

FILED

SEP 13 2021

Robert C. Wilson  
J.S.C.

Renée Steinhagen, Esq.  
NEW JERSEY APPLESEED  
PUBLIC INTEREST LAW CENTER, INC.  
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FOOD & WATER WATCH and ELISSA  
SCHWARTZ, BETTINA HEMPEL,  
PAULA ROGOVIN, LISA ROSE and  
LAURIE LUDMER ("COMMITTEE OF  
PETITIONERS"),

Plaintiffs,

-vs.-

DOUG RUCCIONE, in his capacity as  
Township Clerk, the TOWNSHIP OF  
TEANECK, and STEVEN CHONG, in his  
capacity as Bergen County Deputy Clerk,

Defendants.

X  
: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION: BERGEN COUNTY  
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:  
:  
: Docket No. BER-L-5566 -21  
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:  
: Action in Lieu of Prerogative Writ  
:  
:

ORDER  
GRANTED PURSUANT  
TO THE COURT'S  
DECISION PLACED ON  
THE RECORD

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 an through their counsel New Jersey Appleseed Public Interest Law Center (Renée Steinhagen, Esq. appearing), and the Court having reviewed any papers filed in opposition, and the Court having considered the arguments made by counsel, if any, and good cause having been shown:

IT IS on this 13th day of ~~August~~ <sup>September</sup> 2021;

ORDERED that Plaintiffs are GRANTED the declaration 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") violated 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; and it is further

ORDERED that Plaintiffs are GRANTED an order in lieu of prerogative writ (*mandamus*) or otherwise directing the Township Clerk to certify Plaintiffs' Initiative Petition as sufficient and place it on the November 2, 2021 ballot; and it is further

ORDERED that Plaintiffs are GRANTED an order 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; and it is further

~~ORDERED that Plaintiffs are GRANTED 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 it is further~~

~~ORDERED that Plaintiffs are GRANTED a declaration 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 it is further~~

~~ORDERED that Plaintiffs are GRANTED reasonable attorney's fees and costs to be paid by Defendant Ruccione in his official capacity and the Township of Teaneck pursuant to the N.J.S.A. 10:6-2(f).~~

Plaintiffs shall serve this Order upon Defendants within 7 days of their receipt of same.

opposed  
 unopposed

  
Hon. J.S.C.