

FILED

MAR 07 2019

**CHRISTINE A. FARRINGTON,
J.S.C.**

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**IN THE MATTER OF THE BOROUGH OF
ENGLEWOOD CLIFFS, BERGEN COUNTY**

SUPERIOR COURT
Law Division
Bergen COUNTY

DOCKET NO.: BER-L-6119-15

CIVIL ACTION

Order

This matter having been brought before the Court through a case management conference held on February 21, 2019, and it appearing that Plaintiff Borough of Englewood Cliffs was represented by, Jeffrey R. Surenian, Esq, of Jeffrey R. Surenian and Associates, and Albert Wunsch, III, Esq.; that Defendant-Intervenor 800 Sylvan Avenue, LLC was represented by Thomas F. Carroll, III, Esq., of Hill Wallack LLP, and Daniel L. Steinhagen, Esq. of Beattie Padovano LLC; and that Interested Party Fair Share Housing Center (FSHC) was represented by Kevin D. Walsh, Esq. of FSHC; and it further appearing that the Court-appointed Special Master Mary Beth Lonergan, PP, AICP also attended the conference;

And the court having considered the statements of counsel and the Special Master,

IT IS on this 7th day of March, 2019

ORDERED as follows:

1. Discovery is suspended until March 22, 2019 to permit the parties to finalize their attempt to settle this matter.

2. Before March 22, 2019, the Englewood Cliffs council shall meet for the purpose of authorizing a settlement, including the approval of a term sheet, for consideration by 800 Sylvan and FSHC.

3. In the event that there is not a conceptual settlement as expressed in a term sheet by March 22, 2019 to which Englewood Cliffs, 800 Sylvan and FSHC agree, the parties may restart discovery.

4. Discovery shall be concluded on or before April 22, 2019.

5. The court directs the parties to hold mediation on April 1, 2019 and April 2, 2019 unless the Special Master determines that mediation is not necessary and communicates that decision to counsel.

6. In the event there is not a settlement on or before April 15, 2019, the Special Master shall file her report with the court on that date. The deposition of the Special Master shall be completed on or before April 22, 2019.

7. If a settlement has not been approved prior to the

week of April 22, 2019, Englewood Cliffs shall meet during that week, including, if necessary, through a special meeting, for the purpose of considering a resolution approving a settlement.

8. The exchange of pre-trial statements and trial exhibits shall be addressed by the court prior to trial in this matter.

9. If there is not a settlement, the trial in this matter is scheduled to start on April 29, 2019 and to continue on days to be established by further order of this court.

10. Immunity is extended until April 29, 2019, at which point the Court shall determine whether the Borough needs to take any additional actions to extend immunity.


Hon. Christine A. Farrington, J.S.C., *ret'd, t/a
recall*

Unopposed as to form