

CUTOLO BARROS LLC
Jason N. Sena, Esq. (016842012)
46-50 Throckmorton Street
Freehold, New Jersey 07728
(732) 414-1170
Attorneys for Petitioner

IN RE THE MAYOR AND COUNCIL OF
THE BOROUGH OF ATLANTIC
HIGHLANDS,

Petitioner,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:
MONMOUTH COUNTY

DOCKET NO. MON-L-1158-20

Civil Action

ORDER TO SHOW CAUSE

THIS MATTER being brought before the court by Cutolo Barros LLC, attorneys for Petitioner, the Mayor and Council of the Borough of Atlantic Highlands (the “Borough”) seeking relief by way of summary action seeking declaratory relief pursuant to R. 4:67-1, based upon the facts set forth in the Verified Complaint filed herewith; and for good cause shown;

IT IS on this 17 day of April, 2020 **ORDERED** that:

(1) A hearing shall be held in a summer manner pursuant to R. 4:67-1 before the Superior Court at the Monmouth County Courthouse in Freehold , New Jersey at 2 o'clock in the PM noon or as soon thereafter as counsel can be heard, on the 7 day of May, 2020 why an order should not be issued providing for the following relief as it related to the Mayor and Council of the Borough of Atlantic

Highlands:

(A) That the current Mayor and members of the Borough Council who intend to recuse themselves from future votes on matters involving the property formerly known as the Mother Theresa School located on Block 139, Lot 5 of the tax map of the Borough of Atlantic Highlands (the “Property”) by reason of their status as parishioners of the Our Lady of Perpetual Help – Saint Agnes Parish (the “Parish”) and/or attendance at Saint Agnes Roman Catholic Church are not required to do so based upon the Rule of Necessity; and

(B) That the current Mayor and members of the Borough Council may cast votes in matters involving the Property, including without limitation the potential designation of the Property as an area in need of redevelopment and/or the potential purchase of all or portions of the Property by the Borough, including matters involving the financing of such a transaction; and

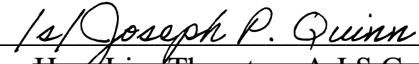
(C) Granting such other relief as the court deems equitable and just.

(2) Notice of this application shall be made public by the posting of a filed copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application, if any, on the Borough website at www.ahnj.com and that written notice of this proceeding and the return date shall be transmitted to the Asbury Park Press for publication at least seven (7) days in advance of the date hereof, in accordance with *R. 4:4-3* and *R. 4:4-4*, this being original process; and

(3) The Petitioner must file with the court proof of service of the pleadings on the defendant no later than three (3) days before the return date; and

(4) If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date must be submitted to the court no later than three (3) days before the return date.

Notice by publication.



~~Hon. Lisa Thornton, A.J.S.C.~~
HON. JOSEPH P. QUINN, P.J.Cv.