

**JARDIM, MEISNER & SUSSER, P.C.**

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*Attorneys for Plaintiffs*

**Theodora Lacey, Reshma Khan, Jeremy Lentz, Teji Vega, and Loretta Weinberg,**

Plaintiffs,

v.

**Doug Ruccione, in his official capacity as the Acting Township Clerk for the Township of Teaneck, and John Hogan, in his official capacity as the County Clerk for the County of Bergen,**

Defendants.

Superior Court of New Jersey  
Law Division, County of  
Bergen

Docket No: BER-L-\_\_\_\_-21

**Order to Show Cause**

**THIS MATTER**, being brought before this Court by Plaintiffs, Theodora Lacey, Reshma Khan, Jeremy Lentz, Teji Vega, and Loretta Weinberg, by and through their counsel, Jardim, Meisner & Susser, P.C. (Scott D. Salmon, Esq., appearing), seeking relief by way of Order to Show Cause, based upon the facts set forth in the letter brief with accompanying Verified Complaint, Certification of Counsel, and exhibits filed herewith;

**IT IS** on this \_\_\_\_\_ 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 \_\_\_\_\_ a.m./p.m. or as soon thereafter as counsel can be heard, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, why an Order should not be issued temporarily and preliminarily enjoining and ordering the following relief:

(1) Adjudging and declaring that Defendant, Doug Ruccione, violated N.J.S.A. 40:69A-25.1 by improperly and unlawfully rejecting Plaintiffs' Direct Petition;

(2) Issuing an Order in Lieu of Prerogative Writ directing Defendants to certify Plaintiffs' Direct Petition as sufficient and place it on the November 2, 2021 ballot; and

(3) Adjudging and declaring that Defendant Ruccione's rejection of Plaintiffs' Direct Petition constituted 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).

**IT IS FURTHER ORDERED** that:

(1) This Order to Show Cause, Letter Brief, Verified Complaint, Certification of Counsel, and Exhibits submitted in support of this application, or a copy thereof, 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) Defendants shall file and serve a written response to this Order to Show Cause and the Request for Entry of Injunctive Relief and Proof of Service by \_\_\_\_\_, 2021. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above as well as online at the website [http://judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf). Defendants must send a copy of any Opposition Papers directly to Judge \_\_\_\_\_, whose address is the Bergen County Courthouse, 10 Main Street, Hackensack, NJ 07601. Defendants must also send a copy of their Opposition Papers to the Plaintiffs' attorney whose name and address appears above.

(4) Plaintiffs must file and serve any written reply to Defendants' Opposition by \_\_\_\_\_, 2021. The Reply Papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge \_\_\_\_\_.

(5) If the Defendant does not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a Proof of Service and a proposed form of Order at least three days prior to the return date.

(6) If the Plaintiff has not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the Court no later than three (3) days before the return date.

(7) Defendant, take notice that the Plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this Complaint, you, or your attorney, must file a written answer to the Verified Complaint and Proof of Service before the return date of the Order to Show Cause. These documents must

be filed with the Clerk the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above as well as online at the website [http://judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf). Include a \$\_\_\_\_\_ filing fee payable to the “Treasurer of the State of New Jersey.” You must also send a copy of your Answer to the Plaintiff’s attorney, whose name and address appears above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the Order to Show Cause is not an Answer and you must file both.

(8) If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at the website [http://judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

(9) 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 \_\_\_ days before the return date.

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, J.S.C.