

SILLS CUMMIS EPSTEIN & GROSS P.C.
650 College Road East
Princeton, New Jersey 08540
(609) 227-4600
Attorneys for Plaintiff
Roselle Park VP, LLC

ROSELLE PARK VP, LLC

Plaintiff,

v.

BOROUGH OF ROSELLE PARK, the
PLANNING BOARD OF THE
BOROUGH OF ROSELLE PARK, and
the BOROUGH COUNCIL OF THE
BOROUGH OF ROSELLE PARK,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - UNION COUNTY
DOCKET No: UNN-L-338-07

Civil Action

**NOTICE OF MOTION FOR PARTIAL
SUMMARY JUDGMENT**

TO:

Jeffrey R. Surenian, Esq.
Jeffrey Surenian & Associates, LLC
Rivers Edge Professional Building
2052 Route 35, Suite 201
Wall, NJ 07719

COUNSEL:

PLEASE TAKE NOTICE that at 9:00 in the forenoon on Friday, August 3, 2007, or as otherwise directed by the Court, the undersigned, attorneys for the Plaintiff Roselle Park VP, LLC ("Plaintiff"), shall move before the Honorable John Pisansky, J.S.C., Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey, for an Order granting partial summary judgment to Plaintiff pursuant to Rule 4:46 of the Rules Governing the Courts of the State of New Jersey and determining as a matter of law that the Redevelopment Plan adopted by the Borough of Roselle Park is invalid to the extent

it regulates the form of ownership of the development of the property at issue in this litigation and prohibits a rental apartment project as a permitted use.

PLEASE TAKE FURTHER NOTICE that the Board relies upon its Statement of Undisputed Material Facts, brief, certification of Ronald S. Ladell, Esq., dated July 3, 2007, and certification of Robert A. Kasuba, Esq. dated July 3, 2007 submitted with the motion.

PLEASE TAKE FURTHER NOTICE that Plaintiff requests oral argument.

SILLS CUMMIS EPSTEIN & GROSS P.C.
Attorneys for Plaintiff
Roselle Park VP, LLC

By: 

ROBERT KASUBA, ESQ.

Dated: July 3, 2007