

FAIR SHARE HOUSING CENTER
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FILED

MAR 09 2016

JUDGE DOUGLAS K. WOLFSON

**In the Matter of the Application
of the Township of South
Brunswick, County of Middlesex,**

SUPERIOR COURT
Law Division
Middlesex County

DOCKET NO: MID-L-3878-15

CIVIL ACTION

ORDER

This matter having been brought before the Court on the Court's initiative for an Order to Show Cause regarding whether there should be an extension of temporary immunity from builder's remedy claims for Plaintiff Township of South Brunswick ("Township"); and appearances having been made by the Township, through its counsel, Donald J. Sears, Esq., and by Defendant-Intervenors Fair Share Housing Center, through its counsel, Adam M. Gordon, Esq., AvalonBay Communities, Inc., through its counsel Robert A. Kasuba, Esq., South Brunswick Center, LLC, through its counsel, Kenneth D. McPherson, Jr., Esq., and Richardson Fresh Ponds, LLC, and Princeton Orchards Associates, LLC through their

Counsel, Henry L. Kent-Smith, Esq., with Special Master Christine Nazzaro-Cofone also appearing;

And the Court having considered all filed written submissions and having heard and considered the oral arguments of all counsel;

IT IS on this 9th day of March, 2016
ORDERED as follows:

1. The Court hereby revokes the Township's immunity from builder's remedy claims as set forth in the prior Orders of this Court. The Township is thus subject to builder's remedy claims in accordance with procedures described in the July 9, 2015 decision in In re Monroe Township, Docket No. MID-L-3365-15.

effective date of its order
2. The Court stays the ~~filing of any builder's remedy claims pursuant to this order~~ until April 15, 2016.

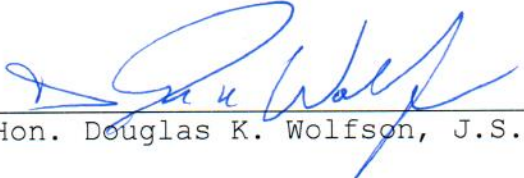
3. In the interim time period before April 15, 2016, the Township is permitted to submit a revised plan for creating a realistic opportunity for addressing its fair share obligation in order to attempt to demonstrate to the Court by motion, which may be on short notice, on notice to all interested parties that this order should be reconsidered and immunity be reinstated.

4. A trial as to all aspects of the Township's fair share compliance is hereby scheduled for May 2, 2016 at 9:00 a.m. and shall continue day-to-day thereafter until completion. The trial shall include any builder's remedy claims that may be filed in accordance with this order, in addition to the Township's claims and opposition to the builder's remedy claims, based upon the plan

submitted by the Township to the Court, in such order as the Court may determine. Alternatively, if the Township has demonstrated to the Court in accordance with paragraph 3 that immunity should be continued, the trial shall be on whether the plan submitted to the Court by the Township provides a realistic opportunity for satisfaction of its fair share obligation, and any opposition submitted to that plan, without consideration of any builder's remedy claims.

5. A pre-trial conference is scheduled for April 15, 2016 at 9:30 a.m; and

6. Counsel for FSHC shall forward a copy of this Order to all parties of record within five (5) days of receipt.


Hon. Douglas K. Wolfson, J.S.C.