borough of Stratford
307 Union Avenue
Stratford, NJ 08084

Attn: John Keenan, RMC, Borough Clerk

RE: Investigation Report Regarding Mayor Gentless
Our File No. 8249

Dear Mr. Keenan:

Enclosed please find the Report that I have prepared regarding the activities of Mayor John Gentless. It is my understanding that the findings contained herein are to be discussed with Borough Council at the Public Meeting scheduled for Monday, December 28, 2009. Please distribute this Report to members of Borough Council.

Thank you for your time and attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me at this office.

Very truly yours,

STUART A. PLATT
For the Firm

SP/jcde
Enclosure

Q:82491-jkceann-122409

40 BERLIN AVENUE • STRATFORD, NEW JERSEY 08084
TEL (856) 784-1555 • FAX (856) 784-8050

BACKGROUND

The firm of Marrazzo & Platt, P.C. has been appointed by the Stratford Borough Council as Conflict Solicitor to investigate the activities of Stratford Mayor John Gentless while in office. We have relied upon the documentation and information provided to us by Borough officials in providing the report. The opinions contained herein are based upon that documentation and information, and are subject to change should additional information become available.

FACTS

Based upon a review of the documentation that has been provided, Mayor Gentless has engaged in the following activities: (1) appointing himself to the Shade Tree Commission notwithstanding the adoption of Ordinance 2008:16, which prohibits board membership by governing body members, including the Mayor; (2) facilitating the cutting down of a curbside tree located within Borough right-of-way at property located at 100 Webster Ave., which is owned by Barbara, John and Vincent Gentless, without prior authorization from the Shade Tree Commission; (3) obtaining quotes for the removal of various trees and stump grinding and awarding and instructing purported low bidder to commence work (a) without Borough Council's approval of the expenditure associated therewith and (b) despite the fact that the award violated Pay-to-Play rules; (4) signing letter in March, 2006 as "Chairman of the Shade Tree Commission" despite the fact that he has never held that position; (5) signing letter as "Vice-Chairman of the Shade Tree Commission" despite the fact that no such position exists; (6) intercepting various e-mails sent to Borough Clerk by enabling "email forwarding" setting on Borough Clerk's e-mail account such that e-mails sent to Borough Clerk's e-mail address were being sent to djohnfoot@aol.com address and continuing to do so as late as March 17, 2009, notwithstanding apparent agreement that was reached during September 4, 2008 meeting

regarding removal of Mayor's ability to have access to the Clerk's e-mail account;¹ (7) sending a letter to the residents along with the 2008 tax bills without Council's approval; and (8) accusing Councilman Venuto of having a "self inflated Tony Soprano mentality" in an e-mail reply to the Councilman, as well as other members of the Governing Body.

In an e-mail dated April 3, 2009 directed to Councilman Venuto regarding the above-referenced tree removal issue, Mayor Gentless stated, *inter alia*: "Of course I help out the commission and any other commission or board in town. As mayor, I am ex-officio of all the committees." By way of e-mail dated June 11, 2009, Mayor Gentless advised Matt Simon, Forester - Atlantic City Electric, that no tree work is to be done in Stratford until after the June 22, 2009 Workshop Meeting "regardless of any additional emails or letters you receive from my borough hall."

Finally, it has been reported that the Mayor told a private property owner that he wanted a certain building (Princeton School) changed from siding to brick. It was also reported that upon discovering that the Borough Fire Chief parked his government provided SUV at the Lindenwold Police Station (the Chief was a Lindenwold police officer), the Mayor obtained a key to the vehicle and returned it to the Borough without authorization notwithstanding the long-standing practice that allowed the Fire Chief to use the vehicle for personal use (a formal policy setting forth guidelines/rules for the use of the Borough provided emergency vehicle was subsequently adopted as a result).

ISSUE

What remedies are available to Borough Council in light of the conduct outlined above?

¹ By way of letter dated July 20, 2009, Councilman Grover reported this activity to Chief Morello. The Chief responded by way of letter dated July 24, 2009, indicating that an investigation was being undertaken and requesting that supporting documentation/evidence be provided. The result of this investigation is unknown at this time.

DISCUSSION

I. Local Government Ethics Law Charges.

In light of the above, Council may want to consider filing charges against the Mayor with the Local Finance Board for violating the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, *et seq.*, which establishes a code of ethics that governs virtually every person who serves in local government. See Krug v. Bridewater Tp. Planning Bd., 407 N.J. Super. 1, 9 (App. Div. 2009).

Pursuant thereto, local government officers must comply with the following provisions:

a. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

b. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:

(1) award any contract which is not publicly bid to a former member of that authority;

(2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or

(3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

c. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;

e. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

i. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;

j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor; and

k. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

N.J.S.A. 40A:9-22.5. The determination of whether a public official has a conflicting interest that may interfere with the impartial performance of his duties as a member of the public body must be done on a case-by-case, fact-sensitive basis, and the question will always be whether the circumstances could reasonably be interpreted to show that they had the likely capacity to tempt the official to depart from his sworn public duty. Shapiro v. Mertz, 368 N.J. Super. 46, 53 (App. Div. 2004). Actual proof of dishonesty need not be shown; the key is whether there is a potential for conflict. Id.; see also Mountain Hill, L.L.C. v. Township Committee of Tp. of Middletown, 403 N.J. Super. 146 (App. Div. 2008), *certif. denied*, 199 N.J. 129 (2009).

Complaints alleging conduct in violation of any of the aforesaid provisions are filed with the Local Finance Board. N.J.S.A. 40A:9-22.9. A guilty finding results in a fine of not less than \$100.00 nor more than \$500.00, N.J.S.A. 40A:9-22.10(b), and constitutes sufficient cause for the "removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline." N.J.S.A. 40A:9-22.11. The remedies provided for under the Local Government Ethics Law "are in addition to all other criminal and civil penalties provided under the law." N.J.S.A. 40A:9-22.10(c).

II. Civil Action.

Another possible alternative is to bring an action in Superior Court against Mayor Gentless seeking injunctive and declaratory relief compelling him to refrain from engaging in unauthorized activity without the advice and consent of Council. See e.g., Municipal Council of the City of Newark v. James, 183 N.J. 361 (2005). In the event he fails to comply after an order

is entered, it could then be argued to the Court by way of motion to enforce litigant's rights that "cause" exists warranting his removal from office.

III. Statutory Removal from Office.

A. Action by Governing Body.

As you are aware, Stratford operates under the borough form of municipal government, N.J.S.A. 40A:60-1, *et seq.*, which provides for a Mayor and six-member Council, all of whom are elected officers of the municipality. See N.J.S.A. 40A:60-2. Pursuant thereto, Council is authorized to, *inter alia*, "remove any officer of the municipality, other than those officers excepted by law, for cause." N.J.S.A. 40A:60-6(b)(5). Unlike other forms of government, this statute does not place any limitation on Council's removal power in terms of whom may be removed from office, nor does it provide for any due process protections, such as notice and the opportunity to be heard.² Based upon a strict reading of this statute, then, it appears that Council may be in a position to adopt a Resolution at a public hearing removing the Mayor, provided that cause exists for his removal.

B. Hearing.

As set forth above, Council is statutorily authorized to "remove" the Mayor pursuant to N.J.S.A. 40A:60-6(b)(5). However, there is no guidance in this section as to the manner in which removal is accomplished, nor is the term "cause" defined. Moreover, removal of an elected official without notice and an opportunity to be heard raises serious due process concerns. That being said, the following alternative procedure for statutory removal should be considered.

² For example, in municipalities operating under the Faulkner Act, council is authorized to remove, by at least two-thirds vote of the whole number of the council, any municipal officer, other than the mayor or a member of council, for cause, upon notice and an opportunity to be heard. See N.J.S.A. 40:69A-37.

In any municipality wherein Title 11 (Civil Service) [now Title 11A] of the Revised Statutes is not operative and unless otherwise provided by law, no officer or employee of such municipality who has tenure in office shall be removed from his office or position except upon written charges, signed by the person making such charges. The complaint shall be filed with the governing body of such municipality and a copy thereof shall be served upon the officer or employee so charged, with notice of a designated time and place for the hearing thereon which shall be not less than 10 days nor later than 30 days from the service of the complaint.

No such officer or employee shall be removed from his office or position for political reasons or except as otherwise provided by law, because of a change in the form of government.

Either party may supplement the record with additional testimony subject to the rules of evidence.

Id.

EXHIBIT B

ATTN:
SCOTT
BURNS

NOTICE OF INTENTION
TO RECALL
JOHN GENTLESS, MAYOR
OF THE BOROUGH OF STRATFORD

"COMMITTEE TO RECALL JOHN GENTLESS FROM OFFICE OF MAYOR" IS
HEREBY SERVING THEIR NOTICE OF INTENTION.

THE SPONSORS OF THIS RECALL ARE REGISTERED VOTERS IN THE
BOROUGH OF STRATFORD AND SUPPORT THE RECALL OF JOHN GENTLESS
FROM THE OFFICE OF MAYOR.

WE ALSO ACCEPT THE RESPONSIBILITY OF SERVING ON THIS COMMITTEE.

ATTACHED IS OUR STATEMENT OF REASONS OF THE RECALL WHICH DOES
NOT EXCEED 200 WORDS.

THE RECALL ELECTION SHALL TAKE PLACE AT THE NEXT GENERAL
NOVEMBER ELECTION.

Will J. H.

Signature

9 Parkview RD

Street

Nancy A. Casey

Signature

21 PENNSYLVANIA AVE

Street

M J

Signature

7 BUCKNELL AVE

Street

William J. Groves Jr.

Print Name

STRATFORD

Town

Troy A. Casey

Print Name

STRATFORD NJ

Town

RICHARD KITE

Print Name

STRATFORD NJ

Town

I, John D. Keenan, Jr., Borough Clerk of the Borough of Stratford,
acting in the capacity of "recall election official" authorized
by law, hereby approve on this 7th day of January, 2010, this
"Notice of Intention" to recall John Gentless from the office
of Mayor of the Borough of Stratford, filed with my office this
7th day of January, 2010, along with an attached statement of
not in excess of 200 words, by the "Committee to Recall John
Gentless From Office Of Mayor".

John D. Keenan, Jr., R.M.C.

JAN 07 2010

We," The Committee to Recall Mayor John Gentless" formed in response to observed patterns of behavior, which call his ability to effectively lead the town of Stratford into question. The actions of Mayor John Gentless throughout the past two years demonstrate an inability to act in the best interest of the town and its people. This prevalent and enduring behavior serves to establish his unethical and negligent approach to the position of Mayor.

1. Inappropriate actions throughout redevelopment planning which directly led to lawsuits, wasted time and wasted taxpayer money.
2. Habitual viewing of Borough Clerk e-mails, violating OPRA regulations.
3. Falsifying documents/titles.
4. Fabrication of story in an issue of the Stratford Times.
5. Unrelenting efforts to keep taxpayers uninformed.
6. Repeatedly demonstrates an unmitigated disregard for the limits of his authority, resulting in unilateral decision making to support his agenda.
7. Frequently neglects to present required issues to Council. Further, recurrently discounts advice/rulings of council.
8. Knowingly and willingly endangered the health, safety and welfare of himself and others in an attempt to thwart the Borough's tree cutting project.

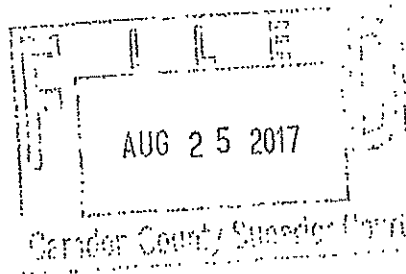
I, John D. Keenan, Jr., Borough Clerk of the Borough of Stratford, acting in the capacity of "recall election official" authorized by law, hereby certify this as the attached statement to the "Notice of Intention", filed in my office on January 07, 2010, and approved on the same date.

John D. Keenan, Jr., R.M.C.

JAN 07 2010

BARON & BRENNAN, P.A.

Jeffrey I. Baron, Esquire
Attorney I.D. No. 001451973
STAFFORDSHIRE PROFESSIONAL CENTER
1307 White Horse Road
Building F – Suite 600
Voorhees, New Jersey 08043
Phone: 856-627-6000
Fax: 856-627-4548
Attorneys for Plaintiff



STRATFORD CITIZENS FOR
RESPONSIBLE DEVELOPMENT, INC.

Plaintiff,

vs.

MAYOR AND BOROUGH COUNCIL
OF THE BOROUGH OF STRATFORD,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO. CAM-L- *3344-17*

CIVIL ACTION

**COMPLAINT IN LIEU OF
PREROGATIVE WRITS**

Plaintiff Stratford Citizens for Responsible Development, Inc., by way of Complaint in Lieu of Prerogative Writs against defendant Mayor and Borough Council of the Borough of Stratford, says the following:

PARTIES

1. Plaintiff Stratford Citizens for Responsible Development, Inc. (hereinafter referred to as "Plaintiff" or "SCFRD") is a New Jersey non-profit corporation maintaining its principal office at 2301 Evesham Road, Suite 207, Voorhees, New Jersey 08043.
2. Defendant Mayor and Borough Council of the Borough of Stratford (hereinafter referred to as "Defendant" or "Council") is a body politic and corporate organized and existing under the laws of the State of New Jersey and maintaining its principal address at 307 Union Avenue, Stratford, New Jersey 08084.

OPERATIVE FACTS

3. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.
4. The properties designated as Block 116, Lots 14 and 14.04 on the Stratford Borough Tax Map are improved with a 61,000+/- square foot shopping center and parking lot commonly known as Laurel Mills Plaza.
5. Constructed during the early 1960s and located in Stratford Borough's C-Commercial zoning district, Laurel Mills Plaza has been occupied by various tenants since that time, including grocery stores and other retail shops, but has recently fallen into disrepair and experienced persistent vacancy.
6. On or about March 3, 2011, Council adopted Resolution 2011-32 determining that Laurel Mills Plaza satisfied the criteria to be determined an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14.
7. Subsequently, on August 9, 2011, Council adopted Ordinance 2011-05, which adopted the Laurel Mills Redevelopment/Rehabilitation Plan dated March 28, 2011.
8. Council subsequently amended the Laurel Mills Redevelopment/Rehabilitation Plan with Ordinance 2014-2, which Council adopted on February 11, 2014.
9. The Laurel Mills Redevelopment/Rehabilitation Plan, as amended by Ordinance 2014-2, sought to "reinvigorate the property" with "suitable uses" and "careful design" aimed toward stabilizing "the area by affirming the value of the surrounding neighborhood and preserving neighborhood character". (Laurel Mills Redevelopment/Rehabilitation Plan, p. 4).
10. The Laurel Mills Redevelopment/Rehabilitation Plan, as amended by Ordinance 2014-2, assessed that retail and office uses of a planned commercial development would best

further the Borough's goals as articulated by the Laurel Mills Redevelopment/Rehabilitation Plan, explaining in relevant part:

The Redevelopment/Rehabilitation Plan permits a flexible mix of complementary uses to provide ample opportunities for returning the site to a fully production condition. A variety of development scenarios have been reflected upon, and those expected to be the most viable and consistent with the Borough's goals are included in the Plan. The permitted uses include professional offices, personal service uses, restaurants, community and neighborhood retail uses and civic space. The implementation of a planned commercial development will best promote the goals of the Redevelopment/Rehabilitation Plan and will provide sufficient flexibility for a redeveloper to craft a high quality integrated development plan that will bring well-designed, high value commercial development opportunities. (Laurel Mills Redevelopment/Rehabilitation Plan, p. 7).

11. On or about March 10, 2015, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) and entered an Order which, inter alia, established a judicial procedure for New Jersey municipalities to demonstrate compliance with their respective constitutionally-mandated affordable housing obligations.

12. In or about January 2016, following adoption by the Stratford Borough Joint Land Use Board (hereinafter referred to as the "JLUB"), Council endorsed a new Housing Element and Fair Share Plan (hereinafter referred to as "HEFSP").

13. The HEFSP included an express goal to satisfy the Borough's affordable housing obligation while simultaneously "respecting the character and density of the Borough of Stratford and maintaining much needed commercial development." (HEFSP, p. 8).

14. Notwithstanding the HEFSP's expressed goal to maintain "much needed commercial development," the HEFSP identified Laurel Mills Plaza as an existing rehabilitation area "which may be looked at to include inclusionary housing." (HEFSP, p. 26).

15. The HEFSP proposed various "mechanisms" to satisfy the Borough's affordable housing obligations, including the development of affordable housing on the Laurel Mills Plaza property, to wit:

Laurel Mills is an existing shopping center which is largely vacant. The property was deemed an area in need of rehabilitation in March 2011 and currently has a Redevelopment Plan that does not include housing. The Borough proposes to amend the redevelopment plan to permit inclusionary zoning for the development of for-sale family residential townhouses or in the alternative senior rental apartments. 5.8 acres of the 7.4 acre parcel would be allocated for the residential component as part of a mixed-use environment at a density of 10 units per acre; 1.6 acres along the frontage would be retained for retail commercial development. A maximum of 2 stories will be permitted with a 20% setaside [sic] to provide units affordable to low and moderate income households. As proposed, the residential and commercial components are to be developed in tandem. (5.8 acres x 10 units/acre x .20 = 12 affordable units). (HEFSP, p. 32).

16. In or about May 2016, the JLUB adopted a Master Plan Reexamination Report which, inter alia, acknowledged the HEFSP's adoption and endorsement by Council.

17. On June 13, 2017, Council introduced for first reading Ordinance 2017-11, entitled, "Ordinance adopting an Amendment to the Laurel Mills Redevelopment Plan for Block 116, Lots 14 and 14.04".

18. Ordinance 2017-11 effectuated numerous changes to the Laurel Mills Redevelopment/Rehabilitation Plan including, most significantly, the addition of for-sale townhouses as a permitted principal use when part of a mixed-use development.

19. Moreover, Ordinance 2017-11 established a maximum density of 14 dwelling units per acre, which was 40% higher than the maximum density contemplated by the HEFSP for Laurel Mills Plaza.

20. Furthermore, Ordinance 2017-11 enabled 3-story/42-foot high units next to commercial space, which was 50% higher than the 2-story maximum contemplated by the HEFSP for Laurel Mills Plaza.

21. Notwithstanding these significant and substantial inconsistencies, Ordinance 2017-11 did not include any explanation pertaining to the inconsistencies as required by N.J.S.A. 40A:12A-7.d.

22. Instead, Ordinance 2017-11 posited that the proposed amendments were substantially consistent with the 2006 Master Plan and the 2016 Master Plan Reexamination Report.

23. Council published notice of the first reading in the Courier-Post newspaper on June 17, 2017.

24. The notice published described Ordinance 2017-11 by referencing, inter alia, the general amendment of the Laurel Mills Redevelopment/Rehabilitation Plan as well as the specific sections of the Laurel Mills Redevelopment/Rehabilitation Plan proposed for amendment.

25. The notice published by Council failed to advise the public of the most significant proposed change to the Laurel Mills Redevelopment/Rehabilitation Plan, to wit: the introduction of townhomes as a permitted use at a density up to 14 units per acre whereas the then-existing plan permitted no residential development of any type.

26. On June 22, 2017, the JLUB conducted a hearing on Ordinance 2017-11 for the purpose of identifying any master plan inconsistencies.

27. Notwithstanding the significant and substantial inconsistencies discussed supra, the JLUB determined that no inconsistencies existed and adopted a pre-prepared resolution

entitled, "Resolution of the Joint Land Use Board of the Borough of Stratford Recommending to Borough Council the Adoption of an Amended Redevelopment Plan for Block 116, Lots 14 and 14.04".

28. Upon information and belief, JLUB member Michael Mancini resides within 200-feet of Laurel Mills Plaza.

29. Upon information and belief, Mancini fully participated in the hearing and voted on the JLUB's resolution concerning Ordinance 2017-11.

30. On July 11, 2017, following receipt of the JLUB's resolution, Council conducted a public hearing on Ordinance 2017-11.

31. At the conclusion of the hearing, Council voted to adopt Ordinance 2017-11.

COUNT I

32. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

33. The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL") requires that a redevelopment plan, revision or amendment be adopted by ordinance of the municipal governing body.

34. All ordinances, including ordinances which adopt redevelopment plans, revisions or amendments thereto, must be preceded by notice which complies with the provisions of N.J.S.A. 40:49-2.

35. Council failed to publish notice in advance of the adoption of Ordinance 24-2014 and Ordinance 25-2014 in the manner required by N.J.S.A. 40:49-2.

36. Specifically, the notice published by Council did not include a "clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance"

because it did not explain the most significant proposed change to the Laurel Mills Redevelopment/Rehabilitation Plan, to wit: the introduction of townhomes as a permitted use at a density up to 14 units per acre whereas the then-existing plan permitted no residential development of any type.

37. Notwithstanding this situation, the Council adopted Ordinance 2017-11 as if effective notice had been published.

38. Council's actions in this regard were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiff Stratford Citizens for Responsible Development, Inc. demands the entry of judgment against defendant Mayor and Borough Council of the Borough of Stratford for the following:

- (a) An Order setting aside and invalidating Ordinance 2017-11;
- (b) An Order setting aside and invalidating the proposed amendments to the Laurel Mills Redevelopment/Rehabilitation Plan set forth in Ordinance 2017-11; and
- (c) Such other relief the Court should deem equitable and just.

COUNT II

39. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

40. The LRHL enumerates certain substantive requirements for redevelopment plans, revisions and amendments.

41. For example, N.J.S.A. 40A:12A-7.d requires all redevelopment plan provisions to be either substantially consistent with the master plan or designed to effectuate the master plan; the municipal governing may adopt a redevelopment plan which is inconsistent with or not

designed to effectuate the master plan only by affirmative vote of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

42. Specifically with regard to Laurel Mills Plaza, the HEFSP endorsed by Council in January 2016 provided for townhouse density at a maximum of 10 units per acre and a maximum of 2-stories.

43. On the other hand, the amendments enabled by Ordinance 2017-11 to the Laurel Mills Redevelopment/Rehabilitation Plan established a maximum density of 14 dwelling units per acre, which was 40% higher than the maximum density provided by the HEFSP.

44. Furthermore, Ordinance 2017-11 enabled 3-story/42-foot high units next to commercial space, which was 50% higher than the 2-story maximum provided by the HEFSP.

45. Notwithstanding this situation, Ordinance 2017-11 did not include any explanation pertaining to the adoption of these inconsistent provisions as required by N.J.S.A. 40A:12A-7.d.

46. Council's actions in this regard were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiff Stratford Citizens for Responsible Development, Inc. demands the entry of judgment against defendant Mayor and Borough Council of the Borough of Stratford for the following:

- (a) An Order setting aside and invalidating Ordinance 2017-11;
- (b) An Order setting aside and invalidating the proposed amendments to the Laurel Mills Redevelopment/Rehabilitation Plan set forth in Ordinance 2017-11; and
- (c) Such other relief the Court should deem equitable and just.

COUNT III

47. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

48. Simultaneously with the first reading of Ordinance 2017-11, Council referred the same to the JLUB for review pursuant to N.J.S.A. 40A:12A-7.e.

49. The JLUB conducted a hearing on Ordinance 2017-11 on June 22, 2017.

50. Upon information and belief, JLUB member Michael Mancini resides within 200-feet of Laurel Mills Plaza.

51. Upon information and belief, Mancini fully participated in the hearing and voted on the JLUB's resolution concerning Ordinance 2017-11.

52. Mancini's participation irrevocably tainted the JLUB's hearing on Ordinance 2017-11, and further tainted Council's subsequent hearing on and adoption of Ordinance 2017-11, thus rendering all actions completely null and void.

53. Council's actions in this regard were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiff Stratford Citizens for Responsible Development, Inc. demands the entry of judgment against defendant Mayor and Borough Council of the Borough of Stratford for the following:

- (a) An Order setting aside and invalidating Ordinance 2017-11;
- (b) An Order setting aside and invalidating the proposed amendments to the Laurel Mills Redevelopment/Rehabilitation Plan set forth in Ordinance 2017-11; and
- (c) Such other relief the Court should deem equitable and just.

BARON & BRENNAN, P.A.
Attorneys for Plaintiff

JEFFREY I. BARON, ESQUIRE

Dated:

8/24/17

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that Jeffrey I. Baron, Esquire is hereby designated trial counsel for plaintiff.

BARON & BRENNAN, P.A.
Attorneys for Plaintiff

JEFFREY I. BARON, ESQUIRE

Dated:

8/24/17

CERTIFICATION PURSUANT TO RULE 4:69-4

I hereby certify that a transcript of the local agency proceedings in this cause has been ordered.

BARON & BRENNAN, P.A.
Attorneys for Plaintiff

JEFFREY I. BARON, ESQUIRE

Dated:

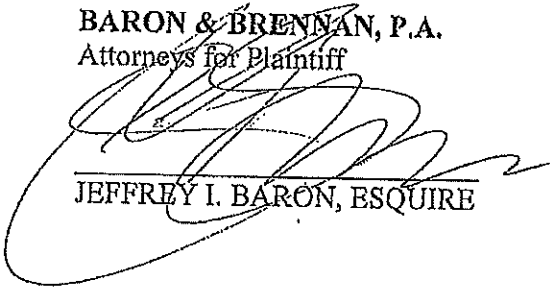
8/24/17

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that the matter in controversy, herein, is not the subject of any other action pending in any other Court or arbitration process. Further, I hereby certify that no other action or arbitration process is contemplated. I further certify that it is not contemplated that any other party should be joined in this action.

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

BARON & BRENNAN, P.A.
Attorneys for Plaintiff


JEFFREY I. BARON, ESQUIRE

Dated:

8/24/17

TRUE COPY
SUPERIOR COURT OF NEW JERSEY

BARON & BRENNAN, P.A.
Jeffrey I. Baron, Esquire
Attorney I.D. No. 001451973
STAFFORDSHIRE PROFESSIONAL CENTER
1307 White Horse Road
Building F -- Suite 600
Voorhees, New Jersey 08043
Phone: 856-627-6000
Fax: 856-627-4548
Attorneys for Plaintiff

STRATFORD CITIZENS FOR
RESPONSIBLE DEVELOPMENT, INC.,

Plaintiff,

vs.

MAYOR AND BOROUGH COUNCIL
OF THE BOROUGH OF STRATFORD,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO. CAM-L-3344-17

CIVIL ACTION

CONSENT ORDER PERMITTING
AMENDMENT OF COMPLAINT AND
WITHDRAW OF COUNSEL

THIS MATTER having been opened to the Court by the law firm of Baron & Brennan, P.A., attorneys for Stratford Citizens for Responsible Development, Inc., seeking: (1) to amend the Complaint to join John Gentless as a plaintiff and to dismiss Stratford Citizens for Responsible Development, Inc. without prejudice; and (2) to withdraw as counsel; and the law firm of Platt & Riso, P.C., attorneys for defendant Mayor and Borough Council of the Borough of Stratford, having consented to these actions subject to the conditions set forth herein; and it appearing that the entry of this Consent Order will facilitate the progression of this litigation; and for good cause shown:

IT IS on this 1st day of ~~December~~ 2017 ORDERED:

1. Within ten (10) days of the date hereof, an Amended Complaint in Lieu of Prerogative Writs shall be filed with the Court and served on the Attorney for Defendant which

identifies John Gentless as a plaintiff. No other amendments to the Complaint shall be permitted through this Consent Order. Gentless may represent himself or be represented by counsel other than Baron & Brennan, P.A.

2. Upon the filing of the Amended Complaint in Lieu of Prerogative Writs, plaintiff Stratford Citizens for Responsible Development, Inc. shall be dismissed without prejudice.

3. The Answer previously filed by defendant Mayor and Borough Council of the Borough of Stratford shall be deemed to be an Answer to the Amended Complaint in Lieu of Prerogative Writs permitted by this Consent Order; no new responsive pleading shall be required.

4. Baron & Brennan, P.A. shall be permitted to withdraw as counsel for plaintiff Stratford Citizens for Responsible Development, Inc.

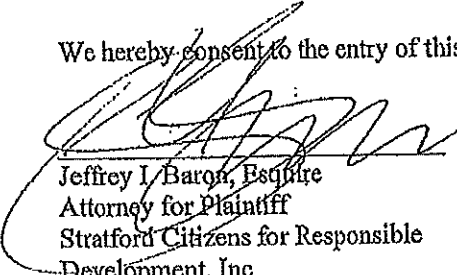
5. Defendant's pending Motion to Disqualify Plaintiff's Counsel is hereby withdrawn, the same having been rendered moot with the withdraw of Baron & Brennan, P.A.

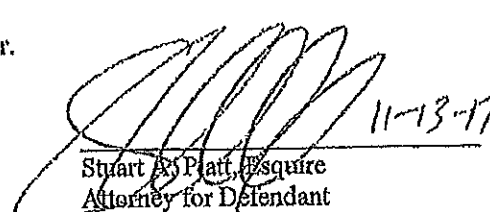
6. None of the dates or deadlines established by the Court's November 1, 2017 Case Management Order shall be affected by the actions permitted by this Consent Order.

7. Plaintiff's counsel shall serve a copy of this Consent Order on defendant's counsel within seven (7) days of the receipt of same by plaintiff's counsel.


HON. DEBORAH SILVERMAN KATZ, A.J.S.C.

We hereby consent to the entry of this Consent Order.


Jeffrey I. Baron, Esquire
Attorney for Plaintiff
Stratford Citizens for Responsible
Development, Inc

 11-13-17
Stuart A. Platt, Esquire
Attorney for Defendant
Mayor and Borough Council of the
Borough of Stratford

John Gentless
11 Union Avenue
Stratford, New Jersey 08084
Plaintiff *Pro Se*

JOHN GENTLESS,

Plaintiff,

vs.

MAYOR AND BOROUGH COUNCIL
OF THE BOROUGH OF STRATFORD,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO. CAM-L-3344-17

CIVIL ACTION

**AMENDED COMPLAINT IN LIEU OF
PREROGATIVE WRITS**

Plaintiff John Gentless, by way of Amended Complaint in Lieu of Prerogative Writs
against defendant Mayor and Borough Council of the Borough of Stratford, says the following:

PARTIES

1. Plaintiff John Gentless is a resident of the State of New Jersey maintaining his principal address at 11 Union Avenue, Stratford, New Jersey 08084.
2. Defendant Mayor and Borough Council of the Borough of Stratford (hereinafter referred to as "Defendant" or "Council") is a body politic and corporate organized and existing under the laws of the State of New Jersey and maintaining its principal address at 307 Union Avenue, Stratford, New Jersey 08084.

OPERATIVE FACTS

3. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

4. The properties designated as Block 116, Lots 14 and 14.04 on the Stratford Borough Tax Map are improved with a 61,000+/- square foot shopping center and parking lot commonly known as Laurel Mills Plaza.
5. Constructed during the early 1960s and located in Stratford Borough's C-Commercial zoning district, Laurel Mills Plaza has been occupied by various tenants since that time, including grocery stores and other retail shops, but has recently fallen into disrepair and experienced persistent vacancy.
6. On or about March 3, 2011, Council adopted Resolution 2011-32 determining that Laurel Mills Plaza satisfied the criteria to be determined an Area in Need of Rehabilitation pursuant to N.J.S.A. 40A:12A-14.
7. Subsequently, on August 9, 2011, Council adopted Ordinance 2011-05 which adopted the Laurel Mills Redevelopment/Rehabilitation Plan dated March 28, 2011.
8. Council subsequently amended the Laurel Mills Redevelopment/Rehabilitation Plan with Ordinance 2014-2, which Council adopted on February 11, 2014.
9. The Laurel Mills Redevelopment/Rehabilitation Plan, as amended by Ordinance 2014-2, sought to "reinvigorate the property" with "suitable uses" and "careful design" aimed toward stabilizing "the area by affirming the value of the surrounding neighborhood and preserving neighborhood character". (Laurel Mills Redevelopment/Rehabilitation Plan, p. 4).
10. The Laurel Mills Redevelopment/Rehabilitation Plan, as amended by Ordinance 2014-2, assessed that retail and office uses of a planned commercial development would best further the Borough's goals as articulated by the Laurel Mills Redevelopment/Rehabilitation Plan, explaining in relevant part:

The Redevelopment/Rehabilitation Plan permits a flexible mix of complementary uses to provide ample opportunities for returning

the site to a fully production condition. A variety of development scenarios have been reflected upon, and those expected to be the most viable and consistent with the Borough's goals are included in the Plan. The permitted uses include professional offices, personal service uses, restaurants, community and neighborhood retail uses and civic space. The implementation of a planned commercial development will best promote the goals of the Redevelopment/Rehabilitation Plan and will provide sufficient flexibility for a redeveloper to craft a high quality integrated development plan that will bring well-designed, high value commercial development opportunities. (Laurel Mills Redevelopment/Rehabilitation Plan, p. 7).

11. On or about March 10, 2015, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) and entered an Order which, inter alia, established a judicial procedure for New Jersey municipalities to demonstrate compliance with their respective constitutionally-mandated affordable housing obligations.

12. In or about January 2016, following adoption by the Stratford Borough Joint Land Use Board (hereinafter referred to as the "JLUB"), Council endorsed a new Housing Element and Fair Share Plan (hereinafter referred to as "HEFSP").

13. The HEFSP included an express goal to satisfy the Borough's affordable housing obligation while simultaneously "respecting the character and density of the Borough of Stratford and maintaining much needed commercial development." (HEFSP, p. 8).

14. Notwithstanding the HEFSP's expressed goal to maintain "much needed commercial development," the HEFSP identified Laurel Mills Plaza as an existing rehabilitation area "which may be looked at to include inclusionary housing." (HEFSP, p. 26).

15. The HEFSP proposed various "mechanisms" to satisfy the Borough's affordable housing obligations, including the development of affordable housing on the Laurel Mills Plaza property, to wit:

Laurel Mills is an existing shopping center which is largely vacant. The property was deemed an area in need of rehabilitation in March 2011 and currently has a Redevelopment Plan that does not include housing. The Borough proposes to amend the redevelopment plan to permit inclusionary zoning for the development of for-sale family residential townhouses or in the alternative senior rental apartments. 5.8 acres of the 7.4 acre parcel would be allocated for the residential component as part of a mixed-use environment at a density of 10 units per acre; 1.6 acres along the frontage would be retained for retail commercial development. A maximum of 2 stories will be permitted with a 20% setaside [sic] to provide units affordable to low and moderate income households. As proposed, the residential and commercial components are to be developed in tandem. (5.8 acres x 10 units/acre x .20 = 12 affordable units). (HEFSP, p. 32).

16. In or about May 2016, the JLUB adopted a Master Plan Reexamination Report which, inter alia acknowledged the HEFSP's adoption and endorsement by Council.
17. On June 13, 2017, Council introduced for first reading Ordinance 2017-11, entitled, "Ordinance adopting an Amendment to the Laurel Mills Redevelopment Plan for Block 116, Lots 14 and 14.04".
18. Ordinance 2017-11 effectuated numerous changes to the Laurel Mills Redevelopment/Rehabilitation Plan including, most significantly, the addition of for-sale townhouses as a permitted principal use when part of a mixed-use development.
19. Moreover, Ordinance 2017-11 established a maximum density of 14 dwelling units per acre, which was 40% higher than the maximum density contemplated by the HEFSP for Laurel Mills Plaza.
20. Furthermore, Ordinance 2017-11 enabled 3-story/42-foot high units next to commercial space, which was 50% higher than the 2-story maximum contemplated by the HEFSP for Laurel Mills Plaza.

21. Notwithstanding these significant and substantial inconsistencies, Ordinance 2017-11 did not include any explanation pertaining to the inconsistencies as required by N.J.S.A. 40A:12A-7.d.

22. Instead, Ordinance 2017-11 posited that the proposed amendments were substantially consistent with the 2006 Master Plan and the 2016 Master Plan Reexamination Report.

23. Council published notice of the first reading in the Courier-Post newspaper on June 17, 2017.

24. The notice published described Ordinance 2017-11 by referencing, inter alia, the general amendment of the Laurel Mills Redevelopment/Rehabilitation Plan as well as the specific sections of the Laurel Mills Redevelopment/Rehabilitation Plan proposed for amendment.

25. The notice published by Council failed to advise the public of the most significant proposed change to the Laurel Mills Redevelopment/Rehabilitation Plan, to wit: the introduction of townhomes as a permitted use at a density up to 14 units per acre whereas the then-existing plan permitted no residential development of any type.

26. On June 22, 2017, the JLUB conducted a hearing on Ordinance 2017-11 for the purpose of identifying any master plan inconsistencies.

27. Notwithstanding the significant and substantial inconsistencies discussed supra, the JLUB determined that no inconsistencies existed and adopted a pre-prepared resolution entitled, "Resolution of the Joint Land Use Board of the Borough of Stratford Recommending to Borough Council the Adoption of an Amended Redevelopment Plan for Block 116, Lots 14 and 14.04".

28. Upon information and belief, JLUB member Michael Mancini resides within 200-feet of Laurel Mills Plaza.

29. Upon information and belief, Mancini fully participated in the hearing and voted on the JLUB's resolution concerning Ordinance 2017-11.

30. On July 11, 2017, following receipt of the JLUB's resolution, Council conducted a public hearing on Ordinance 2017-11.

31. At the conclusion of the hearing, Council voted to adopt Ordinance 2017-11.

COUNT I

32. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

33. The Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL") requires that a redevelopment plan, revision or amendment be adopted by ordinance of the municipal governing body.

34. All ordinances, including ordinances which adopt redevelopment plans, revisions or amendments thereto, must be preceded by notice which complies with the provisions of N.J.S.A. 40:49-2.

35. Council failed to publish notice in advance of the adoption of Ordinance 24-2014 and Ordinance 25-2014 in the manner required by N.J.S.A. 40:49-2.

36. Specifically, the notice published by Council did not include a "clear and concise statement prepared by the clerk of the governing body setting forth the purpose of the ordinance" because it did not explain the most significant proposed change to the Laurel Mills Redevelopment/Rehabilitation Plan, to wit: the introduction of townhomes as a permitted use at a

density up to 14 units per acre whereas the then-existing plan permitted no residential development of any type.

37. Notwithstanding this situation, the Council adopted Ordinance 2017-11 as if effective notice had been published.

38. Council's actions in this regard were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiff John Gentless demands the entry of judgment against defendant Mayor and Borough Council of the Borough of Stratford for the following:

- (a) An Order setting aside and invalidating Ordinance 2017-11;
- (b) An Order setting aside and invalidating the proposed amendments to the Laurel Mills Redevelopment/Rehabilitation Plan set forth in Ordinance 2017-11; and
- (c) Such other relief the Court should deem equitable and just.

COUNT II

39. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

40. The LRHL enumerates certain substantive requirements for redevelopment plans, revisions and amendments.

41. For example, N.J.S.A. 40A:12A-7.d requires all redevelopment plan provisions to be either substantially consistent with the master plan or designed to effectuate the master plan; the municipal governing may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan only by affirmative vote of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

42. Specifically with regard to Laurel Mills Plaza, the HEFSP endorsed by Council in January 2016 provided for townhouse density at a maximum of 10 units per acre and a maximum of 2-stories.

43. On the other hand, the amendments enabled by Ordinance 2017-11 to the Laurel Mills Redevelopment/Rehabilitation Plan established a maximum density of 14 dwelling units per acre, which was 40% higher than the maximum density provided by the HEFSP.

44. Furthermore, Ordinance 2017-11 enabled 3-story/42-foot high units next to commercial space, which was 50% higher than the 2-story maximum provided by the HEFSP.

45. Notwithstanding this situation, Ordinance 2017-11 did not include any explanation pertaining to the adoption of these inconsistent provisions as required by N.J.S.A. 40A:12A-7.d.

46. Council's actions in this regard were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiff John Gentless demands the entry of judgment against defendant Mayor and Borough Council of the Borough of Stratford for the following:

- (a) An Order setting aside and invalidating Ordinance 2017-11;
- (b) An Order setting aside and invalidating the proposed amendments to the Laurel Mills Redevelopment/Rehabilitation Plan set forth in Ordinance 2017-11; and
- (c) Such other relief the Court should deem equitable and just.

COUNT III

47. Plaintiff incorporates all of the foregoing paragraphs by reference as if those paragraphs were fully set forth at length herein.

48. Simultaneously with the first reading of Ordinance 2017-11, Council referred the same to the JLUB for review pursuant to N.J.S.A. 40A:12A-7.e.

49. The JLUB conducted a hearing on Ordinance 2017-11 on June 22, 2017.

50. Upon information and belief, JLUB member Michael Mancini resides within 200-feet of Laurel Mills Plaza.

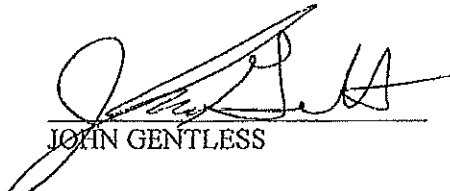
51. Upon information and belief, Mancini fully participated in the hearing and voted on the JLUB's resolution concerning Ordinance 2017-11.

52. Mancini's participation irrevocably tainted the JLUB's hearing on Ordinance 2017-11, and further tainted Council's subsequent hearing on and adoption of Ordinance 2017-11, thus rendering all actions completely null and void.

53. Council's actions in this regard were arbitrary, capricious, unreasonable and contrary to law.

WHEREFORE, plaintiff John Gentless demands the entry of judgment against defendant Mayor and Borough Council of the Borough of Stratford for the following:

- (a) An Order setting aside and invalidating Ordinance 2017-11;
- (b) An Order setting aside and invalidating the proposed amendments to the Laurel Mills Redevelopment/Rehabilitation Plan set forth in Ordinance 2017-11; and
- (c) Such other relief the Court should deem equitable and just.


JOHN GENTLESS

Dated: 12-4-17

CERTIFICATION PURSUANT TO RULE 4:69-4

I hereby certify that a transcript of the local agency proceedings in this cause has been ordered.

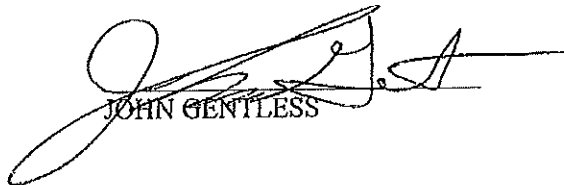

JOHN GENTLESS

Dated: 12-11-17

CERTIFICATION PURSUANT TO RULE 4:5-1

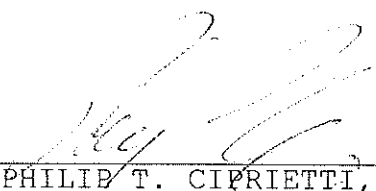
I hereby certify that the matter in controversy, herein, is not the subject of any other action pending in any other Court or arbitration process. Further, I hereby certify that no other action or arbitration process is contemplated. I further certify that it is not contemplated that any other party should be joined in this action.

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


JOHN GENTLESS

Dated: 12-11-17

statements made by me are willfully false, I am subject to punishment.



PHILIP T. CIPRIETTI, ESQUIRE

Dated: June 10, 2015

MARESSA PATTERSON, L.L.C.

By: Brian J. Smart, Esq.
NJ Atty. ID. No.: 003852006
191 West White Horse Pike
Berlin, New Jersey 08009
856-767-1471
Attorneys for Plaintiffs

ANDREW MARANO and MARY
MARANO, H/W

Plaintiffs,

v.

BOROUGH OF STRATFORD, JOHN
KENNAN, JOHN GENTLESS, RONALD
MORELLO, ALBERT OLIZI, JR. and
JOHN DOES #1-10 (Fictitious name for
unknown person or persons), individually,
severally, and collectively,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

DOCKET NO.:

Civil Action

COMPLAINT AND DEMAND FOR
JURY TRIAL

Andrew Marano and Mary Marano, residing in Camden County, New Jersey, by way of
Complaint against the defendants says:

THE PARTIES

1. Plaintiff, Andrew Marano, is an employee of the Department of Public Works of
Borough of Stratford.
2. Defendant, John Kennan, is the Borough Clerk for the Borough of Stratford.
3. Defendant, John Gentless, is the Mayor of the Borough of Stratford.
4. Defendant, Ronald Morello, is the Police Chief of the Borough of Stratford.
5. Albert Olizi, Jr. is the Solicitor of the Borough of Stratford.

STATEMENT OF FACTS

6. On September 25, 2013, plaintiff was verbally assaulted while performing his assigned duties and named as a defendant in a harassment complaint by Lawrence DeVaro, who was a member of the Borough of Stratford Shade Tree Commission. Mr. DeVaro is known as a friend of Borough of Stratford's Mayor John Gentless. Mr. DeVaro alleged that plaintiff was part of a conspiracy to force Mr. DeVaro's resignation from the Shade Tree Commission. This matter became a source of ongoing controversy and the subject of contentious argument in borough council meetings. John Keenan, Borough Clerk, continuously sent plaintiff text messages regarding the proceedings which caused alarm and undue emotional distress to Plaintiff

7. After the above-referenced incident, Plaintiff was advised by Borough Clerk, John Keenan, and Borough Solicitor, Albert Olizi, Jr., to file criminal charges against Lawrence DeVaro but both subsequently told plaintiff he would lose his job if Mr. DeVaro's counter-complaint against him was upheld thereby causing Plaintiff undue emotional distress.

8. After the above-referenced incident the borough council at the instigation of Mayor John Gentless eliminated overtime pay on holidays which in practice only affects Department of Public Works employees, which was plaintiff and the other employees alleged to have harassed Mr. DeVaro, additionally benefits were eliminated for non-union employees including the Department of Public Works. The eliminated benefits included 1) buy back of sick days, and 2) longevity pay thereby subjecting Plaintiff to undue financial and emotional distress.

9. During the winters of 2013 and 2014, Mayor, John Gentless harassed plaintiff by instructing him to plow Borough parking lots that had already been plowed and did not need

additional plowing. On more than one occasion, this was done after plaintiff had already worked from sixteen to twenty straight hours thereby creating a hostile work environment and causing plaintiff undue physical and emotional distress.

10. After the incident, stated in paragraph Six, Mayor John Gentless would constantly lodge complaints with Borough Clerk John Keenan regarding plaintiff's work performance thereby causing plaintiff constant anxiety regarding his employment and financial future, subjecting him to undue emotional distress and further re-enforcing plaintiff's reasonable belief that he was subject to a hostile work environment.

11. After the incident, stated in paragraph Six, Ronald Morello, Chief of Police, Stratford Police Department would drive past plaintiff's home on a daily basis and by "revving" his car engines caused plaintiff to be aware of his presence thereby causing plaintiff alarm, undue emotional distress and further re-enforcing plaintiff's reasonable belief that he was subject to a hostile work environment.

12. On at least three occasions, Ronald Morello, Chief of Police, Stratford Police Department came to plaintiff's work site and verbally harassed him regarding the incident with Lawrence DeVaro thereby causing plaintiff alarm, undue emotional distress and further re-enforcing plaintiff's reasonable belief that he was subject to a hostile work environment.

13. After incident with Lawrence DeVaro, Borough of Stratford Police officers at the behest of Police Chief, Ronald Morello, would constantly follow plaintiff's daughters when they were driving in the borough thereby causing plaintiff undue emotional distress regarding the safety and well-being of his daughters.

14. During the summer of 2014 while Plaintiff was on vacation, Borough Clerk, John Keenan, began sexually harassing Plaintiff by sending him inappropriate text messages thereby subjecting Plaintiff to undue emotional distress.

15. Borough Clerk, John Kennan, told employees of the Public Works Department that they would receive additional hours after Plaintiff was terminated in November, 2015 thereby causing Plaintiff to undue emotional stress. Borough Clerk, John Kennan then improperly filed involuntary retirement proceedings against the plaintiff causing plaintiff undue emotional distress. The filing of the involuntary retirement proceeding further re-enforced plaintiff's reasonable belief that he was subject to a hostile work environment.

16. Mayor John Gentless and Borough Clerk John Keenan, on at least two occasions, failed to provide Plaintiff with a "Rice" notice when Plaintiff's employment status was to be discussed with the Borough Council thereby depriving Plaintiff of his right to request a public hearing and thereby causing Plaintiff emotional distress.

17. As a result of the ongoing, pervasive harassment and infliction of emotional distress by the defendants, plaintiff sought treatment with Dr. Alan Masry, beginning in August, 2014, and was diagnosed with Panic Disorder without Agoraphobia and Generalized Anxiety Disorder. Dr. Masry opined that plaintiff needed to avoid triggers which included "close proximity to work site".

18. By letter received on Stratford Municipal Council letterhead and signed by John D. Kennan, Jr., Municipal Clerk, dated December 1, 2014, plaintiff was informed that he has been determined to have left work for an absence without pay and that his health benefits coverage was being terminated as of January 1, 2015. By this adverse employment action.

plaintiff suffered loss of income and was prevented from seeking additional medical care which caused him severe emotional distress.

19. As a result of his diagnosed Panic Disorder and General Anxiety Disorder triggered by the workplace and the severe emotional distress caused by the adverse employment action stated above, plaintiff was hospitalized in Hampton Behavioral Health Center from December 14, 2014 through January 5, 2015.

20. Due to his inability to receive needed medical care as a result of his medical benefits being terminated, plaintiff was prevented from returning to work and constructively discharged from his employment with the Borough of Stratford.

21. Plaintiff was examined by Dr. Edward H. Tobe on June 1, 2015 and found to have undergone a "traumatic incident in the workplace" which resulted in Panic Disorder without Agoraphobia and Major Depressive Disorder. Dr. Tobe opined that plaintiff was "temporarily and totally psychiatrically disabled directly related to work stressors".

LEGAL CLAIMS

COUNT I

VIOLATION OF NEW JERSEY'S LAW AGAINST DISCRIMINATION, N.J.S.A. 10:5-1 et seq.; SEXUAL HARASSMENT & DISCRIMINATION

1. Plaintiff repeats and re-alleges the allegations contained in Statement of Facts as if set forth at length and incorporates same herein.

2. Pursuant to the New Jersey Law Against Discrimination (LAD), "All persons shall have the opportunity...to obtain all the accommodations, advantages, facilities, and

privileges of any place of public accommodation...without discrimination because of...sex[.]

This opportunity is recognized as and declared to be a civil right." N.J.S.A. 10:5-4.

3. The New Jersey Supreme Court has liberally construed the LAD to further the Legislature's broad remedial objectives. See Viscik v. Fowler Equip. Co., Inc., 173 N.J. 1, 13 (2002); see also N.J.S.A. 10:5-3 ("[T]his act shall be liberally construed in combination with other protections available under the law of this State.") Moreover, New Jersey courts have advised that "the more broadly [the LAD] is applied, the greater its anti-discriminatory impact." Ptaszynski v. Uwaneme, 371 N.J. Super 333, 345 (App. Div.), certify. denied, 182 N.J. 147 (2004).

4. Defendant, John Kennan, Borough Clerk, subjected plaintiff to sexual harassment by making inappropriate sexual comments to plaintiff through text messages sent to plaintiff's assigned work phone.

5. Defendant, John Kennan, Borough Clerk discriminated against plaintiff based upon his sexual orientation and medical condition by instituting involuntary retirement proceedings against him.

6. The New Jersey Supreme Court, under New Jersey's Law Against Discrimination, has held that in sexual harassment cases, the employer can be subject to liability for its employees' bad acts. Lehman v. Toys R' Us, 132 N.J. 587, 603-04 (1993). Accordingly, defendant, Borough of Stratford is liable for defendant, John Keenan's actions.

7. Defendant, Borough Clerk John Keenan's acts are directly attributable to defendant, Borough of Stratford.

WHEREFORE, plaintiff, Andrew Marano, seeks damages to vindicate his rights under the laws and remedy the egregious loss and damages inflicted upon him by defendants,

including, but not necessarily limited to compensatory damages, emotional distress, bodily harm and injury, physical illness, economic damages, injunctive and equitable relief, and damages for the everyday daily stress caused to plaintiff by defendants' illegal acts and reimbursement of attorneys' fees, multiplier and contingency fee enhancement award, and costs of suit, punitive damages, and any other damages the Court deems fair and just.

COUNT II

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

8. Plaintiff repeats and re-alleges the allegations contained in Statement of Facts and Count I as if set forth at length and incorporates same herein.

9. Mayor John Gentless, Borough Clerk John D. Kennan and Police Chief Ronald Morello engaged in intentional and outrageous conduct that was the proximate cause of severe emotional distress to the plaintiff.

WHEREFORE, plaintiff, Andrew Marano, seeks damages to vindicate his rights under the laws and remedy the egregious loss and damages inflicted upon him by defendants, including, but not necessarily limited to compensatory damages, emotional distress, bodily harm and injury, physical illness, economic damages, injunctive and equitable relief, ~~and damages for~~ the everyday daily stress caused to plaintiff by defendants' illegal acts and reimbursement of attorneys' fees, multiplier and contingency fee enhancement award, and costs of suit, punitive damages, and any other damages the Court deems fair and just.

COUNT III

1. For the sake of brevity, all paragraphs of Counts One and Two are repeated herein and made part of the Third Count as though specifically set forth herein at length.

2. Plaintiffs, Andrew Marano and Mary Marano, are and at all times mentioned herein were husband and wife.

3. As a result of the injuries sustained by plaintiff, Andrew Marano, plaintiff Mary Marano, has been deprived of the aid, comfort, companionship, services and consortium of her husband.

Wherefore, Plaintiff Mary Marano demands Judgment against the Defendants, individually, severally and collectively for such sums as would reasonably and properly compensate her in accordance with the laws of the State of New Jersey, together with interest and Court costs

MARESSA PATTERSON, LLC

Dated:

By:

:

Brian J. Smart, Esquire
Attorney for Plaintiffs

JURY DEMAND

The plaintiffs hereby demand trial by jury.

DESIGNATION OF TRIAL COUNSEL

Brian J. Smart, Esquire, is hereby designated as trial counsel for the plaintiffs in the within matter.

CERTIFICATION PURSUANT TO RULE 4:5-1

The undersigned hereby certifies that the matter in controversy is not the subject of any other pending action or arbitration proceeding except for Workers' Compensation Claim Petition No.: 2014-28763 and the undersigned does not know the names of any other parties who should be joined in this action at this time.

NOTICE PURSUANT TO RULES 1:5-1(a) and 4:17-(4c)

PLEASE TAKE NOTICE that the undersigned attorney, counsel for the plaintiffs, does hereby demand, pursuant to Rules 1:5-1(a) and 4:17-4(c) that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories received from any party upon the undersigned attorney and TAKE NOTICE that this is a continuing demand.

NOTICE PURSUANT TO RULE 1:7-1(b)

PLEASE TAKE NOTICE that, pursuant to New Jersey Court Rule 1:7-1(b), the plaintiffs may suggest to the trier of fact, with respect to any element of damages, that unliquidated damages be calculated on a time unit basis without reference to a specific sum.

MARESSA PATTERSON, LLC

By: _____

Brian J. Smart, Esquire

Attorney for Plaintiffs

Dated:

received 5-16-2016
12:50 pm JJA

Law Offices of Leo B. Dubler, III, LLC

20000 Horizon Way, Suite 300

Mount Laurel, NJ 08054

(856) 235-7075

Attorney I.D. #: 030071993

ATTORNEY FOR PLAINTIFF ANDREW MARANO

ANDREW MARANO,

Plaintiff,

v.

BOROUGH OF STRATFORD, JOHN
KEENAN, JOHN DOES 1-10, and ABC
COMPANIES 1-10, jointly, severally and
in the alternative,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

CAMDEN COUNTY

Docket No.: CAM-L-1577-16

SUMMONS

The State of New Jersey to the above named Defendant(s):

BOROUGH OF STRATFORD

Stratford Borough Hall

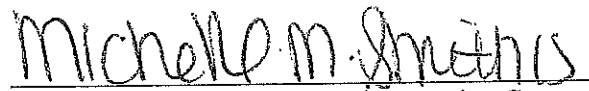
307 Union Avenue

Stratford, NJ 08084

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above-named Plaintiff(s), and required to serve upon the attorney(s) for the Plaintiff(s), whose name and office appears above, an Answer to the annexed Complaint within thirty-five (35) days after the service of the Summons and Complaint upon you, exclusive of the day of service. If you fail to answer, Judgment by Default may be rendered against you for the relief demanded in the Complaint. You shall promptly file your answer or motion and proof of service (with fee of \$175.00 and completed Case Information Statement) thereof in duplicate with the Civil Fee Processing

Unit of the Superior Court of New Jersey - Camden County, Law Division, 101 S. 5th Street, Camden NJ 08103, in accordance with the Rules of Civil Practice and Procedure.

If you cannot afford to pay an attorney, call a Legal Service Office. An individual eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Referral Service toll free (800) 792-8315 (within New Jersey) or (609) 394-1101 (from out of state). The phone number for the county in which this action is pending is: (856) 379-2200.


Michelle M. Smith, Clerk of Superior Court

Dated: May 10, 2016

CAMDEN COUNTY
SUPERIOR COURT
HALL OF JUSTICE
CAMDEN

NT 08103

COURT TELEPHONE NO. (856) 379-2200
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: APRIL 26, 2016
RE: MARANO VS STRATFORD BOROUGH OF
DOCKET: CAM L -001577 16

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MICHAEL J. KASSEL

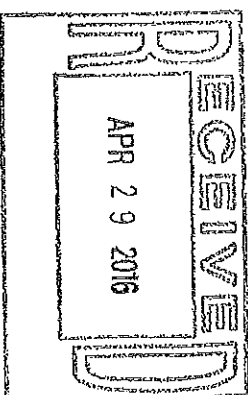
IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 202
AT: (856) 379-2200 EXT 3070.

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.A:5A-2.

ATTENTION:

ATT: LEO B. DUBIER III
DUBIER III LEO B
20000 HORIZONO WAY
SUITE 300
MT LAUREL NT 08054

QUAKES



Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for Initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> 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		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Leo B. Dubler, III, Esquire		TELEPHONE NUMBER (856) 235-7075	
	COUNTY OF VENUE Camden		DOCKET NUMBER (when available) L-1577-16	
FIRM NAME (if applicable) Law Offices of Leo B. Dubler, III, LLC			DOCUMENT TYPE Complaint	
OFFICE ADDRESS 20000 Horizon Way Suite 300 Mount Laurel, NJ 08054			JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Andrew Marano, Plaintiff		CAPTION Andrew Marano v. Borough of Stratford, John Keenan, John Does 1-10, and ABC Companies 1-10, jointly, severally, and in the alternative		
CASE TYPE NUMBER (See reverse side for listing) 618	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ 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? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ Yes ☐ No		IF YES, IS THAT RELATIONSHIP: ☒ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ Yes ☐ No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION APR 22 2016				
Do you or your client need any disability accommodations? ☐ Yes ☒ No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ Yes ☒ 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: Leo B. Dubler III				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for Initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599' CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE -- PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE -- PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE -- PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT -- OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 276 ZOMETHA/AREDA | 292 PELVIC MESH/BARD |
| 279 GADOLINIUM | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 288 PRUDENTIAL TORT LITIGATION | 601 ASBESTOS |
| 289 REGLAN | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

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ATTORNEY FOR PLAINTIFF ANDREW MARANO

ANDREW MARANO,

Plaintiff,

v.

BOROUGH OF STRATFORD, JOHN
KEENAN, JOHN DOES 1-10, and ABC
COMPANIES 1-10, jointly, severally and
in the alternative,

Defendants.

APR 22 2016
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CAMDEN COUNTY

Docket No.: CAM-L-

1577-16
**COMPLAINT AND
JURY DEMAND**

The Plaintiff, Andrew Marano, residing in the Borough of Laurel Springs, County of Camden, and State of New Jersey, by way of complaint against the Defendants, Borough of Stratford, John Keenan, John Does 1-10, and ABC Companies 1-10, jointly, severally and in the alternative, says:

FIRST COUNT

1. Defendant John Keenan ("Keenan") began working for Defendant Borough of Stratford ("Stratford") in or around 1989.
2. Plaintiff Andrew Marano ("Marano") worked in Stratford's Public Works Department.
3. In or around 1997, Keenan became the Borough Clerk of Stratford.
4. From 1997 down to today, Keenan has been overseeing Stratford's Public Works Department.

5. Defendant Keenan sexually harassed employees of Stratford for years, including but not limited to Marano.
6. Defendant Keenan has been sexually harassing Marano for years.
7. By way of example, Marano would frequently have to go to Stratford's Borough Hall as part of his job.
8. On countless occasions, Keenan would make comments to Marano about how good Marano looked and how tan he was.
9. On countless occasions, when Marano was at the Borough Hall, Keenan would walk by and rub Marano's shoulders and back, and at other times, Keenan would grab or rub Marano's rear end.
10. Keenan would frequently call Marano when Marano was working and ask what he was doing.
11. On cold days, Keenan would ask Marano if he was wearing "long johns" so his midsection would not get cold.
12. On warm days, Keenan would call Marano and ask if he was wearing his thong, and would then frequently say, "Hubba hubba hubba."
13. On one occasion, a gentleman broke into the Samuel S. Yellin School and the Police Chief showed Keenan a video of the man running through the hallways naked.
14. Keenan told Marano about the video and said that when he first saw it, he was really excited because he thought the naked man in the video was Marano.
15. Keenan said all he could think about when he saw the video was Marano.

16. When Marano would fill out requests for vacation days on the calendar in Keenan's office, Keenan would ask Marano why he was taking a vacation in July when he could take a vacation with Keenan in the winter.
17. Keenan would say, "We would have more fun."
18. Keenan would also say that when Marano came back from vacation, Keenan wanted to give Marano a "thorough evaluation of [his] tan lines" and would usually end the statement by saying, "Hubba hubba."
19. Whenever Marano attended a council meeting, Keenan would make comments about what Marano was wearing and how "hot" Marano looked, and say to Marano, "I couldn't keep my eyes off of you."
20. Sometimes, Keenan would make the comments to Marano while he was actually at the meetings, and many times, he would make the comments the next day during working hours (sometimes on the phone and sometimes in person).
21. All of the above are just examples of Keenan's sexual harassment of Marano, which went on for years; this is by no means an exhaustive list.
22. Keenan's sexual harassment of Marano continued into 2014.
23. For example, on or about April 30, 2014, Marano was putting up a clock in the pouring rain.
24. The back window of the loader was open, and by the time Marano was done, he was soaked from the rain.
25. Marano went to the Borough Hall and asked Keenan if he could go home and get changed because he had gotten soaked from the rain.

26. Keenan then approached Marano and said, "Let me see," and proceeded to rub Marano's leg, while continuing to say, "Hubba, hubba, hubba, you are wet."
27. Keenan said Marano should take his jeans off and wear a yellow thong for the rest of the day.
28. The sexual harassment continued into the summer of 2014.
29. For example, Keenan began to send sexual text messages to Marano.
30. Keenan would text Marano while he was on vacation and ask Marano if he was "at the nude beach."
31. Keenan then went on to say that he would rather be sitting on the beach with Marano looking at naked men than waiting for Christmas.
32. Keenan then sent numerous text messages about being naked and asked Marano to take pictures for him.
33. There was a continuous ongoing pattern of Keenan sexually harassing Marano that took place over the course of years.
34. Keenan frequently made it known that he was homosexual and would frequently talk about wanting to have sex with men, and having sex with men.
35. Keenan used his position as Borough Clerk to sexually harass Marano.
36. Keenan targeted Marano for sexual harassment because of Marano's gender, in violation of New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.* ("LAD").
37. Keenan's sexual harassment of Marano was severe.
38. Keenan's sexual harassment of Marano was pervasive.
39. Keenan's sexual harassment of Marano changed the terms and conditions of Marano's employment with Stratford.

40. Marano was subjected to a hostile work environment because of his gender, in violation of LAD.
41. Keenan and Stratford sexually harassed Marano in violation of LAD.
42. Keenan aided and abetted Stratford in the sexual harassment of Marano.
43. Marano had nowhere to turn to for help as Keenan would prevent Stratford's Department of Public Works employees from speaking to the Town Council or the Mayor.
44. Further, Stratford had no meaningful policy against sexual harassment.
45. For example, Keenan would frequently hire people to whom he was sexually attracted, even if they were not qualified or otherwise prohibited from working for Stratford.
46. For example, he hired a person named Pat Scofield ("Scofield").
47. It is believed that Scofield had a criminal record and should not have been hired by Stratford, but Keenan pushed for Stratford to hire Scofield.
48. Scofield worked in the Public Works Department and he should have been supervised by the Public Works supervisor.
49. But the supervisor had little or no authority over Scofield because Keenan had made it clear that he was sexually attracted to Scofield, and therefore, different rules applied to Scofield.
50. For example, Scofield would work during the summer with just a vest, without a shirt underneath.
51. The supervisor told Scofield to wear a shirt under his vest, but Scofield went to Keenan, who said that he could work with just his vest without a shirt.
52. Scofield would make comments about Keenan's sexual advances towards him.

53. For example, Scofield would say about Keenan, "If I blow him [Keenan], he'll get me a motorcycle."

54. It was not long after that when Scofield ended up owning a motorcycle shop.

55. Keenan hired other employees to whom he was sexually attracted.

56. Keenan would bring Scofield lunch most days while Scofield worked for Stratford.

57. Keenan periodically did that with other male employees to whom he was sexually attracted.

58. Any policy that Stratford claims to have against sexual harassment is meaningless.

59. Stratford did not take any meaningful steps to prevent the sexual harassment of employees in the Public Works Department.

60. There was open and obvious sexual harassment going on in Stratford that all Borough officials knew of or should have known of.

61. Keenan's sexual harassment of Stratford's employees was known to Stratford officials for years.

62. The actions of Keenan and Stratford were intentional, malicious, and designed to cause Marano harm, which they in fact did.

63. Marano was and is upset, disgusted, and humiliated because of the constant sexual harassment he was subjected to at the hands of Keenan.

64. The intentional and malicious nature of the actions of Keenan and Stratford justifies the imposition of punitive damages.

WHEREFORE, the Plaintiff, Andrew Marano, demands judgment against the Defendants, Borough of Stratford, John Keenan, John Does 1-10, and ABC Companies 1-10, jointly, severally and in the alternative, for damages; losses; emotional harm,

embarrassment and upset; psychological injuries; interest; costs; equitable relief; injunctive relief; attorneys' fees; costs of suit; punitive damages; any and all relief provided for by New Jersey's Law Against Discrimination; and any and all relief that the Court deems just and proper.

SECOND COUNT

65. Marano repeats and incorporates all of the facts and all of the paragraphs of the First Count of the Complaint as if set forth at length herein.

66. Keenan would sexually harass other male employees of Stratford's Department of Public Works, not just Marano.

67. Keenan would make sexual comments about male workers in Stratford's Department of Public Works.

68. Keenan would inappropriately touch male workers of the Public Works Department.

69. Keenan would hire men to whom he was sexually attracted.

70. Keenan would bring lunch to certain men he was attracted to at the Department of Public Works, such as Scofield.

71. Keenan's sexual harassment of men at the Department of Public Works created a hostile work environment for all men who worked there, including Marano.

72. Keenan subjected Marano to a hostile work environment, in violation of LAD.

73. In violation of LAD, Keenan and Stratford created an environment that was hostile to all men who worked in Stratford's Department of Public Works.

74. Keenan aided and abetted Stratford in the creation of a hostile work environment at the Department of Public Works in Stratford, in violation of LAD.

75. Keenan's sexual harassment of male workers was open and obvious.

76. Keenan's sexual harassment of men who worked in Stratford's Public Works Department was severe.
77. Keenan's sexual harassment of men who worked in Stratford's Public Works Department was pervasive.
78. Keenan's sexual harassment of the men Stratford's Public Works Department went on for years.
79. Stratford lacked an effective policy to prevent the sexual harassment of its employees, including men who worked in the Department of Public Works.
80. Any policy against sexual harassment that Stratford claims to have is completely ineffective.
81. Stratford did not take any meaningful steps to prevent the sexual harassment of employees in the Public Works Department.
82. Stratford has no commitment to preventing the sexual harassment of its employees, including those in the Department of Public Works.
83. Keenan's ongoing sexual harassment of employees in Stratford's Department of Public Works created a hostile work environment for all men, including Marano.
84. All officials at Stratford knew of or should have known of the hostile work environment to which men were subjected at the Department of Public Works in Stratford.
85. Keenan aided and abetted the creation of an environment that was hostile to men who worked for Stratford, in violation of LAD.
86. Marano was harmed by the illegal hostile work environment to which he was subjected, in violation of LAD.

87. Marano was and is upset, embarrassed, and humiliated by the ongoing sexual harassment, which was severe and pervasive and ongoing at Stratford.

88. The actions of Keenan and Stratford were intentional, malicious and designed to cause Marano harm, which they in fact did.

89. The intentional and malicious nature of the actions of Keenan and Stratford justifies the imposition of punitive damages.

WHEREFORE, the Plaintiff, Andrew Marano, demands judgment against the Defendants, Borough of Stratford, John Keenan, John Does 1-10, and ABC Companies 1-10, jointly, severally and in the alternative, for damages; losses; emotional harm, embarrassment and upset; psychological injuries; interest; costs; equitable relief; injunctive relief; attorneys' fees; costs of suit; punitive damages; any and all relief provided for by New Jersey's Law Against Discrimination; and any and all relief that the Court deems just and proper.

THIRD COUNT

90. Marano repeats and incorporates all of the facts and all of the paragraphs of the First Count and Second Count of the Complaint as if set forth at length herein.

91. Keenan sexually harassed Marano for years.

92. Keenan sexually harassed other employees of Stratford's Public Works Department as well.

93. Keenan's sexual harassment of Marano and other male employees was open and obvious.

94. Keenan began to send text messages to Marano that were sexual in nature.

95. Keenan would send the text messages during the work day and also while Marano was out of the office, such as when he was on vacation.

96. Keenan's sexual harassment of Marano was so bad that no reasonable person could be expected to tolerate it.

97. Keenan's sexual harassment of Marano compelled Marano to go on a leave of absence and ultimately lose his job.

98. Marano lost his job because of the ongoing severe sexual harassment by Keenan.

99. Marano was constructively discharged from his job at Stratford due to Keenan's sexual harassment of him, in violation of LAD.

100. Marano was subjected to sexual harassment while working at Stratford that no reasonable person could be expected to endure.

101. Keenan aided and abetted the harassment and constructive discharge of Marano.

102. Marano was and is upset, humiliated, and embarrassed by the ongoing and severe sexual harassment and constructive discharge he was subjected to at the hands of Keenan.

103. Keenan's sexual harassment and constructive discharge of Marano caused Marano harms, damages, and losses.

104. The actions of Keenan and Stratford were intentional, malicious, and designed to cause Marano harm, which they did.

105. The intentional and malicious nature of the actions of Keenan and Stratford justifies the imposition of punitive damages.

WHEREFORE, the Plaintiff, Andrew Marano, demands judgment against the Defendants, Borough of Stratford, John Keenan, John Does 1-10, and ABC Companies 1-10, jointly, severally and in the alternative, for damages; losses; emotional harm, embarrassment and upset; psychological injuries; interest; costs; equitable relief; injunctive relief; attorneys'

fees; costs of suit; punitive damages; any and all relief provided for by New Jersey's Law Against Discrimination; and any and all relief that the Court deems just and proper.

FOURTH COUNT

106. Marano repeats and incorporates all of the facts and all of the paragraphs of the First, Second, and Third Counts of the Complaint as if set forth at length herein.

107. Keenan sexually harassed Marano because of his gender, in violation of LAD.

108. Keenan sexually harassed Marano for years.

109. Marano would periodically complain to Keenan about the sexual harassment.

110. Marano, at times, would tell Keenan to stop.

111. Because of Marano's complaints, Keenan not only continued the sexual harassment of Marano, but increased the sexual harassment of Marano.

112. For example, in 2014, Keenan sent multiple text messages of a sexual nature to Marano.

113. Keenan was purposely targeting Marano for sexual harassment even more because of Marano's complaints about his harassment.

114. Keenan had a lot of motivation to try to get rid of someone who complained like Marano.

115. Keenan was someone who would hire men because he was sexually attracted to them – regardless of the fact that the people in question were not qualified to work for Stratford.

116. Keenan also had a strong motivation to get rid of those who complained, such as Marano, because Keenan was involved in multiple illegal actions with regard to his employment at Stratford.

117. For example, Keenan was caught stealing hundreds of pounds of metal from Stratford.

118. Keenan was forced to admit that he stole metal from Stratford at a meeting.

119. Keenan committed other illegal acts as well.

120. Because of Marano's complaints about Keenan's sexual harassment of him, Keenan waged a campaign of retaliation against Marano, in violation of LAD.

121. Keenan retaliated against Marano, in violation of the anti-retaliatory provision of LAD, N.J.S.A. 10:5-12(d).

122. Stratford retaliated against Marano because of his complaints, in violation of LAD.

123. Keenan aided and abetted Stratford in its retaliation against Marano for his complaints about sexual harassment of Marano and others.

124. The actions of Keenan were intentional, malicious, and designed to cause Marano harm, which they in fact did.

125. Marano was and is upset, embarrassed, and humiliated by Keenan's retaliation against him because of Marano's objections to Keenan's sexual harassment of him.

126. The intentional and malicious nature of the actions of Keenan and Stratford justifies the imposition of punitive damages.

WHEREFORE, the Plaintiff, Andrew Marano, demands judgment against the Defendants, Borough of Stratford, John Keenan, John Does 1-10, and ABC Companies 1-10, jointly, severally and in the alternative, for damages; losses; emotional harm, embarrassment and upset; psychological injuries; interest; costs; equitable relief; injunctive relief; attorneys' fees; costs of suit; punitive damages; any and all relief provided for by New Jersey's Law Against Discrimination; and any and all relief that the Court deems just and proper.

FIFTH COUNT

127. Marano repeats and incorporates all of the facts and all of the paragraphs of the First, Second, Third, and Fourth Counts of the Complaint as if set forth at length herein.

128. Defendants John Does 1-10 represent the fictitious names of individuals, both male and female, whose identities are currently not known.

129. Defendants ABC Companies 1-10 represent the fictitious names of business entities (companies, municipalities, public entities, contractors, subcontractors, corporations, partnerships, LLCs, joint ventures, sole proprietors, etc.), the identities of which are currently not known.

130. John Does 1-10 represent individuals that owned, controlled or managed Stratford and/or Stratford's Department of Public Works.

131. John Does 1-10 represent individuals that owned, controlled or managed Stratford and/or Stratford's Department of Public Works, where Marano worked.

132. John Does 1-10 represent Borough officials and managers of Stratford who knew or should have known that Marano was being sexually harassed and retaliated against, but chose to ignore it.

133. John Does 1-10 aided and abetted the sexual harassment and retaliation of Marano.

134. John Does 1-10 participated in the sexual harassment and retaliation of Marano because of his complaints about sexual harassment at Stratford.

135. ABC Companies 1-10 represent companies that owned, controlled, or managed Stratford, the municipality where Marano worked.

136. ABC Companies 1-10 represent companies and/or municipalities that owned, controlled, supervised or managed Stratford and/or Stratford's Department of Public Works.

137. Defendants Stratford, Keenan, John Does 1-10, and ABC Companies 1-10 conspired to retaliate against Marano because of his complaints about sexual harassment, in violation of LAD.

138. Defendants Stratford, Keenan, John Does 1-10, and ABC Companies 1-10 knew or should have known of the sexual harassment to which Marano was being subjected, but did nothing to stop it – in violation of LAD.

139. The actions of Defendants Stratford, Keenan, John Does 1-10, and ABC Companies 1-10 were intentional, malicious, and designed to cause Marano harm, which they in fact did.

140. The intentional and malicious nature of the actions of Defendants Stratford, Keenan, John Does 1-10, and ABC Companies 1-10 were in violation of LAD.

141. The actions of Defendants Stratford, Keenan, John Does 1-10 and ABC Companies 1-10 caused Marano to suffer embarrassment, emotional harm and upset, and psychological injuries.

142. The intentional and malicious nature of the actions of Defendants Stratford, Keenan, John Does 1-10, and ABC Companies 1-10, as well as their owners, officials, agents, employees, and managers, justifies the imposition of punitive damages.

WHEREFORE, the Plaintiff, Andrew Marano, demands judgment against the Defendants, Borough of Stratford, John Keenan, John Does 1-10, and ABC Companies 1-10, jointly, severally and in the alternative, for damages; losses; emotional harm, embarrassment and upset; psychological injuries; interest; costs; equitable relief; injunctive relief; attorneys' fees; costs of suit; punitive damages; any and all relief provided for by New Jersey's Law Against Discrimination; and any and all relief that the Court deems just and proper.

JURY DEMAND

The Plaintiff hereby requests a trial by jury as to all issues referred to in the Complaint.

CERTIFICATION

I certify that this matter is not the subject of any pending lawsuit or arbitration. I further certify that no other parties should be joined in this matter.

Law Offices of Leo B. Dubler, III, LLC
Attorney for Plaintiff Andrew Marano

A handwritten signature in cursive script, appearing to read "Leo B. Dubler, III", written over a horizontal line.

Leo B. Dubler, III

DATED: April 22, 2016