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Attorneys for Plaintiff, MICHAEL CIOFFI

SUPERIOR COURT BERGEN COUNTY
FILED

APR 29 2016

Tanna J. Semalalani
DEPUTY CLERK

RECEIVED
APR 29 2016
SUPERIOR COURT OF NEW JERSEY
COUNTY OF BERGEN
FINANCE DIVISION

MICHAEL CIOFFI,

Plaintiff,

v.

**MAYOR AND COUNCIL OF
THE BOROUGH OF
ENGLEWOOD CLIFFS**

Defendant.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

CIVIL ACTION

Docket No.: L-3468-16

**VERIFIED COMPLAINT IN LIEU
OF PREROGATIVE WRITS**

The plaintiff, Michael Cioffi, residing at 16 Bayview Avenue, Englewood Cliffs, in the County of Bergen in the State of New Jersey says by way of Verified Complaint:

1. Plaintiff, Michael Cioffi, is, and at all times relevant to this action has been, the Chief of Police of the Police Department of Englewood Cliffs, New Jersey. He began his career as a police officer in Hackensack, New Jersey on November 15, 1976, transferring to Englewood Cliffs in 1989, and has worked his way up the command ladder over the course of his 40 year career to the position of Chief of his Department, to which he was appointed on July 17, 2010.

2. Defendant Mayor and Council of the Borough of Englewood Cliffs, is the duly elected governing body of the Borough Englewood Cliffs, a municipality incorporated under the laws of the State of New Jersey, and conducting its business at the municipal building located at 482 Hudson Terrace, Englewood Cliffs, County of Bergen, and State of New Jersey.

3. On April 13, 2016, at the end of a regularly scheduled public meeting of the Mayor and Council of Englewood Cliffs, and upon an oral “motion” read from a pre-prepared text by Councilperson Consalvo, that Chief Cioffi be immediately placed on “administrative leave” with pay pending an investigation by the Bergen County Prosecutor, as to which none then existed, and an “administrative” “investigation” by the mayor and council. (See video-tape of Council meeting annexed hereto as Ex. “A” at 4:30). In calling for a vote, the municipal clerk referred to it as a “Motion to suspend the Chief for 30 days.” (Id. at 11:03). This “Motion” was immediately put to a vote and with a vote of 2-2 with one abstention, the Mayor broke the tie and the Motion was carried. Council president Carol McMorrow, the wife of Deputy Chief Michael McMorrow of Englewood Cliffs, who was subsequently named “Acting Chief,” recused herself, but was present in an anteroom to the Council Chambers with the door open for much of the proceedings, a speaker transmitting the proceedings into the anteroom for a portion of the meeting.

4. At no time prior to April 13, 2016 and to the date of the filing of this Complaint was Plaintiff ever served with a Notice of Disciplinary Action setting forth charges and specifications against him; nor has he been charged with any offense in any criminal complaint; nor was he provided with any written notice of any charges or provided with a hearing; nor was he provided with the opportunity to present evidence in his own behalf or to cross examine witnesses. Following this Motion, Deputy Chief Michael McMorrow, the husband of Council President was named “Acting Chief” by the Defendant, Mayor and Council.

5. The action of the Defendant, Mayor and Council of Englewood Cliffs, constituted an unlawful deprivation of Plaintiff’s office without due process, and in contravention of State Law. The Defendant’s action was unlawful, ultra vires, and without lawful authority.

6. The Defendant, Mayor and Council is the governing body of the Borough of Englewood Cliffs, New Jersey, a non-civil service municipality. The Police Department of the Borough of Englewood Cliffs was established by ordinance, presently designated as Ord. 2-13, pursuant to N.J.S.A. 40A:14-118. (Ex. "B" annexed hereto). Pursuant to that ordinance, the Mayor and Council was designated as the "appropriate authority" with respect to the Police Department "as provided in [N.J.S.A. 40A:14-118]". (Id.) . Pursuant to Ord. 2-13.3 [t]he mayor and council [as the appropriate authority] shall have the exclusive right to preside and adjudicate all matters in regard to any hearing held pursuant to N.J.S.A. 40A:14-148." (Ex. "B" annexed hereto). N.J.S.A. 40A:14-148 specifically relates to the hearing of "the [disciplinary] charge or charges made against a member or officer of the police department..."

7. State Law governs the due process rights of police officers as set forth in Title 40A with respect to disciplinary matters, and governs the conduct and actions the Mayor and Council acting in its non-legislative functions as the "appropriate authority" administering the provisions of police discipline. The action of the Defendant Mayor and Council of Englewood Cliffs in placing Plaintiff Chief Michael Cioffi on "administrative leave" was not an act within its legislative power and authority, and constituted an unlawful suspension of Plaintiff "pending" an investigation and without the filing of written Notice of Disciplinary Action, criminal complaints, or the due process right to a hearing as required by State Law.

8. N.J.S.A. 40A:14-147 declares that no permanent member of a municipal police department may be removed from his position for "political reasons," nor may he be suspended, removed, fined or reduced in rank except for incapacity, misconduct or disobedience of rules and regulations established for the government of the police department, but "only upon a written complaint setting forth the charge or charges against" him duly filed and served upon the officer , with notice of a designated hearing not more than 30 days from the date of service of the complaint. Id. Both N.J.S.A.

40A:14-149 and N.J.S.A. 40A:14-149.1 likewise make clear that no officer may be “suspended” from his position “pending” such hearing, with or without pay, absent formal written charges, either those contained in the required Notice of Disciplinary Action (in the case of departmental “charges made against him,” N.J.S.A. 40A:14-149) ; or a criminal complaint, “charg[ing] [him] under the laws of this State, another State, or the United States, with an offense,” N.J.S.A. 40A:14-149.1.

9. The Defendant, Mayor and Council of Englewood Cliffs, was without authority or power to suspend Plaintiff from his position as Chief of the Englewood Cliffs Police Department; their action constituted an unlawful taking of Plaintiff’s office without due process and was ultra vires and was otherwise arbitrary, capricious, and unreasonable.

10. The facts leading up to this unlawful action are as follows:

A. On or about March 28, 2016 Plaintiff received a “Rice Notice” from the Borough Clerk (Ex. “C” annexed hereto) [see Rice v. Union County Regional High School, Bd. of Education, 155 N.J.Super. 64 (App. Div. 1977)], declaring that certain specified “captioned matters” were to “be discussed” at the regular meeting of Defendant on April 13, 2016. Those “matters” were “overtime expenditures, internal affairs procedures, PBA Complaints.” (Id.). Plaintiff returned the “Rice Notice” requesting an “open public discussion” of those matters. (Id.)

B. Following the conclusion of other business at that meeting, during which many people, including former councilpersons, residents, police chiefs from other municipalities, and all but two of the 26 P.B.A. membership of Englewood Cliffs spoke or joined in support of Chief Cioffi, the alleged “discussion” of these matters immediately became a speech by the municipal attorney, pacing back and forth in front of the Council podium with a microphone, and immediately proceeding to publicly begin to play a 2014 tape recording of a call to the police department by a resident of the community complaining about three parking tickets that had been issued to her guests,

parked in a zone reserved for cars with “resident” stickers at a Christmas Party. (Ex. “A” at 17.25). The municipal attorney, although acknowledging that was improper for him to discuss these allegations in public, falsely claimed it was the Chief who chose to have it in public. (Id. at 39:15).

C. Upon objection by Plaintiff’s attorney that this matter was not a “matter” included in the “Rice” notice for public discussion, the tape recorder was turned off, but the municipal attorney, Brent Pohlman, Esq., continued his accusatory oration, indicating that his investigation indicated that after speaking with the resident, the Chief had ordered that the tickets be “voided.” The municipal attorney likewise publicly and falsely accused the Chief of having approved overtime pay for officers who did not work for it. The Mayor made no attempt to prevent this outrageous conduct by the municipal attorney, or to permit a public rebuttal of these libelous accusations, as demanded by Plaintiff. The municipal attorney, while likewise preventing Plaintiff to speak, also accurately declared that “this is not a hearing.” (Id. at 30:00).

D. The session quickly became raucous, and with regard to the alleged ticket “voiding” allegation, Plaintiff’s attorney – to set the record straight – stated that in fact those tickets had not been “voided.” They had been presented by the issuing officer to the municipal court prosecutor, who had duly presented them to the Municipal Court judge who, in turn, had dismissed them. He likewise advised that the Chief himself had brought this matter to the attention of the Bergen County Prosecutor’s office. The municipal attorney’s response was surprise, indicating that his investigation had not proceeded “that far.” (Id.).

E. It apparently had not proceeded far enough to inform at least two members of the Council that this issue was going to be raised at a public meeting under the guise of the “Rice” Notice. At one point during this proceeding Councilperson Aversa, who was clearly surprised, stated that he had no prior knowledge that this “ticket” matter was

going to be publicly discussed, and openly queried Councilperson Consalvo, a member of the Police Committee, whether he (Consalvo) had such knowledge, and he likewise indicated he did not. (Id.)

F. But clearly Councilperson Consalvo had, since at the very close of this session, Councilperson Consalvo stood up and began to haltingly read the text of the pre-prepared “Motion” at issue in this case to place Plaintiff on paid “administrative” leave pending an investigation by the Bergen County Prosecutor and the Council’s own “investigation.” (Id.) Councilperson Park indicated that he and Councilperson Consalvo had met the day before the April 13 session of the governing body and was advised of the “ticket” matter for the first time.

11. The action of the Defendant Mayor and Council of the Borough Englewood Cliffs in suspending Plaintiff from his position as Chief of Police of Englewood Cliffs was an unlawful administrative act, violated state law, deprived Plaintiff of his rights of due process and was unlawful and ultra vires.

WHEREFORE, the plaintiff demands judgment against the Defendant, Mayor and Council of the Borough of Englewood Cliffs declaring Defendant’s Motion suspending Plaintiff from his position as Chief of Police to be unlawful, ultra vires, and null and void; and ordering the immediate reinstatement of Plaintiff to his position as Chief of the Englewood Cliffs Police Department, along with attorneys’ fees and costs, and such other relief as the Court may deem just and proper.

Certification – Other Actions Taken or Contemplated

Pursuant to Rule 4:5-1, I certify to the best of my knowledge, as of the date hereof, that the matter in controversy is not the subject of any other action pending in any court and is likewise not the subject of any pending arbitration proceeding. I further certify there is a

contemplated action by Plaintiff, pursuant to 42 U.S.C. sec. 1983 for violation of his constitutional rights under the First, Fifth and Fourteenth Amendments and retaliation under the "Conscientious Employee's Protection Act ("CEPA"), N.J.S.A. 34:19-1, et. seq. against [putative defendants?*) which may be related to the subject matter of this action. I further certify that to the best of my knowledge, I am not aware of any other parties who should be joined in the within action.



ROBERT L. GALANTUCCI, ESQ.

Certification of Ordering of Transcripts

There having been no "hearing" before the public body, there is no transcript "necessary" to the determination of the within action. The undersigned orally requested a written transcript of the meeting of Defendant Mayor and Council, but was advised by the Municipal Clerk that no such transcripts are prepared. The minutes of the meeting, which do not become official until the subsequent meeting of the Mayor and Council have been requested. A videotape of the Meeting is herewith being provided.




ROBERT L. GALANTUCCI, ESQ.

Designation of Trial Counsel

In accordance with Rule 4:25-4, Robert L. Galantucci, Esq., is hereby designated as trial counsel for the plaintiff, Michael Cioffi, in the above matter.

Dated: 04-28-16


Robert L. Galantucci, Esq.
Attorney for Plaintiff


Verification of Pleading - Certification

1. I am Michael Cioffi, the plaintiff in the above entitled matter.
2. I have read the foregoing complaint and on my own personal knowledge I know that the facts set forth herein are true and they are incorporated in this certification by reference.
3. I certify that the above 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.

Dated: April 28, 2016


MICHAEL CIOFFI
Plaintiff

Sworn to and subscribed before me
this 28th day of April, 2016.
28


JOANNE KERRY SR.
A Notary Public of New Jersey
My Commission Expires 11/21/20

committee of the borough is hereby authorized to set reasonable fees for the use of any and all recreational facilities of the borough, and further, to promulgate rules and regulations governing the use of any and all recreational facilities of the borough and to take such steps as are necessary to inform the public of the fee schedule and the rules and regulations so promulgated.

2-13 POLICE DEPARTMENT.

2-13.1 Created.

a. There is hereby created in and for the Borough of Englewood Cliffs, a police department which shall consist of no more than one chief of police, one deputy chief, seven captains, ten lieutenants, ten sergeants and twenty patrol persons.

b. All vacancies in the police department of sergeant or higher, due to either retirement or separation of duty, will be filled within 60 days of the date that said retirement or separation becomes effective.

2-13.2 Duties.

The police department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of Englewood Cliffs; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers. (N.J.S.A. 40A:14-152)

2-13.3 Designation of Appropriate Authority.

The Mayor and Council of the Borough of Englewood Cliffs shall be designated as the appropriate authority as provided in the New Jersey Statutes. The appropriate authority shall be responsible for the overall performance of the police department. The appropriate authority shall adopt and promulgate rules and regulations for the government of the police department and for the discipline of its members. (N.J.S.A. 40A:14-118)

The mayor and council shall have the exclusive right to preside and adjudicate all matters in regard to any hearings held pursuant to N.J.S.A. 40A:14-148.

2-13.4 Chief of Police.

The chief of police shall be the head of the police department and shall be directly responsible to the appropriate authority for its efficiency and day-to-day operations. Pursuant to policies established by the appropriate authority, the chief of police shall:

a. Administer and enforce the rules and regulations of the police department and any special emergency directive for the disposition and discipline of the department and its members and officers;

- b. Have, exercise and discharge the functions, powers and duties of the police department;
- c. Prescribe the duties and assignments of all members and officers;
- d. Delegate such authority as may be deemed necessary for the efficient operation of the police department to be exercised under the chief's direction and control; and
- e. Report at least monthly to the appropriate authority in such form as shall be prescribed on the operation of the police department during the preceding month and make such other reports as may be requested by the appropriate authority. (N.J.S.A. 40A:14-118).
- f. In the event that there is a vacancy in regard to the position of chief of police or the chief of police is disabled and unable to act, then in that event the mayor and council may appoint an acting chief of police until such time as the vacancy is filled or the chief of police is able to resume his duties. The person appointed as acting chief must at least hold the rank of lieutenant in order to be able to be appointed acting chief of police. Disability shall be defined as being unable to perform his usual duties as chief for a period of 21 consecutive work days or more.

2-13.4.1 Deputy Police Chief.

- a. The deputy chief of police shall perform the duties of chief of police in the event that the chief of police is absent or unable to perform his duties because of disability. In the event the chief of police is disabled for a period of 21 consecutive work days, the council may appoint an acting chief until such time as the chief returns to duty. The person appointed as acting chief must at least hold the rank of lieutenant.
- b. The deputy chief shall, when acting in the place of the chief, have all of the powers and authority, and accept all of the obligations set forth in chapter II, subsection 2-13.4 of the Revised General Ordinances of the Borough of Englewood Cliffs.
- c. When not acting in the place and stead of the chief of police, the deputy chief shall be responsible for any duties which may be assigned to him by the chief of police or by the mayor and council.
- d. The deputy police chief shall be compensated in the manner as set forth in the yearly salary ordinance.
- e. In the event that there is a vacancy in regard to the deputy police chief, then in that event the mayor and council may appoint an acting deputy police chief.

2-13.5 Hours.

Hours of duties and tours of patrol and rules and regulations shall be fixed by the chief of police whose duty it shall be to advise the members of the force.

2-13.6 Appointments and Promotions.

a. Appointments. All persons appointed to the police department shall be recommended by the police committee to the mayor and council for final action and appointment. The police committee shall evaluate the candidates for appointment and may call upon the chief of police or acting chief of police for his guidance and advice and may, pursuant to same, charge him with the duty of having an appropriate examination given to the candidates to determine their qualifications.

b. Promotions. The police committee shall recommend to the mayor and council for final action and appointment all persons to be promoted in rank. They shall have the right to solicit the advice and suggestions of the chief of police in regard to persons to be considered for promotion, but they shall not be limited to persons whom the chief of police suggests. The police committee and the mayor and council shall evaluate the candidates and make a determination as to whom they wish to appoint. In regard to making such determinations, they shall give due consideration to the member or members suggested for promotion in regard to length and merit of the candidate's service and qualifications and preference shall be given according to seniority and service, if appropriate, pursuant to the laws of the State of New Jersey and specifically N.J.S.A. 40A:14-129. In the event that the mayor and council do not wish to promote the candidate recommended by the police committee, it shall have the right to appoint a person of their choice provided that they adhere to the prerequisites provided for in N.J.S.A. 40A:14-129 and any other applicable statutes.

2-13.7 Qualifications.

No person shall be appointed to the police department who is not qualified as provided in the New Jersey Statutes. The appropriate authority may also require that an applicant for appointment to the police department shall successfully complete a physical, mental and psychological examination. (N.J.S.A. 40A:14-122 and N.J.S.A.40A: 14-127)

2-13.8 Reserved.*

2-13.9 Oath.

Before entering upon the duties of his office and within ten days after his appointment, each member of the police department shall take and subscribe an oath of affirmation to support the Constitution of the United States and the Constitution of New Jersey, and to faithfully, impartially and justly perform all the duties of his office and shall file such oath of affirmation with the clerk. Upon failure to take such oath, the office shall be deemed vacant.

2-13.10 Probationary Appointment.

No person shall be given or accept a permanent appointment as a police officer in the borough unless such person has first been given a probationary appointment to such office for a period of one year and has successfully completed a police training course at a school approved and authorized by the police training commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1959.

2-13.11 Conduct.

Any member of the department shall be subject to reprimand, loss of pay, suspension from duty, reduction in rank or dismissal or removal from the department according to the nature and aggravation of his offense in the manner provided by law for any of the following:

- a. Intoxication whether on duty or off and whether in uniform or not.
- b. Drinking any intoxicating liquor while on duty or in uniform.
- c. Willful disobedience of orders.
- d. Using indecent, profane, harsh or uncivil language to any persons while on duty.
- e. Disrespect to a superior officer.
- f. Unnecessary violence to a prisoner or any other person.
- g. Sleeping while on duty.
- h. Absent from duty without leave.
- i. Leaving his beat or assignment without good reason.
- j. Immorality, indecency or lewdness.
- k. Violation of any criminal law or penal ordinance.
- l. For conduct conducive of lack of good order and/or discipline of the police department.
- m. For conduct unbecoming an officer and gentleman.
- n. For refusing to do police duty of any kind whenever necessity requires whether on patrol or elsewhere and whether in uniform or not.
- o. Not properly patrolling post.
- p. No officer or employee of the police department shall be or become a member of any fraternity, association, organization, corporation or combination of persons or associations or

corporation that has among its or their purposes antagonism or opposition to any person because of religion, race or color.

- q. Neglecting or refusing to pay just debts.
- r. Publicly and unfavorably commenting on the official action of a superior officer.
- s. Revealing to any person not a member of the force any proposed police action or movements or provisions of any official order.
- t. Making any false statement in application to the force.
- u. Incompetency, lack of energy, or incapacity, either mental or physical.
- v. Neglect of duty.
- w. Each member on reporting for duty must be neat and clean in his personal clothing. If in uniform he shall be in conformity to the regulations hereinafter set forth: the uniform shall be clean, well pressed, worn neatly and buttoned.
- x. Members are forbidden to receive or accept a reward or present of any kind directly or indirectly, for any act in the performance of his duty without permission being first had and obtained of the chief of police.
- y. No member shall be permitted to solicit for any attorney to become surety for anyone charged with the commission of a crime or to release a person from custody after arrest except as provided by law.
- z. Members are required to report to the chief of police or, in his absence, to the officer in charge, any change in residence at least 12 hours before it takes place.
- aa. Members of the force shall promptly turn over to the chief of police or officer in charge all lost, stolen or recovered property or evidence whatsoever coming into his possession, taking receipt for the same.
- bb. Members of the force, while on duty at trials in court on police cases, shall wear the full regulation uniform unless excused by the chief of police. Plainclothes officers appearing in court in police cases shall wear their badge on the left breast of their outermost garment.

2-13.11A Hearing of Disciplinary Matters Pursuant to N.J.S.A. 40A:14-118 and N.J.S.A. 40A:14-147.

Pursuant to N.J.S.A. 40A:14-118 and N.J.S.A. 14-147, all hearings in regard to disciplinary matters instituted pursuant to these statutes, must be determined by the appropriate authority.

It is hereby defined that the appropriate authority is the mayor and council.

The appropriate authority may, in its discretion, appoint a hearing official to provide all disciplinary actions needed pursuant to either statute.

In those instances where the appropriate authority has appointed a hearing officer, the hearing officer shall preside over all hearings in accordance with the laws.

At the conclusion of the proceeding, the hearing officer shall make recommendations to the mayor and council who shall have the final authority to determine the charges.

2-13.12 Suspension; Removal; Fines; Reduction in Rank.

No member or officer of the police department shall be suspended, removed, fined or reduced in rank for any cause other than for incapacity, misconduct or disobedience as provided in the New Jersey Statutes and the police department's rules and regulations. (N.J.S.A. 40A:14-147)

2-13.13 Outside Employment.

Each and every member of the police department shall devote his whole time and attention to the business of the department. The mayor and council, upon application of any member for permission to do so, may authorize such member of the police department to engage in outside or additional employment which does not conflict or interfere with his proper performance of his duties as a policeman. Although certain hours are allotted to the respective members for the performance of duty on ordinary occasions, at all times they shall be prepared to act immediately on notice that their services are required.

2-13.14 Rules Governing Employment of Off-Duty Police Officers.

a. Definitions as used herein:

1. "Police officer" shall mean any regular police officer of the Borough of Englewood Cliffs.

2. "Employer" shall mean any individual, partnership, corporation, business entity or other organization, other than the Borough of Englewood Cliffs, which employs a police officer to perform the services of a security guard, traffic control officer or plainclothes surveillance officer.

3. "Off-duty" shall mean all periods of time when a police officer is not scheduled for a tour of duty by the Englewood Cliffs Police Department.

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

"RICE NOTICE"

Date: March 28, 2016

E-Mail and Hand Delivery

To: Police Chief Michael Clöff

Re: Overtime Expenditures, Internal Affairs Procedures, PBA Member Complaints

Dear Chief Clöff,

Captioned matter is scheduled to be discussed at the Regular Meeting of the Governing Body on April 13, 2016, 8:00pm or thereafter. Following are brief statements, one (or two) of which requires your signature.

Please sign one (or two) of the below statements and return to me prior April 13, 2016 at 12:00 PM.

Thank you.

Lisette M. Duffy, RMC
Borough Clerk

REQUEST FOR OPEN PUBLIC DISCUSSION - I, Michael Clöff hereby request that this matter be discussed openly at the Regular Meeting of the Governing Body on April 13, 2016

Michael Clöff
Signature

REQUEST FOR COUNCIL TO GO INTO EXECUTIVE SESSION -

I, _____ hereby give permission to the Council to go into Closed Session to discuss this matter and waive my right to public discussion.

Signature

REQUEST TO BE IN EXECUTIVE SESSION - I, _____ further request that I be allowed to attend this Closed Session.

Signature

{00705759; 1 }

Ex. "B"

**GALANTUCCI PATUTO DEVENCENTES POTTER
& DOYLE LLC**
55 STATE ST FL 1
HACKENSACK NJ 07601-5460

1243

55-33/212 NJ
2018

DATE 04-28-16

PAY
TO THE
ORDER OF

TREASURER STATE OF NEW JERSEY

\$ 300.00

THREE HUNDRED AND 00/100

DOLLARS



Bank of America

ACH R/T 021200339

FOR

Cioffi - OTS/Comp Filing Fee (201) 646-1100

B644
How
James M.

⑈001243⑈ ⑈021200339⑈ 381042088343⑈

PAUL R. HUOT
OF COUNSEL

April 29, 2016

Via Hand Delivery

Bergen County Superior Court
Bergen County Justice Center
10 Main Street
Hackensack, NJ 07601

RECEIVED
APR 29 2016
SUPERIOR COURT
BERGEN COUNTY
NEW JERSEY

RE: Michael Cioffi v. Mayor and Council/Borough of Englewood Cliffs

Dear Sir/Madam:

This firm represents plaintiff, Michael Cioffi with regard to the above-referenced matter.

Enclosed for filing please find an original and two copies of the following documents:

1. Verified Complaint in Lieu of Prerogative Writs;
2. Order to Show Cause Pursuant to Rule 4:52-1(b);
3. Motion to Convert into Summary Action Pursuant to Rule 4:67-2(b);
4. Brief in Support of Motion to Proceed Summarily;
5. Certification of Michael Cioffi in Support of Motion to Proceed Summarily; and
6. Certification of Robert L. Galantucci, Esq. in Support of Motion to Proceed Summarily.

Kindly file the same and return a filed copy to my attention in the enclosed self-addressed, stamped envelope.

Also enclosed please find checks payable to the Treasurer, State of New Jersey as follows:

1. Check in the amount of \$300.00 in payment of the fee to file the Complaint in Lieu of Prerogative Writs and the Order to Show Cause;