

SILLS CUMMIS EPSTEIN & GROSS P.C.
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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

ORDER

This matter having been initiated to the Court on motion by Plaintiff Roselle Park VP, LLC, for partial summary judgment seeking a declaration that the Defendants have not complied with the Mount Laurel doctrine as a matter of law and for the appointment of a Special Master on notice to all parties and Thomas Jay Hall, Esq. and Robert A. Kasuba, Esq. (Sills Cummis Epstein & Gross P.C., counsel for Plaintiff); Jeffrey R. Surenian, Esq. (Law Offices of Jeffrey R. Surenian, LLC, special counsel for the Defendants) appearing,

It is on the _____ day of September, 2007, ORDERED as follows:

1. The motion of Plaintiff Roselle Park VP, LLC. ("Plaintiff") for partial summary judgment is hereby granted, and the land use ordinances of the Borough of Roselle Park (the "Borough") are declared to be unconstitutional for failing to comply with the Mount

Laurel doctrine, i.e. they do not provide a realistic opportunity for the provision of the Defendants' fair share of low and moderate income housing.

2. A Special Master shall be appointed to assist the Court to devise a means to bring the Defendants into compliance with their affordable housing obligations pursuant to the terms of Southern Burlington County N.A.A.C.P. v. Mount Laurel Township (Mount Laurel II). The Special Master shall assist the parties in attempting to resolve this litigation, evaluate the Plaintiff's property for a builder's remedy and assist in the development of a fully compliant HE/FSP for the Defendants. All parties shall attempt to agree as to whom the Court should select as the Special Master. If no agreement is reached among the parties within fourteen (14) days of this Order, any party may submit up to three names of potential Special Masters, including their resumes, and the Court shall choose a Special Master. The person selected to serve as Special Master shall be set forth in a subsequent order from this Court. The Special Master shall be compensated at a rate of \$_____ dollars an hour, which shall be paid entirely by the Borough of Roselle Park.

3. Counsel for Plaintiff shall provide all counsel of record with a copy of this Order within 7 days of receipt.

HON. MARIANNE ESPINOSA, J.S.C.

OPPOSED _____

UNOPPOSED _____