

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 AND FOR  
THE APPOINTMENT OF A  
SPECIAL MASTER**

TO:

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

COUNSEL:


**PLEASE TAKE NOTICE** that at 9:00 in the forenoon on Thursday, September 20, 2007, or as otherwise directed by the Court, the undersigned, attorneys for the Plaintiff Roselle Park VP, LLC ("Plaintiff"), shall move before the Honorable Marianne Espinosa, J.S.C., Union County Courthouse, 2 Broad Street, Elizabeth, New Jersey, for an Order: (1) 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 land use ordinances of the Borough of Roselle Park are

unconstitutional because they fail to provide a realistic opportunity for the development of affordable housing; and (2) appointing a special master.

**PLEASE TAKE FURTHER NOTICE** that the Board relies upon its Statement of Undisputed Material Facts, brief, and the certification of Shirley M. Bishop, PP, dated July 30, 2007.

**PLEASE TAKE FURTHER NOTICE** that Plaintiff requests oral argument.

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

By:   
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ROBERT KASUBA, ESQ.

Dated: August 14, 2007