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FILED

AUG 24 2021

Robert C. Wilson
J.S.C.

	X
FOOD & WATER WATCH and ELISSA SCHWARTZ, BETTINA HEMPEL, PAULA ROGOVIN, LISA ROSE and LAURIE LUDMER (“COMMITTEE OF PETITIONERS”),	: SUPERIOR COURT OF NEW JERSEY
Plaintiffs,	: LAW DIVISION: BERGEN COUNTY
	:
	:
	:
	: Docket No. BER-L- <u>5566</u> -21
	:
-vs.-	: Action in Lieu of Prerogative Writ
	:
DOUG RUCCIONE, in his capacity as Township Clerk, the TOWNSHIP OF TEANECK, and STEVEN CHONG, in his capacity as Bergen County Deputy Clerk	:
	: ORDER TO SHOW CAUSE
	:
	:
Defendants.	:
	X

This MATTER being brought before this Court by Plaintiffs FOOD & WATER WATCH and ELISSA SCHWARTZ, BETTINA HEMPEL, PAULA ROGOVIN, LISA ROSE and LAURIE LUDMER (the “Committee of Petitioners”), by and through their counsel New Jersey Appleseed Public Interest Law Center (Renée Steinhagen, Esq. appearing), seeking relief by way of Order to Show Cause, based on the facts set forth in the Verified Complaint, with exhibits, and Letter Brief submitted on behalf of Plaintiffs;

IT IS on this 24th day of August 2021;

ORDERED THAT Defendants appear and show cause before the undersigned Judge of the Superior Court of New Jersey, Law Division, in Hackensack, New Jersey, or by telephone or

video conference to be set by the Court at 3 a.m./p.m. or as soon thereafter as counsel may be heard, on the 13th day of September, 2020, why and Order should not be issued enjoining and ordering the following relief:

(1) Adjudging and declaring that the electronic signatures that were collected by Plaintiffs prior to July 4, 2021 during the Governor's Public Health Emergency are valid and the defendant Doug Ruccione's failure to find Plaintiffs' Initiative Petition sufficient (proposing an ordinance to create a community energy aggregation program—hereinafter "Community Energy Aggregation Program Ordinance") violates N.J.S.A. 40:69A-186 to -188, as modified by Executive Order 132 ("EO 132"), Executive Order 216 ("EO 216") and P.L. 2020, Ch. 55;

(2) Issuing an order in lieu of prerogative writ (*mandamus*) or otherwise directing the Township Clerk to certify as sufficient Plaintiffs' Community Energy Aggregation Program Ordinance Initiative Petition ("Initiative Petition" or "Energy Aggregation Initiative Petition") filed July 15, 2021, and corrected by their supplemental petition, filed August 5, 2021, and to submit such ordinance to the "to the municipal council without delay," N.J.S.A. 40:69A-190; and, immediately thereafter to the Deputy County Clerk in order "to submit the ordinance to the voters" pursuant to 40:69A-191;

(3) Granting Plaintiffs such other and further legal and equitable relief as this Court may find just and proper, including estopping defendant Ruccione from rejecting the 562 electronic signatures contained in Plaintiffs' Initiative Petition, which he previously determined to represent qualified voters and asserting that the petition has some other defect;

(4) Issuing an order in lieu of prerogative writ (*prohibition*) or otherwise enjoining the Deputy Clerk of Bergen County from printing any ballot for use at the November 2, 2021 General Election prior to this matter being resolved; and

(5) Adjudging and declaring that defendant Ruccione's rejection of Plaintiffs' Initiative Petition constitutes a violation of Plaintiffs' right to substantive due process as well as its statutory right of initiative in violation of N.J.S.A. 10:6-2(c); and

(6) Issuing an order awarding legal fees to Plaintiffs pursuant to the N.J.S.A. 10:6-2(f).

IT IS FURTHER ORDERED that:

1. Pursuant to R. 4:52-1(b), a copy of this Order to Show Cause, the Verified Complaint with supporting exhibits, and Letter Brief be served upon Defendants electronically and/or via hand-delivery, in accordance with R. 4:4-3 and R. 4:4-4, this being original process;

2. Plaintiffs must file with the Court its proof of service of the pleadings on the Defendants no later than the return date.

3. If Defendants intend to file any answering papers such as affidavits, exhibits, briefs or memoranda of law to this Order to Show Cause, they shall be filed with this Court and served upon Plaintiffs' attorney so as to be received on or before August 31, 2021 at _____ pm.

Specifically, Defendants must send a copy of any opposition papers directly to Judge **ROBERT C. WILSON, J.S** whose address is the Bergen County Courthouse, 10 Main Street, Hackensack, NJ 07601.

4. Plaintiffs shall be entitled to serve responsive papers on or before September 7, 2021 at _____ pm.

5. Defendants shall serve and file their answer to the Verified Complaint within 3 days of service by Plaintiffs of the aforesaid papers as set forth above.

6. If Defendants fail to serve and file their respective answer to the Verified Complaint within the time set forth herein, judgment by default may be rendered against them for the relief requested in the Verified Complaint.

7. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause unless the Court and parties are advised to the contrary no later than 3 days before the return date.



Hon. J.S.C.

ROBERT C. WILSON, J.S.C.