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A 5454-10T4

DANIEL TUMPSON, RUSSELL HOOVER,
ERIC VOLPE, CHERYL FALLICK, and
JOEL HORWITZ ("COMMITTEE OF
PETITIONERS"),

Plaintiffs-Respondents/Cross-
Appellants

v.

JAMES FARINA, in his capacity as
Hoboken City Clerk, and the CITY OF
HOBOKEN,

Defendants-Appellants/Cross-
Respondents

and

MILE SQUARE TAXPAYER ASSOCIATION
2009, INC., GINA DeNARDO,
individually and on behalf of all
similarly situated and 611-613 LLC,
individually and on behalf of all
similarly situated,

Intervenors-Appellants/Cross-
Respondents

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

Docket No. A-5454-10T4

On appeal from the Superior
Court of New Jersey, Law
Division, Hudson County
(No. HUD-L-2375-11)

Sat below:

Hon. Bernadette DeCastro,
J.S.C. and

Hon. Lourdes Santiago, J.S.C.

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OF NEW JERSEY

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BRIEF OF RESPONDENTS/CROSS-APPELLANTS

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INTRODUCTION

This is a case about the enforcement of voters' referendum rights under the Faulkner Act. It raises questions about the obligations of municipal officials to obey the requirements of those laws, to liberally construe them in voters' favor, and of the judiciary's power to act when, as here, those officials undermine voters' rights at every turn.

In March 2011, the City of Hoboken adopted amendments to its rent control law that curtailed tenants' rights and remedies. As is their right under the Faulkner Act, a committee of citizens circulated petitions seeking the repeal of these amendments and a public vote on the matter, if they did not secure a legislative repeal.

The citizens ultimately submitted over 3,100 signatures, and despite a highly aggressive review, even the City conceded that at least 2,224 of them were valid. This was numerically sufficient to force a referendum and to suspend the terms of the new amendments from taking effect.

After two orders to show cause in the trial court, three motions in the Appellate Division, and an order of the Supreme Court vindicating these voters' rights, this matter was ultimately voted upon by the Hoboken electorate in the November 2011 general election.

But the history of how the people ultimately secured their right to pass judgment on the Hoboken City Council's ordinance is shameful. It involves the City's outright disregard, along with rewriting, of controlling state law on the issue. Among other things, the City Clerk claimed the right to "unfile" petitions properly lodged in the Clerk's office based on a *prima facie* review of the papers filed. Contemporaneously, the Clerk refused to do his statutory duty to conduct a thorough examination of the petitions and to properly announce his findings. Later, the Clerk refused to accord Plaintiffs their unambiguous statutory right to amend or supplement those petitions with additional signatures, feigning ignorance when Plaintiffs asserted those rights. When the trial court found the Clerk's actions to be arbitrary and capricious, the Clerk nevertheless disregarded unambiguous remedial orders compelling action on his part. This resulted (after one emergent appeal to this Court) in the issuance of an Order Enforcing Litigants' Rights.

At every step in this process, the City obstructed the citizens' rights. The trial court's remedies for these actions, which did nothing more than to compel the Clerk to follow the law, examine and certify the petitions, and authorize appropriate supplementation of the petitions, were measured, appropriate solutions, fully authorized by law and equitable

doctrines. Indeed, when the propriety of the Court's orders was litigated before the Supreme Court on an emergent stay motion, the Court reinstated the trial court's rulings, without recorded dissent.

This appeal again seeks to litigate the validity of these orders preserving voters' rights to decide local legislation at the ballot box. It also questions the trial court's finding that Defendants' violation of Plaintiffs' referendum rights was a violation of the New Jersey Civil Rights Act, and awarding them counsel fees as prevailing plaintiffs.

PROCEDURAL HISTORY¹

Plaintiffs-Respondents Daniel Tumpson, Russell Hoover, Eric Volpe, Cheryl Fallick, and Joel Horwitz, collectively, the Committee of Petitioners, are residents of the defendant City of Hoboken ("City"), which is governed by the Optional Municipal Charter Law (commonly known as the Faulkner Act). (Ja2-4). On May 4, 2011, Plaintiffs filed a Verified Complaint and an Order to Show Cause protesting the decision of the City and its Clerk, defendant James Farina, to "unfile" a rent control referendum petition they had lodged with him, and thereafter to reject the supplemental petitions, which are expressly authorized by statute, that they had filed. (Ja1-34).

Judge Gallipoli signed the Order to Show Cause (Ja35-36), which set forth a briefing schedule. The City Defendants then filed motions and opposition to the Order to Show Cause. Three intervenors (Mile Square Taxpayer Association 2009, Inc., Gina DeNardo, and 611-613 LLC) also filed papers supporting the

¹ Three motions panels of the Appellate Division and the Supreme Court have already considered prior aspects of this case. This procedural history therefore incorporates the trial court, Appellate Division, and Supreme Court proceedings.

City's anti-tenant positions. A hearing on these various applications was held on June 10, 2011. (See 1T).²

After the argument, Judge DeCastro issued a 13-page opinion (Ja131-143) finding, among other things, that the Clerk "did not follow the procedure set forth in N.J.S.A. 40:69A-185 through 187" respecting the filing and processing of referendum petitions, and the legal effect of same. (Ja140-42). She further found that "based upon a reading of the statutes . . . Mr. Farina's actions were arbitrary and capricious." (Ja142)

Having made this finding that the City violated the law, the Court turned to the question of remedy. Thus, in its opinion, it directed the City Clerk to "process the plaintiffs' filed petition as provided by law and review the petition and

² Transcripts are referred to in this brief as follows:

- 1T - Oral argument, June 10, 2011
- 2T - Oral argument on Plaintiff's motion after remand to enforce litigants' rights. August 25, 2011
- 3T - Oral argument on Plaintiffs' Motion for Summary Judgment and award of counsel fees, October 21, 2011
- 4T - Decision granting Plaintiffs' Motion for Summary Judgment and award of counsel fees, October 24, 2011
- 5T - Oral argument on City's motion for reconsideration, December 2, 2011
- 6T - Decision denying City's motion for reconsideration, December 6, 2011

amended petition timely submitted consistent with the statute."
(Ja142).³

The Intervenor sought a stay pending appeal. (Ja148-49).
On June 24, 2011, the Judge denied the request. (Ja150-51).
She found that the Defendants and Intervenor had not proven, as
would be required for a stay pending appeal, that they had a
likelihood of prevailing on the merits, or they would suffer
irreparable harm in the absence of a stay. (Ja151). The Court
expressly found that the balancing of the equities favored
Plaintiffs. (Id.) Moreover, the Court also clarified the
remedial aspects of the prior order. Specifically, the Court
said that in the event that review of the petition and amended
petition described in the June 14 Order resulted in a finding of
insufficiency, Plaintiffs were entitled to file additional
signatures to cure the insufficiency:

In addition, to clarify, at the conclusion of the 20
days [for review of the previously-submitted
signatures], if the City determines the filings are
insufficient, the Plaintiff may amend pursuant to the
law. N.J.S.A. 40:69A-188.

(Id.).

³ The orders accompanying the June 14 opinion (Ja 126-130) denied the City's motion to dismiss the action, while the letter-opinion stated that the action was dismissed. These conflicting statements created an ambiguity about whether Plaintiffs' claim under the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, was also dismissed. As detailed infra, a ruling from an Appellate Division motions panel addressed that issue.

The Defendants and Intervenor did not pursue an appeal of this Order at that time. Rather, on July 14, 2011, they filed a joint notice of appeal (Ja152-159), contending that Judge DeCastro's legal findings and the remedy she ordered were flawed. (Ja156-57). On July 28, 2011, Plaintiffs filed a cross-appeal, arguing that the Judge's interpretation about when Ordinance Z-88 was suspended was mistaken. (Ja160-64).⁴

Consistent with their past pattern of obstructionism, on July 7, 2011, the City Defendants found the 2,314 signatures theretofore submitted to be insufficient. (Ja170-72). Nevertheless, pursuant to Judge DeCastro's Order, Plaintiffs then diligently collected an additional 844 signatures, and submitted them on July 18, 2011, in the manner and within the time fixed by her June 24, 2011 Order. (Ja173-74).

On July 25, 2011, Defendants replied to this submission by letter, and contended that the filing was untimely, despite Judge DeCastro's ruling expressly authorizing the filing. (Ja175-77). However, the letter also specifically found that

⁴ Plaintiffs also argued in the alternative that in the event the trial judge's motion was interpreted as a denial of counsel fees, and in the further event that their then-pending motion for remand was denied, that they would also appeal the counsel fee issue. (See Ja162 ('summary of order below' section)). However, as shown later in this section, the appellate motion panel agreed with Plaintiffs and allowed the temporary remand to address the counsel fee issues. (See Ja200).

the valid signatures submitted were numerically sufficient under the law. (Ja176).

Plaintiffs then applied to Judge DeCastro by Order to Show Cause under R. 1:10-3 to enforce her Orders. On August 1, 2011, Judge DeCastro held that in her view of R. 2:9-1, she did not have jurisdiction to hear the enforcement motion because an appeal had been filed. (See Ja182).

Plaintiffs immediately sought emergent relief with the Appellate Division, and after briefing wherein Intervenor continued to protest the validity of the underlying rulings, the Appellate Division upheld Plaintiffs' rights. (Ja183-186). Specifically, on August 12, 2011, the appellate panel (Judges Miniman and Sabatino) ruled that the Orders of the Court were valid, enforceable rulings that Defendants had to obey:

The June 24, 2011, order clearly granted plaintiffs leave to supplement their petition and amended petition "within ten days after the notification of insufficiency has been served by the municipal clerk." N.J.S.A. 40:69A-188. The clerk rejected their supplementary petition as not timely filed. If it was timely filed, plaintiffs were entitled to the relief sought in their order to show cause.

(Ja185-86). The appeals panel also commented on the voting rights implications of their Order, in particular, the desirability of having the issue decided by the voters at the November 8, 2011 general election:

That leaves only the issue of whether we should issue a mandate with respect to the time within which the

judge is to decide the issues. Defendant and the intervenors urge that it is not because a referendum may be scheduled at any time and voted on in a special election. Although we recognize that to be true, we also recognize that voter turnout is much greater at a general election than it is at a special election. We suggest that the trial court give due consideration to this concern on the plaintiffs' part . . .

(Ja186).

On August 25, 2011, the trial court ruled that Defendants in fact had violated Plaintiffs' rights. As a remedy for Defendants' violations, Judge DeCastro ordered the City Clerk to "certify the [petition] as proper, valid, and sufficient in all respects" (Ja201-03) and that, as contemplated by law, that the petition signed by at least 2,224 qualified Hoboken voters suspended operation of the ordinance. (Id.) The Defendants ultimately complied with this Order and when the Hoboken City Council refused to repeal the ordinance, effectively let the matter proceed to the ballot. (See 3T 6:3-8:19). In that same Order, the Court also held that the ordinance was suspended as of that date. (Ja203)

The trial judge also denied a stay pending appeal. (Ja203). Intervenors, without the support of the municipal Defendants, then sought emergent treatment for their stay motion. Judge Simonelli denied Intervenors' application for emergent treatment of this motion. (Ja277).

Intervenors then filed a motion for a stay of the August 25, 2011 ruling as an ordinary motion. On September 26, 2011, another panel (comprised of Judges Fisher and Baxter) granted the stay pending appeal without comment or explanation. (Ja210).

On September 29, 2011, Plaintiffs moved before the Supreme Court to vacate the stay. The Intervenors defended the appellate stay, again arguing, among other things, that the trial court's decisions on the violation of Plaintiffs' rights and the resulting remedies were invalid.

By Order dated October 5, 2011, the Supreme Court vacated the stay, without recorded dissent. (Ja211). This decision once again suspended the ordinance and definitively allowed the ordinance to proceed to the ballot, where the voters considered and defeated the proposal during the November 2011 general election.

While this appellate practice was underway, the trial court was resolving the last of the issues presented: that of counsel fees. Specifically, in their Verified Complaint, Plaintiffs alleged that the Defendants' actions rendered them liable under the New Jersey Civil Rights Act, which gives remedies to a plaintiff for violations of both statutory and constitutional rights.

In the trial court's June 14 opinion, which had granted relief to Plaintiffs, Judge DeCastro had repeatedly acknowledged that the right of referendum was a statutory right (See Ja133, 134, 135). Nevertheless, her opinion had concluded with the statement that having granted relief, the action would be dismissed (Ja143); whereas the Order had actually denied Defendants' motion to dismiss the Complaint (including the NJCRA claims) in its entirety. (Ja126-27).

Plaintiffs filed a motion with the Appellate Division dated July 26, 2011 (see Ja200) arguing that since the NJCRA and counsel fee issue remained pending, the appeal should be dismissed for want of an appealable final order or in the alternative, that the Court should grant a remand to resolve these open issues.

In granting a remand, the motions panel (Judges Lihotz and Baxter) effectively agreed with Plaintiffs' position (Ja200), and the trial court set a briefing schedule. (See 4T4-2 to 15). Plaintiffs filed their motion (Pa 31-32) and after hearing the matter, Judge Santiago concluded the Plaintiffs were entitled to summary judgment under the NJCRA, because Defendants had violated their statutory referendum rights. (4T13-6 to 14-17). Furthermore, the Court explained that Defendants' actions constituted a deprivation, and not merely a delay of Plaintiffs' rights. (4T14-4 to 24).

Turning then to the question of the counsel fee award, the Court first determined that Plaintiffs had obtained multiple orders compelling the Defendants to accept, process, and validate their referendum petitions and accordingly they were "prevailing parties" for purposes of the fee analysis. (4T17-17 to 18-16). The Court then explained that Plaintiffs' certifications in support of the fees were detailed analyses that showed the professional services rendered, their backgrounds and qualifications, and information about law firm billing rates. (See 4T19-2 to 8). Also included were a number of relevant court decisions setting forth actual fee awards by federal and state courts, awarding attorneys of comparable experience rates that were higher than the rate Plaintiffs sought. (See specifically Ja261-73; see Ja212-273 for the submission by Plaintiffs).

The Court explained that the briefing schedule had afforded Defendants adequate time to raise any challenges to the amount of the fees. (See 4T19-22 to 25). The Court found that any argument attacking the reasonableness of the fees lacked merit (see 4T20-1 to 3) as did other arguments raised by the defense, and that "given due deference to all objections already raised, full consideration of the reasonableness of the fees requested and attached comparable law firm billing rates I find these fees to be reasonable in all respects." (See 4T21-3 to 10). The

Court excluded from its award any fees for Appellate Division work. (See 4T22; Ja278).

After the Court entered the fee award (Ja278-79), Defendants moved for reconsideration. In the motion for reconsideration, Defendants argued that although months had passed since the Complaint was served upon them, and that although the substantive issues of the case were resolved through the June 10 summary hearing, they should have been offered an opportunity to file an answer with the affirmative defense of qualified immunity. (See 6T6-2 to 20).

The Court rejected this argument, holding that the request for reconsideration was not supported by any new facts or new arguments unknown to Defendants during the initial motion. (6T5-8 to 10). Defendants' "strategic choice" to not present their argument as part of the initial opposition to the summary judgment and counsel fees meant that they did not establish sufficient grounds for reconsideration. (6T6-7 to 9 and 7-14 to 18). As such, they would not be permitted to introduce a new legal theory after the grant of summary judgment.

The Court also re-examined Defendants' contention about the reasonableness of counsel fees. Rejecting Defendants' efforts to take a second bite at the apple, the Court reviewed Plaintiffs' submissions, and held again that the time expended by Plaintiffs and the hourly rate they sought was reasonable in

all respects and that there was no basis to revisit these findings. (6T8-1 to 10).

STATEMENT OF FACTS

On February 16, 2011, the Hoboken City Council introduced and heard Ordinance No. Z-88, amending certain provisions of Chapter 155 of the City Code, entitled "Rent Control." The ordinance substantially changed to the legislative and regulatory controls of residential rents in Hoboken, and its introduction created a storm of controversy. The second reading of Ordinance Z-88 occurred on March 2, 2011, and it was adopted by the City Council that evening. (Ja131). Mayor Dawn Zimmer signed and approved Ordinance Z-88 nine days later on March 11, 2011. (Id.; Ja20-21)

Sometime during the first two weeks of March, Plaintiffs Tumpson, Hoover, Volpe, Fallick and Horwitz decided to organize a referendum petition seeking to place Ordinance Z-88 on the ballot for approval or disapproval by Hoboken's voters, and each agreed to constitute together the Committee of Petitioners. (Ja5). Anticipating the formation of such Committee, Plaintiff Tumpson called the Hudson County Clerk's Office to investigate the number of legal voters that would be required to lodge a referendum petition in the City of Hoboken. He spoke with a woman identifying herself as Janet Larwa, Deputy County Clerk. (Id.) Plaintiff Tumpson, quoting from N.J.S.A. 40:69A-185,

asked Ms. Larwa for the "total votes cast in [Hoboken] at the last election at which members of the General Assembly were elected." Ms. Larwa informed Plaintiff that 6,480 votes were cast in Hoboken at the last General Assembly election that was held in 2007. (Id.) Upon receiving this information, Plaintiff Tumpson visited the Hudson County Clerk's website and confirmed that in the elections held in November 2007, 6,480 votes were cast in Hoboken. (Id.)

Based on and in reliance on the information given Plaintiff Tumpson by the Deputy County Clerk, the Committee of Petitioners calculated that a referendum petition seeking to place Ordinance Z-88 on the ballot would need the signatures of 972 legal voters to be sufficient. (Id.) On March 30, 2011, Plaintiff Tumpson and other members of the Committee of Petitioners filed a Referendum Petition requesting the City Council to repeal Ordinance Z-88, and if they failed to do so, "to call for the Hoboken City Clerk to submit the ordinance to the voters." (Ja22-24, 29, 131-132).

Plaintiff Tumpson submitted all pages of the Petition to Defendant Farina who stamped each page "Received." (Ja6). Defendant Farina then took possession of the Referendum Petition, and returned to Tumpson a paper acknowledging receipt of "70 referendum petitions [sic] pages . . . consisting of 1,442 signatures on this date." (Ja25; Ja132)

Two days later, on Friday, April 1, 2011, a messenger appeared at Tumpson's home. The messenger had a box appearing to contain the 70 referendum petition pages in his possession, and he stated that he was directed to leave such box with Plaintiff. (Ja6). Plaintiff refused to accept possession of the box and the messenger left Tumpson's home with the box. (Ja7).

On April 4, 2011, each member of the Committee of Petitioners received a certified letter from Farina's office dated April 1, 2011. (Ja7, 26). In the letter, Defendant Farina informed the Plaintiffs that he had determined that the referendum on its "**face**" had an insufficient number of signatures. (Ja132). He "advised that the last election where members of the General Assembly were elected was November 3, 2009. At the November 3, 2009 election, there were 13,112 total votes cast in the City of Hoboken." (Ja26).

In this letter, Defendant Farina also stated that because the referendum petition "did not contain a sufficient number of signatures to constitute a properly filed petition for referendum," he was "refusing to accept [the] documents as a properly filed petition for referendum." (Id.) He further stated, "I hereby return your originally submitted documents as **unfiled**, and will not keep a copy of same." (Id.) (emphasis added).

In his letter dated April 1, 2011, Defendant Farina did not notify the Committee of Petitioners that the referendum was defective or insufficient in any other manner. Specifically, the letter did not notify the Committee that the petition on its "face" did not comport with other requirements set forth in N.J.S.A. 40:69A-188, nor that the signatures contained in the petition were not those of legal, qualified voters. (Id.)

On or about April 6, 2011, Plaintiff Tumpson wrote a memorandum to Defendant Farina, Mayor Zimmer and the Hoboken City Council setting forth the Committee of Petitioners' position that their Referendum Petition was properly submitted to the City Clerk's Office, and that Defendant Farina has a mandatory duty to process that petition in accordance with statute. (Ja27). Plaintiff Tumpson specifically opposed Defendant Farina's decision to "unfile" the petition as defective on its "face." (Id.) He stated that the City Clerk, by conducting a preliminary examination of the petition before accepting the petition for filing, created a distinction not found in the statute. He therefore requested "that the City Clerk retain copies of our petition, undertake the examination of our filed referendum petition required by statute, and provide [the Committee] notice of the specific number of signatures that the Clerk must certify are necessary to render our petition sufficient." (Ja28). In addition, contrary to the

statute, Defendant Farina did not file a certification with City Council on April 6, 2011 (i.e., the next regular City Council meeting) setting forth the results of his examination of the referendum petition filed on March 30, 2011. (Ja47-50).

Sometime during the week of April 1, 2011, after receiving Defendant Farina's letter stating that the referendum petition was insufficient, Plaintiff Tumpson visited the Hudson County Clerk's website and confirmed that in the elections held in November 2009, 14,593 voters cast a ballot in Hoboken, not 13,112, as represented by Defendant Farina in his letter. (Ja8).

Relying on Defendant Farina's letter dated April 1, 2011, and received by Plaintiffs on April 4, 2011, (indicating that the Referendum Petition was defective insofar as it contained only 1,442 signatures rather than 1,967 - i.e., 15% of 13,112), the Committee of Petitioners submitted a supplemental petition to the City Clerk on April 11, 2011, that including 872 additional signatures, bringing the number of signatures submitted by the Committee to 2,314. (Ja29-31, 132).

As previously, Defendant Farina stamped each page of the referendum petition "Received," but this time, he wrote on the signature page "Received for Review but not filed." (Ja30). This was an action not allowable within the relevant statute governing initiative and referendum petitions. On April 11,

Plaintiff Tumpson also presented to Defendant Farina a letter that he had prepared and requested that Farina sign it. (Ja9) This letter addressed to the Committee of Petitioners acknowledged receipt of the "Supplementary Petition Amending the Referendum Petition served upon the City Clerk's Office for Ordinance Z-88." (Ja32). Defendant Farina read the document but refused to sign it. (Ja9, 32).

On April 12, 2011, Plaintiff Tumpson received notice of a letter from Defendant Farina, which he picked up from the Post Office on April 13, 2011. (Ja33). In that letter dated April 11, 2011, Defendant Farina restated his position that the referendum petition was "**not properly filed** and not accepted by [his] office for being **facially defective**. Accordingly, none of the time constraints within the statute are applicable and the Ordinance is currently in effect." (Id.) (emphasis added). (Ja132).

Then on April 15, 2011, Plaintiff Tumpson received another letter from Defendant Farina, this one dated April 14, in which he feigned ignorance as to the Committee of Petitioners' intent to file a supplemental petition on April 11. He wrote, "Th[e] petition was presented upon this office with no cover letter or indication of what it purported to be other than a petition for referendum that reflected 872 signatures." (Ja34). No member of the Committee of Petitioners ever received a notice from

Defendant Farina indicating that he had examined the amended petition and had determined whether the petition was still insufficient, in accord with N.J.S.A. 40:69A-188. (Ja10).

Based on the facts as set forth above, the Committee of Petitioners filed an Order to Show Cause and Verified Complaint on May 4, 2011 with the trial court. (Ja1-37). This was the beginning of a tortuous journey through the courts, which is described in the Procedural History, supra. Additional facts that developed after the filing of the Verified Complaint are as follows:

After the trial court entered its Orders dated June 14, 2011, and June 24, 2011, the Defendants found the 2,314 signatures theretofore submitted to be insufficient. (Ja170-171). A subsequent study found that of the 749 signatures rejected, at least 381 of those signature were wrongfully disqualified by the Clerk. (Pa11-14). Nevertheless, pursuant to Judge DeCastro's Order, Plaintiffs then diligently collected an additional 844 signatures, and submitted them on July 18, 2011, in the manner and within the time fixed by her June 24, 2011 Order. (Ja173-174). At this point, Plaintiffs had circulated a referendum petition signed by more than 3,000 Hoboken residents demanding a vote on Ordinance Z-88.

On July 25, 2011, Defendants replied to Plaintiffs' supplementary submission by letter, and announced that the

filing was untimely, despite Judge DeCastro's ruling expressly authorizing the filing. (Ja175-177). However, the letter also specifically found that the number of valid signatures submitted, 2,224, was sufficient under the law. (Ja176).

STATUTORY FRAMEWORK

A. The Substantive Rights Of Citizens Under The Referendum Process

By way of background, Hoboken is governed by the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq., commonly known as the Faulkner Act. Registered voters in such a municipality enjoy broad rights to propose ordinances (a right known as the "initiative") and to oppose ordinances passed by the council (a right that is denominated the "referendum." N.J.S.A. 40:69A-185; In re Referendum Petition to Repeal Ordinance 04-75, 192 N.J. 446, 459 (2007)). The "'power of referendum' is a check on the exercise of local legislative power, fostering citizen involvement in the political affairs of the community." Id. at 459. As such, the Supreme Court announced in this case that "the referendum statute should be liberally construed . . . to promote the 'beneficial effects' of voter participation." Id.; see also id. at 468 ("the Legislature determined that the referendum right - the right of participatory democracy - is of inestimable value in these circumstances as a check on local governing bodies"); In re Petition to Repeal Ordinance 2010-27

of Margate, ____ N.J. Super. ____ (App. Div. Feb. 14, 2012), approved for publication, slip op. at 13 (expansive reading of referendum rights "is also supported by the principle that referendum provisions, which foster[] citizens' involvement in the political affairs of the community[,]" should be "liberally construed." (citing Ordinance 04-75) (alterations in original).

The Supreme Court, in the Ordinance 04-75 case, recognized that virtually every kind of municipal ordinance is subject to the referendum right unless the Legislature has specifically excluded that kind of ordinance. 192 N.J. at 466-67 (listing exceptions to the referendum power). In so doing, the Court noted that the Legislature had used the term "any ordinance" in defining which matters were the proper subject of a referendum. Unless such an exception exists, "any ordinance" is subject to referendum. Defendants do not appear to quarrel that ordinary economic legislation like the one at issue here, that adjusts the rights and remedies of city landlords and tenants, is somehow exempted from the referendum power.

**B. The Procedural Steps That Govern The Referendum Process
Have Been Carefully Set Forth In The Statutes**

The mechanics of citizens' initiative and referendum efforts in Faulkner Act municipalities like Hoboken are carefully laid out in the applicable statutes, which also

clearly define the role that the municipal clerk plays in these efforts.

Basically, any five registered voters of the jurisdiction can organize themselves into a Committee of Petitioners.

N.J.S.A. 40:69A-186. They then circulate a petition, the format of which is regulated by that same statute, among registered voters of the municipality, and collect signatures from these voters. That statute provides:

All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. . . . The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five voters, designated as the Committee of the Petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

N.J.S.A. 40:69A-186.

The statute then sets forth what must be done with the circulated petitions: simply put, they are filed with the

municipal clerk. See N.J.S.A. 40:69A-187 ("All petition papers comprising an initiative or referendum petition shall be assembled and filed with the municipal clerk as one instrument.") (emphasis added); see also N.J.S.A. 40:69A-189 (referring to the "filing of a referendum petition with the municipal clerk"); N.J.S.A. 40:69A-190 (" . . . any petition or amended petition filed with him . . .")

In a referendum, the initial filing must be made within 20 days of the approval⁵ of the ordinance that is being protested. N.J.S.A. 40:69A-185.

Once the petition is submitted to and received by the municipal clerk, the municipal clerk has the mandatory duty to inquire into whether "each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters." N.J.S.A. 40:69A-187. This "examination of the petition," id., itself involves sifting through dozens of signature pages and hundreds, even thousands of individual signatures, to determine the sufficiency of each.⁶ Even before that process begins, the clerk must also

⁵ The approval can be approval by the city council or the mayor, if the mayor has approval authority under the form of government at issue. In Hoboken, ordinances require the mayor's approval to take effect, or a council's override of the mayor's veto. In this case, the Mayor's approval came on March 11, 2011, making the referendum petition due on March 31, 2011.

⁶ See D'Ascensio v. Benjamin, 137 N.J. Super. 155, 159 (Law Div. 1975), aff'd, 142 N.J. Super. 52 (App. Div. 1976), certif.

familiarize him or herself with other applicable information, such as the turnout in the last relevant election (which determines how many petition signatures are needed) and in the case of a referendum, a review of records to determine the exact date on which the council passed, or the mayor approved, the ordinance at issue.

Plaintiffs acknowledge that after receiving the papers constituting their petition, municipal clerks also make other complex fact-sensitive and even legal inquiries into the sufficiency of a petition. For example, clerks have made legal determinations about whether the subject of the referendum is even a legally proper subject of a referendum. See, e.g., Tumpson v. Farina, 120 N.J. 55 (1990). Likewise, clerks may determine whether any or all of the petitions sheets have the names of the Committee of Petitioners on them which may in turn affect the validity of some or all of the signatures. See, e.g., Hamilton Twp. Taxpayers Ass'n v. Warwick, 180 N.J. Super. 243 (App. Div.), certif. denied, 88 N.J. 490 (1981)).⁷

denied, 71 N.J. 526 (1976) (describing the process of signature review which at the time was delegated by municipal clerks to county officials). Since 2005, however, municipal clerks do not need to delegate the signature review process to county officials because they have access to the relevant election information through the Statewide Voter Registration System (SVRS). See N.J.S.A. 19:31-31(b) (5).

⁷ The Intervenors press an argument on appeal that the petition was defective in its entirety because each page of the petition did not include "the names and address of five voters,

In any event, after the receipt of a referendum petition, the clerk's examination of the sufficiency of a petition is a complex task and while the statute leaves no doubt about the requirement to complete a thorough examination of sufficiency, the method used to arrive at his determination is discretionary, not prescribed by statute. D'Ascensio v. Benjamin, 142 N.J. Super. 52, 55 (App. Div. 1976), certif. denied, 71 N.J. 526 (1976).

For these reasons, the clerk has up to twenty days to make this examination. N.J.S.A. 40:69A-187. The clerk need not take all 20 days, but as soon as a determination of insufficiency is made, the clerk must "at once notify at least two members of the Committee of the Petitioners of his findings." N.J.S.A. 40:69A-187 (emphasis added); likewise, if the finding is that the petition is sufficient, the clerk must submit it to the municipal council "without delay." N.J.S.A. 40:69A-190. In either case, the clerk must "certify the result thereof [i.e. of his examination] to the council at its next regular meeting." N.J.S.A. 40:69A-187.

designated as the Committee of Petitioners, who shall be regarded as responsible for the circulation and filing of the petition." (Ib3). However, as the evidence showed, the names of the Committee were in fact on the double-sided petition sheet, making the petition valid in form under N.J.S.A. 40:69A-186. (See 1T 36:14-37:20). The City Clerk, indeed, had no quarrel with the form of the petition, which was in the precise format used by citizens over the years, and that Defendant Farina had accepted without protest. (Pal-3).

Once the examination of the petition is complete, the clerk has two, and only two options, which are:

(1) to declare the initial submission sufficient and submit the same to the municipal council for further action, N.J.S.A. 40:69A-191; or

(2) to declare the initial submission insufficient, and await further action by the Committee of Petitioners. This is laid out in N.J.S.A. 40:69A-187 and -188. Specifically, the statute grants the Committee of Petitioners time after proper notification to cure the deficiency. If the declaration is that the petition is insufficient, it is undisputed that "the petitioners have . . . an opportunity to cure the deficiency." Hudson Cty. Ch. of Commerce v. Jersey City, 310 N.J. Super. 208 (App. Div. 1997), aff'd, 153 N.J. 254 (1998).⁸

In curing a deficiency, it is undisputed that in the initiative or referendum context, a committee of petitioners is permitted to correct defects of substance or form, but also to

⁸ The Supreme Court affirmed the Appellate Division's decision in a 4-3 vote. The majority affirmed "substantially for the reasons set forth in" the appellate opinion. 153 N.J. at 254. But even the three dissenting justices acknowledged the right of a referendum petitioner to cure a deficiency by filing an amended petition. See id. at 256, 259 (Garibaldi, J., dissenting) ("N.J.S.A. 40:69A-188 provides that an insufficient referendum petition may be amended by filing a supplementary petition within ten days after a notification of insufficiency has been served. . . . If a notification of insufficiency is issued, the Act states that the parties shall be given an additional ten days in which to file an amended supplementary petition.").

solicit and file additional signatures beyond what was originally submitted. Unlike statutes governing nominations for public office, which "may be amended in matters of substance or of form but not to add signatures," cf. N.J.S.A. 19:13-13 (emphasis added), the Legislature imposed no restrictions on the power of a committee of petitioners to add signatures as part of correcting a deficiency. See, e.g., Citizens for Charter Change in Essex Co. v. Caputo, 136 N.J. Super. 423, 431 (App. Div.), certif. denied, 74 N.J. 268 (1975) (acknowledging the right of petitioners to add signatures beyond their original submissions).

In the case of a referendum (as distinct from an initiative) petition, filing a petition protesting the passage of the ordinance has important legal consequences: "upon filing" of the petition, "the ordinance shall be suspended" from taking effect "until further proceedings are had as herein provided." N.J.S.A. 40:69A-185.⁹ The suspension is in effect from the

⁹ It should be noted that the filing of an initiative petition to change a Faulkner municipality's form of government also has legal consequences: the filing of a petition for the adoption of any other charter or form of government available to the municipality precludes the enactment of an ordinance concerning the establishment of a charter commission or a competing change of government petition. N.J.S.A. 40:69A-17 and N.J.S.A. 40:69A-21. See also Chasis v. Tumulty, 8 N.J. 147 (1951) (holding that no competing petition for submission of plan of adoption optional plan of government may be filed or similar ordinance may be enacted while proceeds are pending; whichever petition or ordinance is filed or passed first prevails).

moment that a petition is filed with the clerk's office, and continues throughout the entire period that the clerk is conducting the examination of the petition, and for at least ten days thereafter (i.e., during the cure period within which petitioners can file an amendment). Other actions can slightly modify this time period, but the gist of the statute is that from the moment of filing of any referendum petition, until the completion of all the statutory steps, the ordinance is suspended. Hudson Cty. Ch. of Commerce, supra, 310 N.J. Super. at 219 ("Under the Faulkner Act, an ordinance is suspended from taking effect until the referendum process is completed") (citation omitted). This is the only logical interpretation, in light of N.J.S.A. 40:69A-191 which states:

Upon the filing of a referendum petition with the municipal clerk, the ordinance shall be suspended until ten days following a finding by the municipal clerk that the petition is insufficient or, if an amended petition be filed, until five days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the Committee of the Petitioners or until repeal of the ordinance by vote of the council or approval or disapproval of the ordinance by the voters.

If the petitioners choose to avail themselves of their rights to amend or supplement an insufficient petition, they must make the amended or supplemental filing within ten days after the clerk has served the notice of insufficiency.

N.J.S.A. 40:69A-188. The clerk then has five days from the

filing of these "additional papers" to make a ruling on the sufficiency of the amendments. Id. If the clerk finds that the new papers are also insufficient, the clerk shall "notify the Committee of the Petitioners of his findings," id., whereas if the clerk finds the new filing to be sufficient, he shall notify the municipal council "without delay" as in the case of an original sufficient petition. N.J.S.A. 40:69A-190.

C. Defendant Farina's Nonadherence To The Statutory Procedures

Farina has been a municipal clerk for at least two decades (Ja3), and knows - or at least ought to know - what his duties are under the initiative and referendum laws. Indeed, this is not the first time he has been called to account for wrongfully rejecting a citizens' petition out of hand. See Tumpson v. Farina, 120 N.J. 55 (1990). Based on his actions in this case, Farina has obviously failed to take to heart the instructions of the Supreme Court in In re Ordinance 04-75, supra, about the "inestimable value" of participatory democracy, as exercised through referendum petitions, and of the need to liberally construe referendum laws in favor of the petitioners.

The facts of this case, as found by the trial court, show that as contemplated by law, the Plaintiffs organized themselves into a Committee of Petitioners for the purpose of protesting Hoboken's approval of a rent control law that would injure the economic rights of tenants in the city.

Tumpson, the leader of the group, then took prudent steps to determine the number of signatures that these citizen advocates would need - he telephoned the office of the county clerk, who is the officer chiefly responsible for the election records, including those regarding voter turnout. Tumpson, inadvertently or otherwise, was given incorrect information about voter turnout, and hence, his calculation about the minimum number of signatures his Committee would need to collect for a referendum petition was also led astray.¹⁰

On March 30, 2011, which was 19 days after the approval of Ordinance Z-88, the Committee filed its petitions with Farina, who stamped them "Received" and accepted them. This, in turn,

¹⁰ New Jersey case law is replete with examples of refusing to deny a citizen's rights where he or she has been supplied with incomplete information, or worse, misled, by a government official. In the election context, the Supreme Court in In re Gray-Sadler, 164 N.J. 468, 479-80 (2000), invalidated an election because some voters' rights were violated when they were furnished with "confusing, ambiguous, and incomplete" instructions about voting. This principle of holding citizens harmless when misadvised by the government also holds true in non-election contexts. Thus, in Francois v. Board of Trustees, 415 N.J. Super. 335, 353 (App. Div. 2010), a retiree who received assurances from a government employer about whether a job could be credited for pension service was "nevertheless entitled to presume" that the advice he received was accurate, even if it actually was not, and to then receive pension credit for that job. And in Gastime, Inc. v. Director, Div. of Taxation, 20 N.J. Tax 158, 163 (Tax 2002), a taxpayer was excused for missing an appeal deadline due to a notice that inadvertently contained language that "erroneous[ly] and improperly advised the taxpayer" of an incorrect deadline.

triggered Farina's duty to conduct an examination of the petition as described above.

But Farina didn't conduct the examination contemplated by law. Rather, what he did was conduct a preliminary review of the petition - not authorized by the statute - and then attempted to "unfile" what had already been filed. Specifically, he attempted to return the petitions to Tumpson as unfiled. Attempting to divest himself of possession of these legal instruments, Farina violated not just the referendum laws, but also the public records laws (N.J.S.A. 47:3-17) and the provisions of Title 19 about the preservation of election records (N.J.S.A. 19:10-1). In rejecting the petition, Farina relied on solely one reason for insufficiency: the alleged failure of the original petition to have a sufficient number of signatures on it. He made no findings about any other insufficiencies in the petition.

Even more egregiously, however, Farina's actions: (1) failed to accord Plaintiffs their right to file an amended or supplemental petition; and (2) failed to acknowledge that ordinance Z-88 was suspended from the moment the petition was filed until the conclusion of the referendum proceedings.

This is not a novel issue, even within Hudson County: as described in Hudson Cty. Ch. of Commerce, supra, Judge D'Italia had considered and rejected a similar view of the law, which, in

that matter, had been set forth by the Jersey City Clerk. In response to an argument that a referendum petition with an insufficient number of valid signatures could not be corrected, Judge D'Italia "rejected defendant's argument that the petition was void *ab initio*, "and the ordinance becomes effective as if the petitions were never filed," since [the clerk] later determined that the number of signatures was insufficient." 310 N.J. Super. at 215. Judge D'Italia observed that "N.J.S.A. 40:69A-185 says that the ordinance shall be suspended from taking effect until the statutory proceedings are concluded. There is no language to suggest that an insufficient petition shall be deemed [void] *ab initio*.'" Id. at 215-16. Judge D'Italia's judgment was affirmed by the Appellate Division, and thereafter the Supreme Court.

Capping his legally unsustainable obstructionism, Farina went even further to attempt to mislead Plaintiffs about their rights: he told the Committee that the number of signatures needed was 1,967 (based on a voter turnout of 13,112). In fact, Farina was wrong again: relying on the presentation of election data on the Hudson County Clerk's website, Tumpson discovered that the relevant voter turnout was actually 14,593, requiring a total of 2,189 signatures.

Undeterred by Farina's misconduct and in reliance on his representation that the petition was insufficient solely due to

an insufficient number of signatures, the Committee pursued its legal right to cure any known deficiencies in the original petition, treating the initial "unfiling" by Farina as if it triggered the cure period. On April 11, 2011, the Committee filed its amended papers containing additional signatures, which now totaled 2,314, thus surpassing any threshold that could conceivably apply to this petition. Even though a proper number of signatures was then on file, Farina insisted that the referendum was not properly filed, not accepted, could not be amended or supplemented, that the suspension provisions of the referendum law were inapplicable, and that the ordinance was in effect. Indeed, despite the fact that the Plaintiffs informed him that the April 11 filing was an amended and supplementary filing to the original petition, Farina even feigned ignorance about what the April 11 filing was.

This feigned ignorance was again on display when he rejected the Committee's court-authorized supplemental filing on July 18, 2011, claiming it was untimely. In that letter, Farina acknowledged a sufficient number of valid signatures, even after he rejected hundreds of signatures for spurious reasons (see Ja176; Pa14, ¶ 12). His rejection directly contradicted Judge DeCastro's remedial Order dated June 24, 2011, and the statute's right to supplement, which was triggered once Farina properly notified the Committee of Petitioners that their initial

petition was insufficient. This action led to the proceedings to enforce litigants' rights described above.

LEGAL ARGUMENT

I. A DEFERENTIAL STANDARD OF REVIEW IS APPLICABLE TO MOST ASPECTS OF THIS APPEAL

A. Standard of Review For The Orders On The Merits.

This Court reviews on a de novo basis the trial court's holding that the Defendants did not follow N.J.S.A. 40:69A-185 and -187 and acted in an arbitrary and capricious manner in their handling and processing of the filed referendum petitions. Mountain Hill, L.L.C. v. Twp. Comm. of Twp. of Middletown, 403 N.J. Super. 146, 193 (App. Div. 2008), certif. denied, 199 N.J. 129 (2009).

Judge DeCastro's determination of the appropriate remedies for this violation and her August 25, 2011 Order Enforcing Litigant's Rights (based on the remedies previously ordered) are reviewed for abuse of discretion. As this Court observed in Todaro v. County of Union, 392 N.J. Super. 448, 456-57 (App. Div. 2007), which alleged political retaliation against an employee, the "fashioning of the appropriate equitable remedy is committed to the exercise of [the court's] sound discretion, an analytical framework that does not differ fundamentally from

other cases involving the framing of equitable remedies to repair the denial of a constitutional right."

The trial court's determination of how to remedy municipal noncompliance with election laws is therefore reviewed for abuse of discretion. "A choice of remedy will be found to be an improper exercise of discretion exists only where judicial action is arbitrary, fanciful, or unreasonable, or when improper standards, criteria, or procedures are used". Id. at 457; see also Bone Shirt v. Hazeltine, 461 F.3d 1011, 1017 (8th Cir. 2006) (in an election dispute, "[t]he district court's remedial order is reviewed for an abuse of discretion") (citing Rodriguez v. Bexar County, 385 F.3d 853, 870 (5th Cir. 2004)).

Thus, while Plaintiffs and Defendants ultimately arrive at basically the same conclusion about the standard of review for the trial court's corrective orders, the parties arrive at that same result by different means. In particular, the Plaintiffs, the Intervenor, and the Court, all regarded the June 10, 2011 as a de facto summary hearing on the undisputed facts. (See 1T 15:11-14; 15:24-16:2; 18:12-17; 37:21-38:3). The Defendants did not.

Election disputes such as this one have routinely been handled by the courts as summary proceedings, akin to the proceeding for which R. 4:67 and R. 4:71. Under these rules, and under the customary practice and procedure used by the

courts in election cases, disputes relating to the sufficiency or insufficiency of an election petition are tried and disposed of in a summary way. See Murray v. Murray, 7 N.J. Super. 549 (Law Div. 1950) (William J. Brennan, Jr., J.S.C.); see also In re Ocean County Com'r of Registration for a Recheck of the Voting Machines for the May 11, 2004, Mun. Elections, 379 N.J. Super. 461, 478-79 (App. Div. 2005) (finding that an election dispute was to be treated as a "fast track proceeding" and treating the complaint as "implicitly initiating a summary proceeding pursuant to Rule 4:67").

The material facts in this case were undisputed. Therefore, as argued by Plaintiffs, with the Intervenor's support, and as evidenced by the nature of the Court's decision following the June 10 hearing, what the Court did in the June 10th hearing was to "try the action on the return day," utilizing the "pleadings and affidavits" and proceed to "render final judgment thereon." R. 4:67-5. This left open only the counsel fee issues, which are customarily adjudicated in a later, separate motion proceeding. Singer v. State, 95 N.J. 487, 491 (1984).

B. The Standard of Review For The Award of Counsel Fees

The trial court's award of counsel fees, and the amount awarded is reviewed for abuse of discretion. "[F]ee determinations by trial courts will be disturbed only on the

rarest of occasions, and then only because of a clear abuse of discretion." Packard-Bamberger & Co., Inc. v. Collier, 167 N.J. 427, 444 (2001) (citing Rendine v. Pantzer, 141 N.J. 292, 317 (1995)). That "deferential standard of review guides this Court's analysis." Id.

II. THE TRIAL COURT'S DECISION THAT THE CITY CLERK ACTED ARBITRARILY AND CAPRICIOUSLY BY REFUSING TO PROCESS PLAINTIFFS' PETITION IN ACCORD WITH HIS DUTIES SET FORTH IN N.J.S.A. 40:69A-185 et seq. MUST BE AFFIRMED.

In its June 14, 2011 opinion, the trial court held, correctly applying the accepted principle that the referendum statute in the Faulkner Act should be liberally construed to promote the "beneficial effects" of voter participation, In re Referendum Petition to Repeal Ordinance 04-75, 192 N.J. at 459 (citing Retz v. Mayor & Council of Saddle Brook, 69 N.J. 563, 571 (1976)), that the City Clerk "did not follow the procedure set forth in N.J.S.A. 40:69A-185 through 187" (Ja142), and did not adhere to other provisions of the statute. Such provisions:

- grant the substantive right to referendum "as provided" in the statute, N.J.S.A. 40:69A-185;
- provide for the filing of initial referendum papers, N.J.S.A. 40:69A-185;
- provide for the suspension of an ordinance against which a referendum petition has been filed, beginning with the filing of the referendum papers, N.J.S.A. 40:69A-189;

- mandate a plenary examination of referendum papers by the municipal clerk, N.J.S.A. 40:69A-187;
- mandate that the clerk certify to the city council the results of the examination, N.J.S.A. 40:69A-187;
- mandate prompt notification to the committee of petitioners of the particulars of the outcome of the examination, N.J.S.A. 40:69A-187; and
- allow the petitioners to collect additional signatures to cure any insufficiencies in the number of valid Hoboken voters found in the initial petition in the manner provided by law, N.J.S.A. 40:69A-188.

As a remedy, the trial court directed that the City Clerk "process the plaintiffs' filed petition as provided by law and review the petition and amended petition timely submitted consistent with the statute." (Ja142).

Based on the trial court's decision it was apparent that it had carefully considered and rejected the City Clerk's argument that he had the discretion to refuse to file or "unfile" a document purporting to be a referendum properly lodged with his office after a cursory review. (Ja140-141). Moreover, once a filing occurs, and if that filing is rejected for insufficiency and proper notice is given, the trial court acknowledged the right to cure certain deficiencies in the initial filing by submitting additional signatures. (Ja141).¹¹

¹¹ Neither Defendants nor Intervenors asserted that Plaintiffs' initial submission was untimely — an insufficiency that cannot be corrected.

While the precise scope of Plaintiffs' right to supplement was not specifically spelled out in the trial court's June 14, 2011 decision, there is little doubt that its ruling on the above two points was based on the plain language of the relevant statutory provisions, well-established law, and was not reasonably debatable. Reviewing the express language of the statute, the trial court implicitly found that the relevant provisions of the Faulkner Act do not contain a notion of "facially defective" or "defective on its face", as asserted by Defendants (Db16) and Intervenors (Ib15-16). Because the trial court heeded the lesson of In re Ordinance 04-75 by adhering to the plain language of the statute and not rewriting the Faulkner Act in the manner proposed by Intervenors and Defendants, its Decision and Order directing the City Clerk to accept and review Plaintiffs' petition papers for sufficiency must be affirmed.

**A. The Clerk Erred When He Sought To "Unfile"
Plaintiffs' Referendum Petition and Refused
To Accept Their Supplementary Petition for
Filing**

On the face of the relevant statutory scheme concerning initiative and referendum petitions governing Faulkner municipalities, the Legislature set forth clear directives to the City Clerk to (1) accept for filing a submission purporting to be a referendum petition; (2) review that petition for sufficiency; (3) notify the City Council and Committee of

Petitioners of his sufficiency determination; and (4) permit the Committee to correct by submitting additional signatures if the insufficiency is due to an insufficient number of valid signatures. In this matter, the trial court correctly found that Defendant Farina violated virtually all of the duties he has as municipal clerk with respect to petitions.

First, the Court found that Farina lacked the authority to reject or "unfile" a petition: upon being presented with a document purporting to be a referendum petition, he must accept it and take custody of it. (Ja141). The provisions of the Faulkner Act referendum law are consistent with the common law understanding of what constitutes a "filing" and, the court accordingly found that an endorsement of a paper as filed is not necessary to effectuate the filing. (Ja140). See also Mahnken v. Meltz, 97 N.J.L. 159, 162 (E & A. 1922) (whether the clerk endorses the papers as filed or not, they are nevertheless "undoubtedly filed in theory and contemplation of law, when lodged with the proper officer."); White v. Katz, 261 N.J. Super. 672, 681 (App. Div. 1993) ("In contemplation of law, a paper or pleading is considered filed when delivered to the proper custodian and received by him to be kept on file") (citing Poetz v. Mix, 7 N.J. 436, 442 (1951)).

Second, the trial court agreed with Plaintiffs that Farina was required to take the filed documents, examine them, and

within 20 days, announce his finding either that the petition was sufficient or insufficient and make the appropriate notifications. (Ja141). The statute contemplates that a finding of sufficiency or insufficiency, with the legal consequences that attend both, is the only permissible result of such an examination. N.J.S.A. 40:69A-187.

Third, even assuming that Farina's actions in unfiling the petition were a declaration of insufficiency, Judge DeCastro implicitly found that Farina erred in failing to acknowledge the Plaintiffs' right to correct the deficiencies, especially since he did not undertake an examination of the validity of any of the signatures presented. (Ja48). Pursuant to N.J.S.A. 40:69A-188, "[a]n initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been served by the municipal clerk." Hudson Cty. Ch. of Commerce, 310 N.J. Super. at 208; Citizens for Charter Change in Essex Co. v. Caputo, 136 N.J. Super. at 431.

However, a committee can only correct the defects of which it is given notice. By ordering Farina to process Plaintiffs' petition in accordance with the statute, the Court acknowledged their right to file additional signatures to a cure a defect, and to know the exact number of valid signatures they needed to render the petition sufficient. (Ja142).

Fourth, the Court also found that Farina had a mandatory, nondiscretionary duty "to certify the result [of his examination] to the council at its next regular meeting [and] . . . set forth in his certificate the particulars in which [an insufficient petition] is defective and shall at once notify at least two members of the Committee of the Petitioners of his finding." N.J.S.A. 40:69A-187. (Ja141). Though not discussed by the Law Division, Farina's total disregard of this process not only thwarted Plaintiffs' right to referendum, but also his obligations to the City Council.

Fifth, the trial court found fault with Farina's treatment of Plaintiffs' supplementary petition: his failure to accept such petitions for filing and his refusal to review them for sufficiency. The statute is clear that Farina was obligated under N.J.S.A. 40:69A-188 to "examine the amended petition" and then make and announce his judgment as to sufficiency or insufficiency. The statutes do not authorize what he did here: to accept Plaintiffs' supplementary filing of additional papers as "received but for review purposes only" and then to reject them out of hand by feigning ignorance about what they were. (Ja34). Because Farina did not undertake any examination as to whether the additional signatures submitted constituted those of Hoboken legal voters, the court correctly ordered him to do so

when compelling review of Petitioners' initial and amended petition.

For all the above reasons, the trial court's Order dated June 14, 2011 directing Defendant Farina to accept Plaintiffs' referendum petition as filed and to examine the petition as contemplated by the statute must be sustained.

B. The Trial Court's Interpretation of N.J.S.A. 40:69A-185 to -187 Is Supported By the Language and Intent of The Statute

In their brief, Defendants assert that Farina's "determination that the petitions were invalid on their face, and that they did not meet the statutory requirements and deadlines under the Faulkner Act, was based specifically upon N.J.S.A. 40:69A-184 and 185." (Db16). Similarly, Intervenor claim that a referendum petition that does not facially meet the requirements [set forth in N.J.S.A. 40:69A-185] is not a referendum petition and does not trigger the referendum process, including suspension of the ordinance." (Ib15). In essence, both Appellants assert that an initiative or referendum petition, when originally present to the City Clerk must be facially sufficient, or there is no filing triggering the initiative and referendum process set forth in N.J.S.A. 40:69A-187 to 196.

The court below (and several appellate judges, including members of the New Jersey Supreme Court) did not accept this

interpretation of New Jersey's initiative and referendum scheme. Sections 184 and 185 clearly set forth substantive requirements conditioning the people's right to initiate or repeal an ordinance, respectively. The former does not permit an initiated ordinance to be submitted to the municipal council or the voters unless a petition is signed by a certain number of legal voters; similarly, the latter does not permit the voters to repeal an ordinance unless a petition is filed within 20 days of the enactment of the ordinance and the petition is also signed by a certain number of legal voters.¹² However, neither provision requires that the petition be signed by a certain number of legal voters in order for it to be filed with the City Clerk. Rather, the statute specifically requires the municipal clerk to examine each petition after it has been filed to determine whether the petition has satisfied the substantive requirements set forth in § 184 or § 185 (as well as the substantive form requirements set forth in § 186). See N.J.S.A. 40:69A-187.

Despite Intervenors' claim that their interpretation is based on "clear and unambiguous provisions of the Faulkner Act,"

¹² Nevertheless, petitioners may also propose the repeal of an existing ordinance by employing the initiative instead of the referendum mechanism. In such a case, petitioners would face a slightly less onerous signature requirement (10% of turnout instead of 15%), and the ordinance would not be suspended during the pendency of the petition proceedings.

(1a1), the Intervenor's approach is to rewrite the statute, by inserting the words "on its face" into §§ 184 and 185 (i.e., "a petition that on its face is signed by a number of legal voters of the municipality") or § 189, in the case of a referendum (i.e., "Upon the filing of a referendum petition that on its face is sufficient") thereby rewriting the statute and subverting its intent and plain language. The phrase "facially sufficient," a petition "that on its face" is signed by a number of legal voters, or a petition that "on its face is sufficient" does not appear in New Jersey's statute, and the addition of such words makes more difficult the right of the people to initiate or repeal ordinances.

Such revision of statutory language cannot be sustained, especially since it contradicts New Jersey precedent. See Hudson Cty. Ch. of Commerce, 310 N.J. Super. at 219 (citing N.J.S.A. 40:69A-189 that the "Legislature intended that even an insufficient [referendum] petition suspends the ordinance until the petitioners have an opportunity to cure the deficiency"). In Hudson Cty. Ch. of Commerce, defendants claimed that the filing of the referendum petition did not trigger the suspension of the ordinance, because the petition papers were "facially defective." Id. at 213. That is, defendants claimed that because the papers included 872 signatures of people with out-of-town addresses, a defect that could be determined on the face

of the papers, suspension was not triggered, and the effective date of the ordinance remained unchanged. The appellate court disagreed, and confirmed that under New Jersey's statute suspension is triggered by filing, and the right to present an ordinance to the voters for repeal is tied to the clerk's determination of sufficiency, after an opportunity to cure.

To justify their rewrite of New Jersey's statutory scheme, Intervenor's also misrepresent the case law on which they rely. Specifically, Lawrence v. Schrof, 174 N.J. Super. 624 (App. Div. 1980) does not stand for the proposition that the right to supplement an initiative or referendum petition under N.J.S.A. 40:69A-188 "is only triggered if 'the petition . . . contain[s], on its face, as sufficient number of signatures,'" as they contend. (Ib18). To the contrary, in Lawrence, the Appellate Division specifically stated that it was not deciding that issue.¹³ The Court wrote:

Defendants contend[, as Intervenor's do herein,] that a petition which is insufficient as to the number of names as originally filed need not be received by the clerk and may not subsequently be supplemented. We need not determine that question.

¹³ The holding of the appellate court in Lawrence, 174 N.J. Super. at 624, had nothing to do with the right to cure by supplementing signatures. Rather, the holding was that the trial court erred in excluding from its computation (of the number of valid signatures required) those persons who were registered to vote in the municipality but who had not voted, thus rendering the petitions invalid.

Lawrence, 174 N.J. Super. at 626 n.1 (emphasis added). What is absent from the Intervenor's Brief is that no New Jersey court has directly addressed this issue since 1980; and rather, since that decision, the New Jersey Supreme Court has made clear that courts should not interject nonexistent distinctions, such as "administrative/legislative" ordinances or "facially defective" petitions into the statute. See In re Ordinance, 04-75, 192 N.J. at 466-467 (rejecting administrative/legislative distinction historically imposed by the courts by holding that the right of referendum includes "any" ordinance, since that was the term used by the Legislature).

Intervenor's also rely on a 1994 Arkansas case, Walker v. McCuen, 886 S.W.2d 577 (Ark. 1994) to assert that New Jersey's initiative and referendum provisions require a petition to "*prima facie* contain the required number of signatures at the time of filing." (Ib16). However, the Arkansas court held that under that state's constitutional scheme the referendum petition's operative date was the date it was filed with a requisite number of signatures rather than the date on which it was certified as sufficient for purposes of determining whether certain amendments to the act subject to repeal needed to be considered in the ballot title. In the Walker case, the right

to add signatures was neither invoked nor discussed and hence it is not relevant to interpreting New Jersey's statute.¹⁴

Because Judge DeCastro's decision and June 10, 2011 Order is consistent with the language and intent of the Faulkner Act, and did not accept the verbal gymnastics proposed by Defendants and Intervenors, her decision should be affirmed.

**C. Defendants'/Intervenors' Rewrite of New Jersey's
Referendum Statute Is Against Public Policy**

In opposition to Plaintiffs' interpretation of N.J.S.A. 40:69A-185 et seq., which was adopted by the trial court, the Appellants asked the court below to speculate on a scenario where a committee of petitioners offered merely three signatures

¹⁴ Notwithstanding the fact that Walker did not hold what Intervenors represent it held, Walker did rely on a 1946 Arkansas Supreme Court case, Dixon v. Hall, 198 S.W.2d 1002 (Ark. 1946) in which the court, upon review of its state-wide initiative scheme set forth in its constitution, held that "[t]o be a petition, it must, *prima facie*, contain at the time of filing the required number of signatures." Id. at 1003. This holding, however, was based on the finding that, under Arkansas law, "correction and amendment [of a petition] go to form and error, rather than to complete failure." Id. (emphasis added) Moreover, the "complete failure" in the petitions in Dixon was that when initially filed, the petitions contained signatures equal to only 17 percent of the threshold amount, and the signatures were not geographically distributed among a sufficient number of counties, as Arkansas law required. Given the fact that under New Jersey law, a finding of insufficiency caused by a deficient number of valid signatures can be cured by filing supplemental papers, including new signatures, and there is no geographical requirement that signatures come from all wards of a municipality, the reasoning of the Arkansas Supreme Court is, like Walker, irrelevant to interpreting New Jersey's referendum statute.

by the deadline for filing a referendum petition - a scenario that Judge Garibaldi acknowledged is permitted under New Jersey's referendum scheme, Hudson Cty. Chamber of Commerce, 153 N.J. at 265 (Garibaldi, J., dissenting).¹⁵ (See, e.g., 1T29-9 to 17). Defendants raise this specter again. (Db17-18).

Whatever the appropriate result might be in such a case, the trial court implicitly agreed that this is not what happened here. In this case, Plaintiffs, in reliance on governmental advice, believed that they were obligated to submit 972 signatures to force a referendum on rent control. (Ja5) Plaintiffs submitted 1,442 signatures, or almost 50 percent more than what they thought was necessary. Clearly, Tumpson's initial submission does not reek of the gamesmanship or "bad faith" that might be evidenced by Defendants' hypothetical, i.e., filing a petition with three signatures.

Instead, when thinking through the policy consequences of adopting Appellants' interpretation of the referendum statute, a court should contemplate the following: suppose, instead of containing three signatures, a proposed petition is three signatures short of the actual minimum. Is the initial filing

¹⁵ In her dissent, joined by two other justices, Justice Garibaldi disapproved of the majority's holding that suspension of an ordinance under the referendum statute changed the effective date of the statute rather than just postponing implementation thereof. She, in fact, agreed with the majority that a petition bearing an insufficient number of signatures of legal voters at the time of filing did not preclude suspension.

void, of no effect, with no right to cure? Can it be legally "unfiled" by a city clerk who must "liberally construe" this statute in favor the voters rights of participatory democracy? In re Petition for Referendum on City of Trenton Ordinance 09-02, 201 N.J. 349, 353 (2010). Of course not. Moreover, where should a clerk draw the line? Ten signatures short, fifty signatures short? Fortunately, under New Jersey's initiative and referendum scheme, a clerk does not have to make such decision, because, under normal circumstances, he is not permitted to undertake an examination of sufficiency prior to filing; filing is a ministerial task.

Other policy considerations also undermine the Defendants' and Intervenors' position that a clerk can reject a petition that is insufficient on its face prior to filing. First, it is unclear what they mean by facially defective. Do they posit that the clerk is authorized to examine the petition papers for any facial defect that lowers the number of signatures, such as duplicate signatures, signatures with out-of-city addresses, signature pages without the names of the committee of petitioners appearing on the sheet, or signature pages without attached circulator affidavits? If the new rule they are propounding is limited to a cursory check of the number of signatures, then persons who are acting in bad faith can easily circumvent such rule (by filing a petition with duplicate

signature pages), while persons, like Plaintiffs herein, who rely on erroneous government information, will be unfairly harmed. On the other hand, if clerks will be required to examine for all facial defects affecting the number of signatures, then New Jersey's right to cure, as New Jersey courts have interpreted such right, will be eviscerated; since many petitions that have substantive, but inadvertent, errors that invalidate the number of signatures will be rejected prior to filing. Again, only those petitioners who are acting in good faith will be harmed.

Regardless of the scope of the Appellants' facially defective rule, it is alien to New Jersey's initiative and referendum scheme and accordingly, should not be adopted by this Court. As the New Jersey Supreme Court stated when it overturned the legislative/administrative distinction that courts had been applying for decades to restrict the scope of initiative and referendum, it is the role of the courts to apply the statute as it reads, not to read nonexistent distinctions, such as facially sufficient, into the statute. In re Ordinance 04-75, 192 N.J. at 468-70.

III. BECAUSE N.J.S.A. 40:69A-189 PROVIDES THAT SUSPENSION OF THE ORDINANCE AGAINST WHICH A REFERENDUM PETITION HAS BEEN FILED BEGINS WITH THE FILING OF THE PETITION PAPERS, THE TRIAL COURT'S HOLDING THAT SUSPENSION COMMENCES AT THE TIME THE PETITION IS DEEMED SUFFICIENT MUST BE REVERSED.

In her decision, Judge DeCastro held that Ordinance Z-88 was not suspended until the City Clerk determined that Plaintiffs' petition was sufficient. She wrote:

The interplay of section 185 and 187 must be read together. The suspension of the ordinance does not occur until the review period and opportunity to cure the insufficiency, if necessary is over. (Ja141-142)

Accordingly, Ordinance Z-88 was not suspended until August 25, 2011. Although Defendant Farina had found in a letter dated July 25, 2011 that Plaintiffs' petition contained a sufficient number of valid signatures, (Ja176), he did not deem the petition sufficient until directed to do so by the lower court in its Order to Enforce Litigants' Rights, dated August 25, 2011. (Ja201). Plaintiffs contend that this aspect of the Court's June 14, 2011 decision is incorrect and must be reversed, because it ignores the express language of N.J.S.A. 40:69A-189.

Neither Defendants nor Intervenors assert otherwise. Intervenors do contend, however, that the suspension of an ordinance is triggered only if a petition, at the time of filing, satisfies the substantive signature requirement set

forth in N.J.S.A. 40:69A-185. (Ib14-15). Both the trial court and Plaintiffs disagree with that proposition.

As noted, supra, § 185 defines the voters' right to referendum, and specifically provides that "it is the power to approve or reject at the polls. . . any ordinance passed by the council against which a referendum petition has been filed [within twenty days after approval of such ordinance.]" Section 185 additionally provides that if a referendum petition is timely filed, "the ordinance shall be suspended from taking effect until proceedings are had as herein provided." (emphasis added). In this way, § 185 does not specify the triggering event of the suspension or its duration, but rather incorporates other sections of the statute that do address these issues, namely, § 189.

N.J.S.A. 40:69A-189 states:

Upon the filing of a referendum petition with the municipal clerk, the ordinance shall be suspended until ten days following a finding by the municipal clerk that the petition is insufficient or, if an amended petition be filed, until five days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the Committee of the Petitioners or until repeal of the ordinance by vote of the council or approval or disapproval of the ordinance by the voters. (emphasis added)

Based on the explicit language of this provision, suspension is triggered upon filing, not certification of sufficiency, and endures until the petition is declared

insufficient, is withdrawn by petitioners, or is voted upon by the electorate. See Hudson Cty. Chamber of Commerce, 310 N.J. Super. at 219 (noting that Legislature intended that even an insufficient referendum petition suspends the ordinance "until petitioners have an opportunity to cure the deficiency"). Pursuant to this provision, Defendant Farina clearly had an obligation from the moment he received a timely-filed document purporting to be a referendum petition to suspend the ordinance in question until the time that the referendum process was completed. Completion could mean any number of dates, including (a) the tenth day after a finding of insufficiency, if the Plaintiffs had not taken any action to amend or supplement their filing; (b) the fifth day after the service of their amended or supplementary petitions, provided Farina had found the amended filings also insufficient; (c) the withdrawal of their petition by 4 of the 5 members of the Committee; or (d) a vote of the people at an election which validates the ordinance being protested against (as was the case herein).

In this matter, both Farina's and the trial court's failure to acknowledge that as a matter of law, Ordinance Z-88 never went into effect due to Plaintiffs' filing on March 30, 2011 (one day prior to the Ordinance's effective date), created unnecessary confusion. In fact, the City Council attempted to

amend the Ordinance after the referendum petition was filed in direct contravention of the statute's well thought out process.

For the foregoing reasons, Judge DeCastro's Orders directing the suspension of Ordinance Z-88 on August 25, 2011, and not March 30, 2011, must be reversed.

IV. THE TRIAL COURTS' REMEDIAL ORDERS WERE WITHIN THE SOUND DISCRETION OF THE COURT.

As a remedy, Judge DeCastro in her Order dated June 14, 2011 directed that the City Clerk "process the plaintiffs' filed petition as provided by law and review the petition and amended petition timely submitted consistent with the statute." (Ja142). At the request of both parties, the trial court clarified that Order ruling that in the event the review of the petition papers previously submitted to the City Clerk (who neither accepted them as filed nor reviewed them for sufficiency) resulted in a finding of insufficiency, Plaintiffs would be entitled to file additional signatures to satisfy the 15% of legal voters standard. (Ja151).

Defendants and Intervenors mischaracterize Judge DeCastro's Order dated June 24, 2011, in which she specified the actions she expected the City Clerk to undertake, as permitting a "third supplementary filing." (Ib4); see also (Db8, 18) ("third petition for referendum"). Specifically, Intervenors contend that the court, when acknowledging Plaintiffs' right to supplement their

petition after receiving adequate notice of insufficiency, "improperly directed the Clerk to review a potential third supplementary submission pursuant to N.J.S.A. 40:69A-188." (Ib4).

Notwithstanding Defendants' disagreement with the Court's decision, its determination was clearly justified by general equitable principles. "Equity regards that as done which ought to be done," see William Drier & Paul Rowe, GUIDEBOOK TO CHANCERY PRACTICE IN NEW JERSEY, at p. 5, especially where, as here, the Plaintiffs had not delayed the enforcement of their rights, acted in the public interest by adhering to their obligations under the initiative and referendum laws (including time restrictions), and Defendants acted in precisely the contrary manner (by refusing to accept and review Plaintiffs' submissions). Specifically, because the City Clerk stopped the statutory process improperly by (i) "unfiling" the referendum petition (ii) failing to process it in accordance with the statute and (iii) failing to notify the Committee of Petition of the number of invalid signatures it had submitted, it was reasonable for the trial court to correct the situation by going back to the place where the Clerk initially erred and to restart the process from there.

Hitting the "restart" button is exactly what the trial court did when it ordered Defendant Farina to accept the

referendum petition as filed and to review both the initial and supplementary petitions within 20 days.

Simply put, the June 14 and June 24 orders held that Plaintiffs were never fully accorded their rights to supplement the petitions. More particularly, the Clerk's actions failed to inform the Plaintiffs of exactly how many additional signatures they need to reach the numerical threshold. The June 14 and June 24 orders, recognizing this failing, simply accorded Plaintiffs the right to supplement their papers once proper notification was done. When Plaintiffs sought to enforce these orders, the appellate remand authorizing the enforcement proceeding (Ja183-86) and the trial's court's ensuing enforcement order (Ja201-03) were appropriate means of implementing this remedy.¹⁶

¹⁶ Another equitable remedy that would have fully protected Plaintiff's right to supplement the petition within 10 days of proper notice from the Clerk would have been to require a review of only the initial petition within 20 days. Then, Plaintiffs would have been on notice of the number of signatures they still had to collect. Had the Court protected Plaintiffs' rights with that remedy, the supplemental petition that the Committee had filed in order to preserve its rights under the statute would be rendered an orphan; one that would have only come into the picture once the Clerk determined that the initial petition was insufficient. That is, because under New Jersey law, the signatures contained in the supplemental petition, which was improperly rejected by the Clerk as untimely are not stale, D'Ascensio v. Benjamin, 137 N.J. Super. 155, 164 (Ch. Div. 1975), aff'd, 142 N.J. Super. 52 (App. Div. 1976), those petition papers would have counted toward sufficiency in addition to any new supplemental petitions Plaintiffs would have

V. THE TRIAL COURT PROPERLY FOUND THAT DEFENDANTS' CONDUCT VIOLATED THE NEW JERSEY CIVIL RIGHTS ACT AND AWARDED COUNSEL FEES TO PLAINTIFFS.

This Court should also affirm Judge Santiago's grant of summary judgment holding that Defendants' conduct violated the New Jersey Civil Rights Act ("NJCRA") and her holding that Plaintiffs were entitled to counsel fees. The decision to grant summary judgment and award counsel fees, and the amount awarded, was reached in response to Plaintiffs' initial application following an appellate panels' limited remand, and was reaffirmed after Defendants' unsuccessful motion for reconsideration.

A. The NJCRA Allows Counsel Fees To Prevailing Plaintiffs For Their Successful Effort To Vindicate a Constitutional or Statutory Right.

N.J.S.A. 10:6-2(c) provides that a person who has been deprived of their constitutional or statutory rights may sue for the vindication of those rights under the New Jersey Civil Rights Act:

collected and filed after being given proper notice of the exact nature of the defects in the initial petition papers.

The fact that the trial court instead ordered the amended petition to be reviewed with the initial petition is consistent with her finding that the City Clerk had violated the statute by rejecting the supplementary filing as untimely, her understanding that such filing was made by Plaintiffs without any knowledge as to the exact number of additional signatures of registered voters they needed to satisfy the 15% requirement, and principles of fairness and equity.

Any person who has been deprived of . . . any substantive rights, privileges or immunities secured by the Constitution or laws of this State, or whose exercise or enjoyment of those substantive rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, may bring a civil action for damages and for injunctive or other appropriate relief.

N.J.S.A. 10:6-2(f) further provides that counsel fees may be awarded to a prevailing party in such an action:

In addition to any damages, civil penalty, injunction or other appropriate relief awarded in an action brought pursuant to subsection c. of this section, the court may award the prevailing party reasonable attorney's fees and costs.

Despite this plain language, Defendants persist in arguing before this Court (Db 24-25) that only constitutional, not statutory, rights, may be vindicated under the NJCRA. Since the statute covers deprivations under the "[c]onstitution or laws of this State," N.J.S.A. 10:6-2(c) (emphasis added), the argument lacks merit and violates the plain terms of the statute. Indeed, New Jersey case law acknowledges that a statutory provision may provide a claim for relief under the New Jersey Civil Rights Act, Felicioni v. Administrative Office of the Courts, 404 N.J. Super. 382, 401 (App. Div. 2008), and abundant federal case law exists establishing that the remedy under the federal statutes on which the NJCRA was based (42 U.S.C. §§ 1983 and 1988) broadly encompasses violations of federal statutory as

well as constitutional law. See e.g., Maine v. Thiboutout, 448 U.S. 1 (1980).¹⁷

The right of referendum established in N.J.S.A. 40:69A-185, is the quintessential, substantive "rights-creating" statute that the New Jersey Civil Rights Act was intended to protect. The Plaintiffs argued, and the trial court recognized, with ample citations, that their ability to circulate a petition and force a public vote on the city's rent control laws was a statutory right. See Ja133 (the "right is purely statutory"); id. ("its citizens have the right to propose and vote on municipal ordinances . . . and also have the power to approve or reject municipal ordinances"); Ja134 ("[v]oters also have the right of referendum"); Ja135 ("[t]he two statutes ensure that the voters have that right both before and after the council adopts an ordinance").

The Supreme Court has previously and repeatedly recognized referendum as a right possessed by citizens. In re Ordinance 04-75, 192 N.J. 446, 459 (2007) ("By enacting N.J.S.A. 40:69A-185, the Legislature provided the voters of Faulkner Act

¹⁷ The legislative history of the NJCRA decisively shows that it was modeled on the federal civil rights act, which clearly allows suits over deprivation of constitutional or statutory rights. "This bill is modeled on the Federal civil rights law, which provides for a civil action of deprivation of civil rights (42 U.S.C. § 1983)." Assembly Judiciary Comm., Statement to the Assembly No. 2073, 211th Legis., February 19, 2004, at 2; Senate Judiciary Comm., Statement to Assembly, No 2073 with committee amendments, 211th Legis., May 6, 2004 at 2.

municipalities the right to subject an ordinance passed by a city or town council to a popular plebiscite"); In re Petition for Referendum on City of Trenton Ordinance 09-02, 201 N.J. 349, 360 (2010) (referendum law "confers on the citizens 'the right to test a challenged ordinance in the crucible of the democratic process.'"); see also City of Ocean City v. Somerville, 403 N.J. Super. 345 (App. Div. 2008).

Plaintiffs do not argue - and never have argued - that attorneys fees should attach every time municipal action is deemed arbitrary and capricious. Cf. Db 27-28 (citing Anastasio v. Planning Bd. of W. Orange Twp., 209 N.J. Super. 499, 522 (App. Div.), certif. denied, 107 N.J. 46 (1986) and Silverman v. Rent Leveling Bd. Of Cliffside Park, 274 N.J. Super. 524 (App. Div. 1994)). Where a court performs the ordinary review of decisions of a local municipal board, the planning board, zoning board, or even rent control board, there is no state law granting the litigants a statutory right beyond the procedural right to judicial review. Here, there is. As Plaintiffs demonstrated, the statutes that grant lawmaking rights to citizens are quintessential rights-creating laws that affect the rights of thousands of people, not just the few individuals whose rights may be at stake in a land use case. When a government defendant violates a rights-creating statute such as

the Faulkner Act's referendum laws, it is eminently appropriate to have Defendants answer for those violations under the NJCRA.

B. The Trial Court Properly Awarded Counsel Fees.

Applying the foregoing framework, the trial judge's decision granting summary judgment on Plaintiffs' NJCRA claims was correct. The court found that Defendants had violated their statutory referendum rights, which could be vindicated under the NJCRA. (4T13-6 to 14-17). Furthermore, the Court explained that Defendants' actions constituted a deprivation, and not merely a delay of Plaintiffs' rights (4T14-4 to 24). But for the Court's Orders of June 14, June 24, and August 25, plus the Appellate Division Order of August 12, 2011 and the Supreme Court's Order of October 5, 2011, the right of Hoboken's citizens to vote on the rent control ordinance would have been lost forever, not just delayed. Finally, that same history showed that at virtually every turn in the case, Plaintiffs were successful in getting judicial relief to move this public question presented by the referendum papers from the petition to the ballot. As such, the judge correctly found that Defendants violated the NJCRA and that Plaintiffs were the prevailing parties.

A plaintiff that prevails in litigation under a New Jersey statute that authorizes fee-shifting is entitled to receive fees "as a matter of course in the absence of special circumstances."

Dunn v. N.J. Department of Human Services, 312 N.J. Super. 321, 333 (App. Div. 1998). The general formula for computing fees involves the Court computing the number of hours reasonably expended and multiplying it by a reasonable hourly rate. Rendine v. Pantzer, 141 N.J. 292, 335 (1995).

The discretionary authority to deny fees outright is extremely limited and should be sparingly exercised. Gregg v. Hazlet Township Comm., 232 N.J. Super. 34, 37-38 (App. Div. 1989); The African Council v. Hadge, 255 N.J. Super. 4, 12 (App. Div. 1992) (reiterating that "counsel fees should be liberally granted").

An overly vigorous or unconstrained use of the power to deny fees would frustrate and potentially defeat the legislative purpose underlying § 1988 and the NJCRA, which exists to promote the vindication of constitutional values by creating a financial incentive for competent counsel to undertake civil rights cases. Student PIRG v. AT&T Bell Labs, 842 F.2d 1436 (3d Cir. 1988); New Jerseyans for Death Penalty Moratorium v. New Jersey Dept. of Corr., 185 N.J. 137, 153 (2005) (absent fee shifting to vindicate public rights, "the ordinary citizen would be waging a quixotic battle against a public entity vested with almost inexhaustible resources"). Moreover, another important value served by awarding attorneys' fees against a public entity that has violated citizens' rights is the deterrent effect that such

awards create. Walker v. Guiffre, ____ N.J. ____, 2012 WL 204531 (Jan. 25, 2012) at *2 ("fee-shifting provisions "are designed ... to promote respect for the underlying law and to deter potential violators of such laws") (citation omitted).

While a prevailing party will ordinarily receive fees, the amount of any fee award is subject to scrutiny for both reasonableness of the time expended and the hourly rate sought. RPC 1.5 and R. 4:42-9 lay out the relevant factors for the Court to consider and apply. Rendine, 141 N.J. at 319.

Judge Santiago had before her detailed certifications that laid out counsel's academic achievements, professional experience, and their previous concentration in election law practice, including Faulkner Act initiative and referendum cases. (Ja213-15 and 250-53). The Court also was presented with law firm billing rate surveys in the North Jersey area (Ja 243-49), and counsels' certifications and citations in the brief identified North Jersey cases where attorneys of similar experience, litigating cases of similar complexity, were awarded at least what counsel sought, if not more. (Ja 261-273). Judge Santiago carefully reviewed these submissions, once during the initial summary judgment (see generally 4T 18-21) and again in the reconsideration motion (see generally 6T 7-8). There was no abuse of discretion in her conclusions on these points, and therefore, her orders should be affirmed.

C. The Trial Judge Properly Denied Defendants' Motion For Reconsideration.

1. Defendants' Motion Was Untimely.

After summary judgment was entered against them and counsel fees were assessed, Defendants then raised for the first time an argument that the defense of qualified immunity protected them from a fee award and that they were wrongfully denied the opportunity to raise it. In fact, Defendants had nearly six months (from service of the Order to Show Cause through and including the due date of their summary judgment opposition papers) to plead and/or present the issue of immunity to the Law Division.

Defendants' failure to do so precludes assertion of that issue post-final judgment. Although courts have permitted public officials to wait until summary judgment to assert a qualified immunity defense, no case cited by Defendants has allowed a government defendant to wait until the final resolution of the merits to present the issue for the first time. In the absence of newly discovered information, their delay is not a proper basis to support a reconsideration motion.

Citing D'Atria v. D'Atria, 242 N.J. Super. 392 (Ch. Div. 1990), Judge Santiago found that Defendants' delay in presenting this defense could not be countenanced because it was the product of a strategic choice, not new issues or new facts that

"could not have been provided" to the court previously. See id. at 401; 6T3-4. Such a decision is also supported by more recent Appellate Division decisions reiterating that reconsideration motions are intended to address only situations where "the court's decision is based on plainly incorrect reasoning or when the court failed to consider evidence or there is good reason for it to reconsider new information." Phillipsburg v. Block 1508, Lot 12, 380 N.J. Super. 159, 175 (App. Div. 2005) (where acquisition of additional tax sale certificates after city secured foreclosure judgment was an improper basis to vacate the judgment because to do so would allow intervenor to create new facts after being denied relief on then existing facts).

Like the intervenor in Phillipsburg, Defendants have not introduced any new fact or evidence that existed but was not previously known; rather, Defendants, like the plaintiff in Cummings v. Bahr, 295 N.J. Super. 374 (App. Div. 1996) have sought to introduce a new legal theory as to why the Committee of Petitioners is not entitled to injunctive relief and attorney's fees under the New Jersey Civil Rights Act, a theory whose factual predicates were known at the time of Plaintiffs' summary judgment motion (and actually, throughout this entire case). The introduction of a new affirmative defense into this matter post-final judgment is similar to the actions of the plaintiff in Cummings, who moved for summary judgment on the

theory that she was a licensee when injured, but re-characterized that status as an invitee on her subsequent motion for reconsideration. Disapproving of such strategic maneuver, the Court wrote:

The factual predicates of plaintiff's new theory were available when plaintiff responded to defendant's motion for summary judgment. No new facts had been uncovered by plaintiff which would warrant either the first or second motion for reconsideration. Nor did plaintiff point to decisions that the motion judge had overlooked or misapplied when he granted defendant's motion for summary judgment.

Id. at 384.

Judge Santiago properly rejected Defendants' newly-asserted theory here, and her denial of reconsideration was appropriate.

2. Qualified Immunity May Provide A Defense To Damages Claims, But Not To Claims For Declaratory Or Injunctive Relief Or Counsel Fees.

Even if Judge Santiago had allowed Defendants to present their tardy defense, the theory was still completely non-viable a matter of law, and provides a separate, legally sufficient basis for affirming the trial court's rejection of a qualified immunity defense. Principles established under 42 U.S.C. §§ 1983 and 1988 (the source for the NJCRA)¹⁸ indicate that the doctrine of qualified immunity is inapplicable to civil rights claims for injunctive or declaratory relief, and to counsel fees as the prevailing party.

¹⁸ See supra, note 17.

The Supreme Court in Harlow v. Fitzgerald, 457 U.S. 800, 815 (1982) stated that qualified or "good faith" immunity is an affirmative defense that must be pleaded by government officials in actions brought against them for monetary damages. Specifically, it held that "government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional right of which a reasonable person would have known." Id. at 818 (emphasis added). Defendants cite to Harlow as the source of their immunity defense, and then proceed to discuss several cases, which deal with the defense but are irrelevant to the matters herein. (Db31-39). Defendants are able to do so by simply ignoring the fact that qualified immunity does not protect government officials from injunctive or declaratory actions.

"The doctrine of qualified immunity shields public officials. . . from damage actions unless their conduct was unreasonable in light of clearly established law." Elder v. Holloway, 510 U.S. 510, 512 (1994) (emphasis added). See also Anderson v. Creighton, 483 U.S. 635, 646 (1987) ("The general rule of qualified immunity is intended to provide government officials with the ability 'reasonably [to] anticipate when their conduct may give rise to liability for damages.' . . . Where that rule is applicable, officials can know that they will

not be held personally liable as long as their actions are reasonable in light of current American law.") (quoting Davis v. Scherer, 468 U.S. 183, 195 (1984)).

Federal courts have noted that "[t]he proper balance has been struck by limiting the defense of qualified immunity to actions [brought against officials in their individual capacities] for money damages," Am. Fire, Theft & Collision Managers, Inc. v. Gillespie, 932 F.2d 816, 818 (9th Cir. 1991); and therefore, qualified immunity is not a defense against claims for injunctive relief against officials in their official capacities. Frank v. Relin, 1 F.3d 1317, 1327 (2d Cir. 1993) (citing Hafer v. Melo, 502 U.S. 21, 22-23 (1991)); see also Hammons v. Saffle, 348 F.3d 1250, 1257 n.1 (10th Cir. 2003) (stating that "qualified immunity applies only to claims for damages" (citing Anderson v. Creighton, 483 U.S. at 646)).

Thus, the qualified immunity "defense is not available . . . [in] §1983 cases where injunctive relief is sought instead of or in addition to damages." Atheists of Florida, Inc. v. City of Lakeland, Fl., 779 F. Supp. 2d. 1330, 1342 (M.D. Fla. 2011) (citing Pearson v. Callahan, 555 U.S. 223 (2009) and Fortner v. Thomas, 983 F.2d 1024, 1029 (11th Cir. 1993)). See also Hydrick v. Hunter, 466 F.3d 676, 689 (9th Cir. 2006) (qualified immunity is only an immunity from suit for damages); Rowley v. McMillan,

502 F.2d 1326, 1331 (4th Cir. 1974) (qualified immunity "has no application to a suit for declaratory or injunctive relief").

Therefore, contrary to Defendants' assertion, the qualified immunity defense against an action for money damages neither precludes nor provides a defense to Plaintiffs' action for declaratory and injunctive relief under the New Jersey Civil Rights Act, N.J.S.A. 10:6-2(c), for deprivation of their statutory right of referendum. See Supreme Court of Virginia v. Consumers Union of the United States, Inc., 446 U.S. 719, 736 (1980) (holding that qualified immunity defense has no application to action where plaintiff seeks only injunctive relief, and not money damages). No case cited by Defendants holds otherwise.¹⁹

The defense of qualified immunity also has no application to a request for attorneys' fees under 42 U.S.C. § 1988, the federal precedent on which N.J.S.A. 10:6-2(f) is modeled. Rejecting petitioners' claims that attorneys' fees are the functional equivalent of monetary damages, the Supreme Court in

¹⁹ See e.g., Orsatti v. New Jersey State Police, 71 F.3d 480, 483-486 (3d Cir. 1995) (citing Harlow, to support holding that officers were immune from civil damages under §1983 claim for arrest without probable cause); Malley v. Briggs, 475 U.S. 335 (1986) (finding trooper entitled to qualified immunity based on Harlow's "objective reasonable test" with respect to liability for monetary damages); Morales v. Busbee, 972 F. Supp. 254, 260 (D.N.J. 1997) (finding officer liable for civil damages under §1983 because he did not have reasonable basis to believe that he had probable cause to arrest plaintiff for Camden carjacking).

Pulliam v. Allen, 466 U.S. 522 (1984), noted that the legislative history of § 1988 "confirms Congress' intent that attorney fees are available even when damages would be barred or limited by 'immunity doctrines and special defenses, available only to public officials.'" Id. at 543 (quoting H.R. Rep. No. 94-1558, p.79 (1976)); see also Supreme Court of Virginia, 446 U.S. at 738-39 (in an action against the Virginia Court and its Chief Justice, stating that the House Committee Report on §1988 indicates Congressional intent to permit attorney's fees awards in cases in which prospective relief was properly awarded against defendants who would be immune from damage awards); Tonya K. v. Board of Educ. of the City of Chicago, 847 F.2d 1243, 1246 (7th Cir. 1988) (attorney's fee award does not violate qualified immunity); Helbrans v. Coombe, 890 F. Supp. 227, 231-32 (S.D.N.Y. 1995) (same).

It is well-established that the rationale underlying various fee-shifting statutes is "to ensure that plaintiffs are able to find lawyers to represent them; to attract competent counsel to seek redress of statutory rights; and to 'even the fight' when citizens challenge a public entity." Mason v. City of Hoboken, 196 N.J. 51, 74 (2008) (quoting New Jerseyans for a Death Penalty Moratorium v. New Jersey Dept. of Correction, 185 N.J. 137, 153 (2005)). An award of attorneys' fees is in no way a penalty or a sanction. Hall v. Borough of Roselle, 747 F.2d

838, 843 n.8 (3d Cir. 1984) ("no basis for [the] view" that "the assessment of fees is in some degree a 'penalty' against the defendant for violating the law").

Defendants have thus failed to provide any ground upon which this Court should disturb the trial court's refusal to reconsider its previous October 24, 2011 Decision.

D. The Court's Reasonableness Findings About The Number Of Hours Expended By Plaintiffs' Counsel and Their Hourly Rate Was Not An Abuse Of Discretion and Should Be Affirmed.

Finally, Defendants attack the number of hours expended on this case by Plaintiff, as well as the hourly rate they seek. In this litigation, Plaintiffs faced two attorneys representing the City and another two representing the Intervenor, each employing different legal theories and strategies for the prosecution of the case. Plaintiffs' counsel, both experienced election attorneys, were able to litigate this case efficiently, and before even submitting the fee application, excluded the full amount of time consulting with the clients and with one another. (See Ja213, ¶ 3(a); Ja251, ¶¶ 4, 5).

This submission, supported by contemporaneous time and billing records, was carefully reviewed by Judge Santiago, not once, but twice. Both times, she concluded the amount of time spent on the trial court work - 197 hours - which included prosecuting a highly accelerated order to show cause, the

defense of an equally fast-moving order to show cause, and successfully obtaining an order enforcing litigant rights, was reasonable under all the circumstances. Defendants have not shown any abuse of discretion in this assessment.

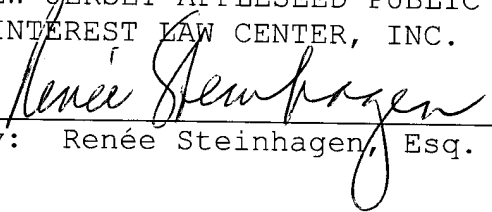
Moreover, the hourly rate of \$350.00 requested by Plaintiffs was also reasonable. The Plaintiffs' application included a recent survey law firm survey rates and several recent decisions proving the reasonableness of this rate for attorneys of comparable experience and knowledge in the North Jersey area. Plaintiffs' argument for a lower hourly rate is based on cases originating in Atlantic, Gloucester, and Burlington County (see Db47), and not the Hudson County vicinage, which is the relevant benchmark. See RPC 1.5(a)(4) (legal fees charged "in the locality"). Defendants' proffer of South Jersey cases as setting the appropriate rate of legal fees in Hudson County is misplaced, and does not overcome the particularized evidence offered by Plaintiffs in their original papers about the relevant rates there. As with the number of hours, Judge Santiago accepted the reasonableness of these rates in two different hearings, and there was no abuse of discretion in that ruling.

CONCLUSION

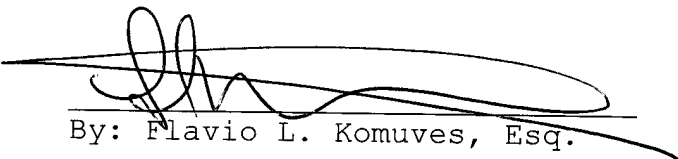
For the foregoing reasons, the Court should affirm the June 14, June 24, and August 25 Orders of the Law Division finding that Defendants acted improperly in their handling of Plaintiffs' petition papers and in crafting appropriate remedies for those violations, except that the August 25 order should hold that Ordinance Z-88 was suspended beginning March 31, 2011, not August 25, 2011. The Court should also affirm the October 24 and November 24 Orders finding liability under the NJCRA and awarding counsel fees.

Respectfully submitted,

NEW JERSEY APPLESEED PUBLIC
INTEREST LAW CENTER, INC.


By: Renée Steinhagen, Esq.

ZAZZALI, FAGELLA, NOWAK, KLEINBAUM
& FRIEDMAN


By: Flavio L. Komuves, Esq.

Dated: February 17, 2012

APPENDIX

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| | |
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| Certification of Daniel Tumpson, June 5, 2011 | Pa1 |
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Flavio L. Komuves, Esq.
Law Offices of Flavio Komuves, LLC
21 Gate House Lane
Edison, New Jersey 08820
(609)216-5014

-VS.-

Defendants.

CERTIFICATION OF DANIEL TUMPSON

PA1

3. The first sheet of paper of that petition was a double-sided page. The front side contained the request for referendum, the text of the ordinance of which we were seeking repeal, and the names of the Committee of the Petitioners. On the back side of that piece of paper were the voter signature lines.

4. Attached to that sheet of paper was the Affidavit of Circulator.

5. City Clerk James Farina accepted this petition as being sufficient in all respects, and neither he nor any other person even challenged, much less successfully challenged, the layout of the petition, in particular, the fact that the names of the Committee of the Petitioners were on the same piece of paper, albeit on the opposite side, that the voters signed.

B. The November 2005 Petition

6. In or about November 2005, I was again a member of the Committee of the Petitioners involved in circulating a referendum petition in Hoboken. A sample copy of that Petition is attached hereto as Exhibit B.

7. The first sheet of paper of that petition was a double-sided page. The front side contained the request for referendum, the text of the ordinance of which we were seeking repeal, and the names of the Committee of the Petitioners. On the back side of that piece of paper were the voter signature lines.

8. Attached to that sheet of paper was the Affidavit of Circulator.

9. City Clerk James Farina accepted this petition as being sufficient in all respects, and neither he nor any other person even challenged, much less successfully challenged, the layout of the petition, in particular, the fact that the names of the Committee of the Petitioners were on the same piece of paper, albeit on the opposite side, that the voters signed.

C. The Present Petition

10. In designing the petition that is now before the Court, I designed it in exactly the same way as the two petitions described above that were accepted without argument. In particular, the first sheet of paper of that petition was a double-sided page. The front side contained the request for referendum, the text of the ordinance of which we are seeking repeal, and the names of the Committee of the Petitioners. On the back side of that piece of paper were the voter signature lines.

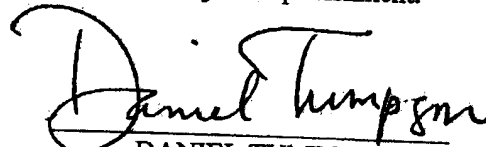
11. Attached to that sheet of paper was the Affidavit of Circulator.

12. I understand that while Mr. Farina has not made any objections to the form of that petition, the Intervenors have. Specifically, they argue that by not including the names of the Committee of the Petitioners "on the face of" both sides of the paper, that all the signatures thereon are defective.

13. This contention is simply wrong. The petition at issue follows the exact same design that I used in the two petitions I identified above, both of which were accepted by the City Clerk and not objected to by anyone.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false that I am subject to punishment.

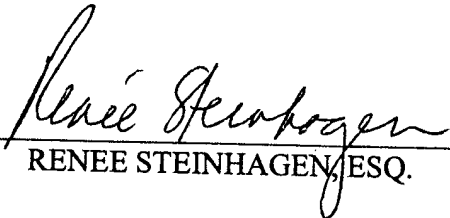
Dated: June 5 2011.


DANIEL TUMPSON

CERTIFICATION PURSUANT TO RULE 1:4-4(c)

The undersigned, being one of the attorneys in this action, certifies that the person signing this certification has acknowledged the genuineness of the signature thereon and that the document or a copy with an original signature affixed will be filed if requested by the court or a party.

Dated: June 5 2011



RENEE STEINHAGEN, ESQ.

REFERENDUM PETITION

We the undersigned registered voters of Hoboken, New Jersey protest against the passage by the Hoboken City Council and approval by the Mayor of the following ordinance:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 155 ("Rent Control") OF THE CODE OF THE CITY OF HOBOKEN

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOBOKEN THAT CHAPTER 155 OF THE CODE OF THE CITY OF HOBOKEN BE AMENDED AND SUPPLEMENTED AS FOLLOWS:

Add new Article VII

§155-35 Owner-Occupied Condominiums and One-Four Family Own-Occupied Residential Units - Exemptions

Condominium Units which have been owned and occupied by the owner prior to the first rental and one to four family owner-occupied residential units shall be exempt from the provisions of this chapter for rentals after the effective date of the ordinance under the following conditions and limitations:

A. To be eligible for exemption, the vacating tenant must have left voluntarily without harassment, duress or unreasonable pressure from the landlord or has vacated the apartment as a result of a Court order because, (a) the tenant has failed to pay rent, due and owing, (b) engaged in disorderly conduct that denies peace and quiet to other tenants or those in the neighborhood or otherwise engages in conduct injurious to the public health and safety, after a written notice to stop, (c) causes destruction or damage to the property through willful or gross negligence. Any disputes concerning the voluntariness of the tenant leaving above or as a result of a Court order because of the above reasons shall be submitted to the Board for determination. If the Board finds that a landlord is seeking to be exempt under this section, and the tenant has vacated the unit under circumstances other than those set forth in this section, the Rent Board shall rescind the exemption and the rent shall revert to that rental prior to the vacation and prosecute the landlord under §155-21.

B. The City Housing Officer must certify that the unit has been inspected and has no code violations.

C. Condominium units are subject to the further condition that they be occupied by the owner for the proceeding twelve-month period unless they can demonstrate that they have a hardship which prevents them from meeting the twelve-month period and can demonstrate that they established a bonafide residence in the condominium and had intended to reside in the unit for the twelve-month period but were prevented from doing so because of the hardship.

D. Family owner-occupied residential units are subject to the further condition that the owner reside in the unit for a twelve-month period prior to being eligible for the exemption.

§155-36 Incumbent Tenant Protection

Any rental increase, beyond the initial rental of the new tenant and any subsequent tenant, shall be subject to the provisions of this chapter, for as long as that tenant remains in the rental unit. The rental unit shall be decontrolled after the tenant vacates the unit, provided that the conditions set forth in §155-35 are met.

We call for the City Council to repeal the above ordinance and if they fail to do so we call for the Hoboken City Clerk to submit the ordinance to the voters of Hoboken so that they might approve or reject it at the polls as provided for by law (N.J.S.A. 40:69A-184 et seq.).

COMMITTEE OF THE PETITIONERS:

Charles Buchanan
812 Bloomfield Street
Hoboken, New Jersey

Monica Hetterich
103 Twelfth Street
Hoboken, New Jersey

Cathy Cardillo
910 Garden Street
Hoboken, New Jersey

James Schneider
1018 Hudson Street
Hoboken, New Jersey

Daniel Tumpson
230 Park Avenue
Hoboken, New Jersey

Exhibit 'A'

(48)
REFERENDUM PETITION

DT14

| | | | |
|-----|--|-----------------------------------|-------------------------------------|
| 1. | SIGNATURE OF HOBOKEN VOTER <i>Maureen Murphy</i> | PRINT NAME Maureen Murphy | ADDRESS 719 Willow Ave. #3 |
| 2. | SIGNATURE OF HOBOKEN VOTER <i>Dana Hornstein</i> | PRINT NAME Dana Hornstein | ADDRESS 621 Bloomfield #1 |
| 3. | SIGNATURE OF HOBOKEN VOTER <i>Kirsten L. Fallon</i> | PRINT NAME Kirsten L. Fallon | ADDRESS 116 14th St. |
| 4. | SIGNATURE OF HOBOKEN VOTER <i>Bill Fallon</i> | PRINT NAME Bill Fallon | ADDRESS 116 14th St. |
| 5. | SIGNATURE OF HOBOKEN VOTER <i>James Tucker</i> | PRINT NAME James Tucker | ADDRESS 400-1st St. |
| 6. | SIGNATURE OF HOBOKEN VOTER <i>Susan Archer</i> | PRINT NAME Susan Archer | ADDRESS 254 6th St. |
| 7. | SIGNATURE OF HOBOKEN VOTER <i>Dolores Scott</i> | PRINT NAME Dolores Scott | ADDRESS 520 JACKSON St. |
| 8. | SIGNATURE OF HOBOKEN VOTER <i>Blakely Tuck</i> | PRINT NAME Blakely Tuck | ADDRESS 730 Garden St. #2 |
| 9. | SIGNATURE OF HOBOKEN VOTER <i>Nancy L. Randall</i> | PRINT NAME Nancy L. Randall | ADDRESS 1106 Washington St #55 |
| 10. | SIGNATURE OF HOBOKEN VOTER <i>Dorothy Randall</i> | PRINT NAME DOROTHY RANDALL | ADDRESS 1120 Hudson St #5 |
| 11. | SIGNATURE OF HOBOKEN VOTER <i>Kathleen Luther</i> | PRINT NAME Kathleen Luther | ADDRESS 523 Adams St. - 2nd Fl |
| 12. | SIGNATURE OF HOBOKEN VOTER <i>Virginia Medina</i> | PRINT NAME VIRGINIA MEDINA | ADDRESS 923 Park Ave 4th. |
| 13. | SIGNATURE OF HOBOKEN VOTER <i>Muriel Culhane</i> | PRINT NAME MURIEL CULHANE | ADDRESS 921 WASHINGTON ST. |
| 14. | SIGNATURE OF HOBOKEN VOTER <i>Alice Culhane</i> | PRINT NAME ALICE CULHANE | ADDRESS 1015 WASHINGTON ST. |
| 15. | SIGNATURE OF HOBOKEN VOTER <i>America Garcia</i> | PRINT NAME AMERICA GARCIA | ADDRESS 614 Washington St. |
| 16. | SIGNATURE OF HOBOKEN VOTER <i>Vincent Hensley</i> | PRINT NAME VINCENT HENSLEY | ADDRESS 935 GARDEN ST. APT 2 |
| 17. | SIGNATURE OF HOBOKEN VOTER <i>Patricia McLaughlin</i> | PRINT NAME PATRICIA MCLAUGHLIN | ADDRESS 1032 Washington St Apt 3 |
| 18. | SIGNATURE OF HOBOKEN VOTER <i>James Dillman</i> | PRINT NAME JAMES DILLMAN | ADDRESS 114 MADISON ST. |
| 19. | SIGNATURE OF HOBOKEN VOTER <i>Vicki Clausman</i> | PRINT NAME Vicki CLAUSMAN | ADDRESS 1012 PARK Ave #9 |
| 20. | SIGNATURE OF HOBOKEN VOTER <i>Andrew Willner</i> | PRINT NAME Andrew Willner | ADDRESS 923 Willow Ave |
| 21. | SIGNATURE OF HOBOKEN VOTER <i>James Carr</i> | PRINT NAME JAMES CARR | ADDRESS 70 BLOOMFIELD ST. |
| 22. | SIGNATURE OF HOBOKEN VOTER <i>Michael Lopez</i> | PRINT NAME Michael Lopez | ADDRESS 604 Jefferson St. 2L |
| 23. | SIGNATURE OF HOBOKEN VOTER <i>Senier E. Muxer</i> | PRINT NAME Senier E. Muxer | ADDRESS 604 Jefferson St., 2L |
| 24. | SIGNATURE OF HOBOKEN VOTER <i>Edmund Dominguez</i> | PRINT NAME Edmund Dominguez | ADDRESS 551 6th Ave 4E |
| 25. | SIGNATURE OF HOBOKEN VOTER <i>Edward Dominguez</i> | PRINT NAME Edward Dominguez | ADDRESS 212 Garden St |

(48)

RECEIVED

COUNTY OF HUDSON)

) SS:

STATE OF NEW JERSEY)

94 SEP 27 PM 1:19

CITY CLERK

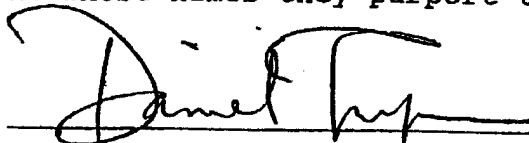
A F F I D A V I T O F C I R C U L A T O R

DANIEL TOMPSON, of full age being duly sworn upon his her oath according to law, deposes and says:

1. I, and only I, personally circulated the foregoing petition paper.

2. All the signatures appended to the foregoing petition paper were made in my presence, and I believe them to be the genuine signatures of the persons whose names they purport to be.

(sign name)



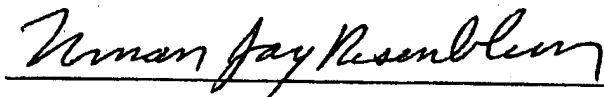
(print name)

DANIEL TOMPSON

Sworn to and subscribed

before me this 22d day

of September, 1994.



Norman Jay Rosenblum
Attorney at Law of the State of New Jersey

REFERENDUM PETITION**RECEIVED**

We the undersigned registered voters of Hoboken, New Jersey protest against the passage by the Hoboken City Council and approval by the Mayor of the following ordinance:

2005 NOV -7 PM 2:56

CITY CLERK
HOBOKEN, N.J. DR-207

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF HOBOKEN
AMENDING CHAPTER 155.1 "RENT CONTROL"**

WHEREAS, the Hoboken City Council seeks to make amendments to Chapter 155.1 Rent control Ordinance; and
NOW, THEREFORE BE IT ORDAINED:

1. Section 155-1, Definitions, shall be supplemented as follows:

Full Disclosure Statement-The statement a landlord and/or his agent shall be required to sign and deliver to each tenant by certified mail identifying the name and address of the landlord and his or her agent, if any; identifying the name, address and telephone number of the superintendent, if any; a statement generally advising the tenant that the City has adopted a Rent Control ordinance; and notification of the two-year period of limitations for filing an application for a rent rebate. As an alternative to certified mail, the tenant may sign a document acknowledging receipt of the full disclosure statement; a copy of this statement shall also be filed with the Rent Control office.

2. Section 155-4, Controls; increase restrictions, shall be supplemented as follows:

(New Section) 155-1.1 Rebate Limitation

Notwithstanding the provisions in Section 155-4 of this Chapter, a determination of the Division Chief of the Rent Leveling & Stabilization office, of the legal rent for an apartment will not result in a credit or refund of any rents previously overpaid by a Tenant, if the following has occurred:

- A. The Landlord has served the Tenant with a full Disclosure Statement, as defined in Section 155-1, which fully set forth the Tenant's rights to request a legal rent calculation and to secure a rebate of any overpaid rents; and
- B. The Tenant had failed to request a legal rent calculation within two years from the receipt of the full Disclosure Statement; and
- C. Any existing tenant, duly served with the full Disclosure Statement shall be entitled to no more than a two (2) year rebate of overpaid rents as of the date of the tenant request for a rent rebate.

It will be the burden of the Landlord to demonstrate to the Division Chief of the Rent Leveling & Stabilization office, that a full Disclosure Statement was served and acknowledged by the Tenant, and that the two (2) year period within which to receive a rebate has since expired.

NOW, THEREFORE BE IT ORDAINED that:

- 1. The above recitals are incorporated herein as though fully set forth at length.
- 2. The Council of the City of Hoboken hereby authorizes the Mayor, or his designee to execute any and all documents and/or take any actions necessary to complete and realize the intent and purpose of this ordinance.
- 3. This ordinance shall be effective according to law.

We call for the City Council to repeal the above ordinance and if they fail to do so we call for the Hoboken City Clerk to submit the ordinance to the voters of Hoboken so that they might approve or reject it at the polls as provided for by law (N.J.S.A. 40:69A-184 et seq.).

COMMITTEE OF THE PETITIONERS:

Daniel Tumpson
230 Park Avenue
Hoboken, New Jersey

Annette E. Illing
1 Marine View Plaza
Hoboken, New Jersey

Cheryl Fallick
204 Third Street
Hoboken, New Jersey

Greg Ribot
1201 Garden Street
Hoboken, New Jersey

Russell Hoover
931 Garden Street
Hoboken, New Jersey

Exhibit "B"

| | | | |
|----|--|--|--------------------------------------|
| 1 | SIGNATURE OF HOBOKEN VOTER <i>Paul Hackett</i> | PRINT NAME Paul Hackett | ADDRESS 132 Bloomfield St #4 |
| 2 | SIGNATURE OF HOBOKEN VOTER <i>Emily Heatherly</i> | PRINT NAME HEATHERLY Emily Heatherly | ADDRESS 303 Jefferson St |
| 3 | SIGNATURE OF HOBOKEN VOTER <i>Annette Murch</i> | PRINT NAME ANNETTE MURCH | ADDRESS 55 Bloomfield St 3B |
| 4 | SIGNATURE OF HOBOKEN VOTER <i>Frances Chenel</i> | PRINT NAME FRANCES CHENEL | ADDRESS 2 MARINE VIEW PLAZA |
| 5 | SIGNATURE OF HOBOKEN VOTER <i>Anthony Poulin</i> | PRINT NAME Anthony Poulin | ADDRESS 450 7th St. AP 4E |
| 6 | SIGNATURE OF HOBOKEN VOTER <i>James Foster</i> | PRINT NAME James Foster | ADDRESS 332 Bloomfield |
| 7 | SIGNATURE OF HOBOKEN VOTER <i>Catherine Winters</i> | PRINT NAME WINTERS Catherine Winters | ADDRESS 533 Madison 3B |
| 8 | SIGNATURE OF HOBOKEN VOTER <i>B KAPASICK</i> | PRINT NAME <i>B. Kapasick</i> | ADDRESS 209 Willow Ave |
| 9 | SIGNATURE OF HOBOKEN VOTER <i>Joanne Kopp</i> | PRINT NAME KOPP JOANNE KOPP | ADDRESS 1106 GARDEN ST |
| 10 | SIGNATURE OF HOBOKEN VOTER <i>Fucci</i> | PRINT NAME FUCCI | ADDRESS 1 MVP (MARINE VIEW PLAZA) |
| 11 | SIGNATURE OF HOBOKEN VOTER <i>Louis Stenerson</i> | PRINT NAME Louis Stenerson | ADDRESS 424 Bloomfield St |
| 12 | SIGNATURE OF HOBOKEN VOTER <i>Susan Mondra</i> | PRINT NAME Susan Mondra | ADDRESS 715 Willow Ave |
| 13 | SIGNATURE OF HOBOKEN VOTER <i>Vinko Perkov</i> | PRINT NAME VINKO PERKOVIC | ADDRESS 315 WASHINGTON ST |
| 14 | SIGNATURE OF HOBOKEN VOTER <i>Nikola Skrivanic</i> | PRINT NAME NIKOLA SKRIVANIC | ADDRESS 807 GARDEN ST. |
| 15 | SIGNATURE OF HOBOKEN VOTER <i>Michael Hoffmann</i> | PRINT NAME HOFFMANN Michael Hoffmann | ADDRESS 821 Clinton St #16 |
| 16 | SIGNATURE OF HOBOKEN VOTER <i>Francisco Marrero</i> | PRINT NAME Francisco Marrero | ADDRESS 314-9TH ST-10D |
| 17 | SIGNATURE OF HOBOKEN VOTER <i>Stephen Darago</i> | PRINT NAME STEPHEN DARAGO | ADDRESS #1 MARINE VIEW PLAZA |
| 18 | SIGNATURE OF HOBOKEN VOTER <i>Lynn Becker</i> | PRINT NAME LYNN BECKER | ADDRESS 1043 Bloomfield St #1 |
| 19 | SIGNATURE OF HOBOKEN VOTER <i>Mark P Sullivan</i> | PRINT NAME Mark P Sullivan | ADDRESS 619 Bloomfield St #3 |
| 20 | SIGNATURE OF HOBOKEN VOTER <i>Sharon Danner</i> | PRINT NAME Sharon Danner | ADDRESS 502 Bloomfield #3 |
| 21 | SIGNATURE OF HOBOKEN VOTER <i>Lorraine Puro</i> | PRINT NAME LORRAINE PURO | ADDRESS 823 WASH. ST #2 |
| 22 | SIGNATURE OF HOBOKEN VOTER <i>Rose Martin</i> | PRINT NAME ROSE MARTIN | ADDRESS 823 WASH ST. #2 |
| 23 | SIGNATURE OF HOBOKEN VOTER <i>Jane Zeff</i> | PRINT NAME JANE ZEFF | ADDRESS 106 SIXTH ST #3 |
| 24 | SIGNATURE OF HOBOKEN VOTER <i>Andrew Wudling</i> | PRINT NAME Andrew Wudling | ADDRESS 261 12th St. #5A |
| 25 | SIGNATURE OF HOBOKEN VOTER <i>Catherine Tilford</i> | PRINT NAME Catherine Tilford | ADDRESS 261 12th St # 5A |

COUNTY OF HUDSON)
)
) SS:
)
STATE OF NEW JERSEY)

AFFIDAVIT OF CIRCULATOR

DANIEL TUMPSON, of full age being duly sworn upon his her oath
according to law, deposes and says:

1. I, and only I, personally circulated the foregoing petition paper.
2. All the signatures appended to the foregoing petition paper were made in my presence,
and I believe them to be the genuine signatures of the persons whose names they purport to be.

(sign name)

Daniel Tumpson

(print name)

DANIEL TUMPSON

Sworn to and subscribed

before me this 6th day

of NOVEMBER, 2005.

Norman Jay Rosenblum

Norman Jay Rosenblum

Attorney at Law of the State of New Jersey

Renee Steinhagen, Esq.
NEW JERSEY APPLESEED
PUBLIC INTEREST LAW CENTER, INC.
744 Broad Street, 1600
Newark, New Jersey 07102
(973) 735-0523

Flavio L. Komuves, Esq.
ZAZZALI, FAGELLA, NOWAK, KLEINBAUM & FRIEDMAN
One Riverfront Plaza, Suite 320
Newark, New Jersey 07102
(973) 623-1822

DANIEL TUMPSO, RUSSELL HOOVER,
ERIC VOLPE, CHERYL FALLICK, and
JOEL HORWITZ ("COMMITTEE OF
PETITIONERS"),

Plaintiffs-Respondents,

-vs.-

JAMES FARINA, in his capacity as Hoboken
City Clerk, and the CITY OF HOBOKEN,

Defendants-Appellants,

And

MILE SQUARE TAXPAYER ASSOCIATION
2009, INC., GINA DeNARDO, Individually and
on behalf of all similarly situated and 611-613
LLC, individually and on behalf of all similarly
Situating,

Intervenors-Appellants.

X

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION

:
: Docket No. L-2375-11

:
: CERTIFICATION OF
: DANIEL TUMPSO

:
: X

DANIEL TUMPSO, of full age, certifies as follows:

1. I am one of the plaintiffs in the above-referenced action, which challenges actions and inactions of the Hoboken City Clerk regarding an initiative and referendum petition challenging the City Council's adoption of Ordinance Z-88.

2. With the support and assistance of several colleagues and supporters, namely, Cheryl Fallick, Laurie Parsons, Eileen Lynch and Eric Volpe, I conducted a review of the

petitions submitted by the Committee of Petitioners (COP) to determine whether defendant James Farina, Clerk of the City of Hoboken, ("Farina") wrongfully disqualified any of the 2,314 signatures contained on the petitions that the COP submitted on March 30, 2011 and April 11, 2011. My analysis did not include any of the court-allowed petitions submitted on July 18, 2011.

3. Of the 2,314 signatures submitted, Farina disqualified 749 of them. **After careful study, I determined that over half, or least 381 of those signatures, were wrongfully disqualified.**

4. As I explain more fully below, my study revealed that at least 135 signatures had no visible reason whatsoever why they were disqualified; at least an additional 108 signatures were wrongfully disqualified even though they were clearly identifiable as person who was and is duly registered to vote in Hoboken. Additionally, I located at least 35 additional signatures that were wrongfully disqualified because the signer used a variant form of their name. I also found at least 16 other disqualification for miscellaneous reasons detailed below. Finally, I identified 87 persons whose signatures were wrongfully disqualified because they had moved within Hoboken (i.e., their voter registration of record differed from their present address).

5. Methodology. My colleagues and I first obtained two documents: One was the petitions as turned in by the COP, with the City Clerk's markings on them about which signatures were disqualified. We obtained these petitions through an Open Public Records Act (OPRA) request filed with the City Clerk. This consists of 109 pages. Second was an electronic version of the voter registration rolls, obtained from the Hudson County Clerk, showing those voters registered within Hoboken, and organized alphabetically by voter last name. This document is several hundred pages long and is not provided as an exhibit due to its length, although an electronic or paper copy can be provided at the request of the Court or the parties.

6. Utilizing these two documents, we generated a spreadsheet that contains the list of at least 381 signatures of registered Hoboken voters that we have determined were eligible to sign the referendum petition yet had their signatures wrongfully disqualified by the Hoboken City Clerk.

7. The first column of the spreadsheet (Col. A) is simply a sequential number used for reference. The next two columns (Cols. B and C) contain the names and addresses of the petition signers as they appear on the petition. Where one or more letters in the name or address were of questionable legibility, we placed question marks in place of those letters.

8. Columns E and F show the petition page number and the signature line where the disqualified voter had signed the petition.

9. Column G states the reason for the disqualification of the signature given by Farina. For example, column G may state "N/F," meaning "not found," or "moved" or some other purported justification.

10. Finally, Columns H and I show the names and addresses for that voter that we found on the aforementioned Hoboken voter roll. These fields were copied and pasted directly from the selected voter's name and address listed on the voter roll.

11. In column J, "Additional Qualifying Information" we state and categorize the reason why the signature is valid. In particular, all of the 381 signatures listed on the spreadsheet were legal Hoboken voters, and clearly identifiable as such using the petition and the voter rolls. The subcategories of these legal voters are as follows:

a. No visible reason to disqualify - there are no imperfections in the petition information that would prevent identification of the signer as a registered Hoboken Voter from the Hoboken Voter Roll (n=135);

b. Identifiable as registered voter or Identifiable as registered Hoboken voter - the petition information is sufficient to identify the signer as a registered Hoboken Voter from information in the Hoboken Voter Roll (n=108);

c. Moved within Hoboken -- addresses on petition and voter roll differ but are both in Hoboken (n=87); this includes two individuals who also should not have been disqualified due to variant form of name;

d. Variant form of name -- first name on voter registration rolls and the petition are different but can be seen to be the same person (e.g. Jack instead of John, Bob instead of Robert, etc. (n=35); this includes two individuals who also should not have been disqualified due to having moved within Hoboken;


e. County Record Mistake -- county roll information appears to be incorrect (n=9)

f. Hyphenated surname -- signer only gave one of two hyphenated names on Voter Roll (n=5)

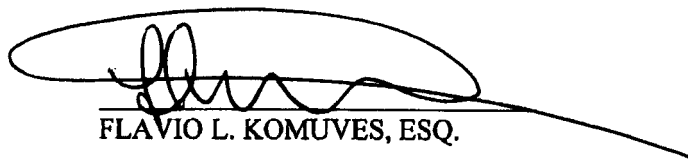
g. Information clear but reversed -- signature and printed name and address box were both present but reversed (n=2);

12. Based on the foregoing, we conclude that city clerk James Farina wrongfully excluded the signatures of no less than 381 voters who lawfully signed the referendum petitions submitted March 30, 2011 and April 11, 2011.

I certify the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, that I am subject to punishment.


DANIEL TUMPSON

The undersigned certifies that the signer of the above facsimile signature acknowledged to the undersigned the genuineness of the signature and that the document or a copy with an original signature affixed will be filed if requested by the court or a party.


FLAVIO L. KOMUVES, ESQ.

EXHIBITS OMITTED

Analytical spreadsheet

| Name As Printed on Petition | Address on Petition | Did Signer Print His Name/Address? | | Signature # | Disqualification Reason Given | Voter Roll Name | Voter Roll Address | Additional Qualifying Information |
|------------------------------|----------------------------|------------------------------------|----|-------------|-------------------------------|--------------------------|-----------------------|-----------------------------------|
| | | Yes | No | | | | | |
| 1 Kevin Riebesell | 1000 Jefferson St | Yes | | 1 | 3 N/F | RIEBESSELL, KEVIN, M | 1000 JEFFERSON ST 435 | Identifiable as Hoboken voter |
| 2 Kat?m Miller | 226 Monroe Street | Yes | | 1 | 4 N/F | MILLER, KATHERINE, P | 226 MONROE ST 1N | Identifiable as registered voter |
| 3 Louis J. Seirio | 15 Church Towers | Yes | | 1 | 6 N/F | SEIRIO, LOUIS, J | 15 CHURCH TWRS 1M | Identifiable as registered voter |
| 4 Beatriz Fernandez-Ocampo | 63 8th Street | Yes | | 2 | 5 N/F | OCAMPO, BEATRIZ, M | 63 8TH ST 3 | Hyphenated surname |
| 5 Mary Rooney | 700 Willow Ave | Yes | | 2 | 6 N/F | ROONEY, MARY | 700 WILLOW AVE 2L | Information clear but reversed |
| 6 Kate Bruce | 609 Park Ave., Apt. 7 | Yes | | 2 | 10 N/F | BRUCE, KATHERINE, B | 609 PARK AVE 7 | Variant form of name |
| 7 Megan Troxel | 307 2nd St #1 | Yes | | 2 | 11 N/F | TROXEL, MEGAN, L | 307 2ND ST 1 | Identifiable as registered voter |
| 8 Elizabeth Falco | 415 Washington Street | Yes | | 2 | 13 N/F | FALCO, ELIZABETH, R | 415 WASHINGTON ST | No visible reason to disqualify |
| 9 Walter Sparacino | 460 8th St. Apt. 7-G | Yes | | 2 | 15 N/F | SPARACINO, WALTER, A | 460 8TH ST 7G | No visible reason to disqualify |
| 10 Chris J. Gibson | 404 Washington St. top fl. | Yes | | 2 | 16 N/F | GIBSON, CHRISTOPHER | 404 WASHINGTON ST | Variant form of name |
| 11 Bonnie Toadwyn | 807 Willow 3 L | Yes | | 2 | 21 N/F | TOADWYN, BONNIE, J | 807 WILLOW AVE 3L | No visible reason to disqualify |
| 12 Scott Reiter? | 537 Park Ave., #1 | Yes | | 2 | 24 N/F | REITER, SCOTT | 527 PARK AVE | Identifiable as registered voter |
| 13 James D. Narron | 300 Grand St., #531 | Yes | | 2 | 25 N/F | NARRON, JAMES, D | 300 GRAND ST 531 | No visible reason to disqualify |
| 14 Jason R. Villaluz | 207 7th Street | Yes | | 3 | 2 N/F | VILLALUZ, JASON, R | 207 7TH ST | Identifiable as registered voter |
| 15 Rajat Dhali | 1107 Grand St. # 7 | Yes | | 3 | 3 N/F | DHALL, RAJAT, P | 1107 GRAND ST 7 | No visible reason to disqualify |
| 16 E?ica Ringer | 18 Willow Terrace | Yes | | 3 | 4 N/F | RINGER, ERICA, B | 18 WILLOW TER | Identifiable as registered voter |
| 17 Jennifer Ehrhardt | 130 Jefferson St. | Yes | | 3 | 6 N/F | EHRLHARDT, JENNIFER, L | 1023 WASHINGTON ST 2 | Moved within Hoboken |
| 18 Matthew Giarratano | 250 3rd Street | Yes | | 3 | 7 N/F | GIARRATANO, MATTHEW, A | 250 3RD ST 4 | No visible reason to disqualify |
| 19 Carmen Rosario | 209 Willow | Yes | | 3 | 14 N/F | ROSARIO, CARMEN, C | 209 WILLOW AVE J | Identifiable as registered voter |
| 20 Jon Auerbach | 530 Madison St #5a | Yes | | 3 | 19 N/F | AUERBACH, JON, K | 530 MADISON ST 5-A | Identifiable as registered voter |
| 21 Ignatios Paul Koutouzakis | 650 1st St. #5 | Yes | | 3 | 23 N/F | KOUTOUZAKIS, IGNATIOS, P | 650 1ST ST 5 | No visible reason to disqualify |
| 22 Michael D'imperio | 800 Park Ave. 2R | Yes | | 3 | 25 N/F | DIMPERIO, MICHAEL, J | 800 PARK AVE 2R | No visible reason to disqualify |
| 23 Richard Ficken | 514 Madison St | Yes | | 4 | 2 N/F | FICKEN, RICHARD, J | 514 MADISON ST 605 | Identifiable as registered voter |
| 24 Pat McDonough | 133 Jackson St | Yes | | 4 | 6 N/F | MCDONOUGH, PATRICK, J | 133 JACKSON ST 2A | Variant form of name |
| 25 Margarita Oquendo | 1000 Clinton St | Yes | | 4 | 7 N/F | OQUENDO, MARGARITA | 1000 CLINTON ST 2J | Identifiable as registered voter |
| 26 Stephen Henderson | 818 Jefferson St #4A | Yes | | 4 | 14 N/F | HENDERSON, STEPHEN, M | 1100 JEFFERSON ST 503 | Moved within Hoboken |
| 27 Thomas Schulze | 243 Garden | Yes | | 4 | 15 N/F | SCHULZE, THOMAS, J | 243 GARDEN ST 1 | No visible reason to disqualify |
| 28 Charlotte Klein | 610 2nd St. Apt 3R | Yes | | 4 | 18 N/F | KLEIN, CHARLOTTE, H | 227 ADAMS ST 20A | Moved within Hoboken |
| 29 Kristen Donohue | 714 Grand Apt 4 | Yes | | 4 | 19 N/F | DONOHUE, KRISTEN, M | 714 GRAND ST 4 | No visible reason to disqualify |

| | | | | | | | |
|-----------------------|------------------------|-----|----|--------|------------------------|------------------------|----------------------------------|
| 30 Sean Fitzpatrick | 7 15 Adams Apt 1 | Yes | 4 | 20 N/F | FITZPATRICK, SEAN | 715 ADAMS ST 1 | No visible reason to disqualify |
| 31 Arianna O'Sullivan | 219 Monroe St #2 | Yes | 4 | 23 N/F | OSULLIVAN, ARIANNA, M | 219 MONROE ST 2 | No visible reason to disqualify |
| 32 Ann Fisher | 612 Hudson St | Yes | 4 | 25 N/F | FISHER, ANN, B | 612 HUDSON ST GRD FL | No visible reason to disqualify |
| 33 Stephanie Santiago | 320 Jackson St Apt 192 | Yes | 5 | 16 N/F | SANTIAGO, STEPHANIE, N | 320 JACKSON ST 192 | No visible reason to disqualify |
| 34 Mike Stigliano | 804 Hudson Apt 1 | No | 6 | 5 N/F | STIGLIANO, MICHAEL, V | 804 HUDSON ST 1 | Variant form of name |
| 35 Vincent Laurenvano | 600 Willow | No | 6 | 12 N/F | LAURENZANO, VINCENT, C | 1010 PARK AVE | Moved within Hoboken |
| 36 Mike Cascetta | 743 Park | No | 6 | 16 N/F | CASCETTA, MICHELE | 743 PARK AVE 2L | Identifiable as registered voter |
| 37 Bill Gorton | 401 Monroe | No | 6 | 21 N/F | GORTON, WILLIAM, JR. | 401 MONROE ST 1R | Variant form of name |
| 38 Mike Magalotti | 84 Jefferson | No | 6 | 24 N/F | MAGALOTTI, MICHAEL, R | 84 JEFFERSON ST 6B | Variant form of name |
| 39 Jackie Napoleon | 604 Adams | No | 6 | 25 N/F | NAPOLEON, JERONE, J | 604 ADAMS ST 8 | Variant form of name |
| 40 Vincent Mastandrea | 2-12 12th St | No | 7 | 4 N/F | MASTANDREA, VINCENT | 2 12TH ST 17 | Identifiable as registered voter |
| 41 Maggie Sarachek | 30 Willow Ter | No | 7 | 6 N/F | SARACHEK, MARGO, A | 30 WILLOW TER | Variant form of name |
| 42 Vincent Rodriguez | 513 Monroe | No | 7 | 7 N/F | RODRIGUEZ, VINCENT | 262 11TH ST 2A | Moved within Hoboken |
| 43 Raul Sanguinetti | 235 Hudson | No | 7 | 12 N/F | SANGUINETTI, RAUL | 314 HARRISON ST | Moved within Hoboken |
| 44 Michelle Hall | 717 Clinton Apt 15 | No | 7 | 16 N/F | HALL, MICHAEL | 717 CLINTON ST 15 | County record mistake |
| 45 Jacky Renner | 358 14th | No | 7 | 17 N/F | RENNER, JACQUELIN, N | 358 14TH ST 1 | Variant form of name |
| 46 John Heidenny | 510 Park | No | 8 | 12 N/F | HEIDENRY, JOHN, M | 510 PARK AVE 1 | No visible reason to disqualify |
| 47 Paul Oldakowski | 708 Garden | No | 8 | 13 N/F | OLDAKOWSKI, PAUL, J | 708 GARDEN ST 3 | No visible reason to disqualify |
| 48 Bill Emmons | 734 Bloomfield | No | 8 | 14 N/F | EMMONS, WILLIAM, J | 734 BLOOMFIELD ST BSMT | Variant form of name |
| 49 Anne Kelley | 708 Willow | No | 8 | 21 N/F | KELLY, ANNE, T | 708 WILLOW AVE 3A | No visible reason to disqualify |
| 50 Wannsee Merced | 1202 Hudson Apt 403 | No | 9 | 7 N/F | MERCEDES, WANNSEE, L | 1208 HUDSON ST 508 | Moved within Hoboken |
| 51 Meg Murray | 1011 Park | No | 9 | 10 N/F | MURRAY, MARGARET, C | 1011 PARK AVE 5L | Variant form of name |
| 52 Tanya Mujita | 704 Clinton | No | 9 | 21 N/F | MUJICA, TANYA | 704 CLINTON ST 3-C | Identifiable as registered voter |
| 53 Jacqueline Simek | 528 Garden | No | 9 | 22 N/F | SIMEK, JACQUELIN | 528 GARDEN ST 4 | Identifiable as registered voter |
| 54 Yelena Pevzner | 321 Adams | No | 10 | 2 N/F | PEVZNER, HELEN, Y | 321 ADAMS ST 8 | Variant form of name |
| 55 Dante Cianni | 817 Park #9 | No | 10 | 3 N/F | CIANNI, DANTE, P | 817 PARK AVE 9 | No visible reason to disqualify |
| 56 Jaime O'Connor | 1118 Adams | No | 10 | 5 N/F | O'CONNOR, JAIME, B | 1118 ADAMS ST | No visible reason to disqualify |
| 57 Steve Shanwald | 908 Park | No | 10 | 14 N/F | SHANWALD, STEVEN, ROSS | 303 JEFFERSON ST 630 | Moved within Hoboken |
| 58 Vic Lecar | 523 Willow | No | 10 | 19 N/F | LECAR, VIC | 533 MONROE ST 5D | Moved within Hoboken |
| 59 Michelle Page | 10 Church Towers | No | 10 | 20 N/F | PAGE, MICHELE | 10 CHURCH TWRs 5L | Identifiable as registered voter |

| | | | | | | | |
|-------------------------|------------------------|-----|----|----------------|----------------------------|------------------------|----------------------------------|
| 60 Francisco Quiroz | 311 13th St | No | 10 | 21 N/F | QUIROZ, FRANCISCO, | 311 13TH ST 71 | Identifiable as registered voter |
| 61 Mike Biggs | 715 Clinton | No | 11 | 1 N/F | BIGGS, MICHAEL, W | 715 CLINTON ST 17 | Variant form of name |
| 62 Christopher M Evans | 536 Grand St Apt 404 | Yes | 12 | 1 N/F | EVANS, CHRISTOPHER, M | 536 GRAND ST 404 | No visible reason to disqualify |
| 63 Rebecca Ramirez | 222 Grand St. 4F | Yes | 12 | 5 N/F | RAMIREZ, REBECA | 222 GRAND ST 4F | No visible reason to disqualify |
| 64 Dorka Ghigliotti | 1121 Jefferson St | Yes | 13 | 3 N/F | GHYLIOTTI, DORKA | 1121 JEFFERSON ST W308 | County record mistake |
| 65 Peter Startz | 830 Madison | Yes | 13 | 4 N/F | STARTZ, PETER, C | 830 MADISON ST 628 | Identifiable as registered voter |
| 66 Rudy Praylow | 530 Jackson St | Yes | 13 | 5 N/F | PRAYLOW, RUDY, G | 530 JACKSON ST 2A | County record mistake |
| 67 Kelly Marzullo | 1500 Washington St #1D | Yes | 13 | 6 N/F | GEIER-MARZULLO, KELLY, A | 1500 WASHINGTON ST 1D | Hyphenated surname |
| 68 WJ Thistlewaite | 906 Willow Ave | Yes | 13 | 7 N/F | THISTLETHWAITE, WILLIAM, J | 906 WILLOW AVE 2 | County record mistake |
| 69 Renda Zeibaq | 830 Monroe St Apt 2i | Yes | 13 | 14 N/F | ZEILBAQ, RENDA, L | 830 MONROE ST 2i | Identifiable as registered voter |
| 70 Neely DePierola | 1000 Clinton St Apt 2G | Yes | 13 | 15 N/F | DEPIEROLA, NELLY, A | 1000 CLINTON ST 2G | No visible reason to disqualify |
| 71 Carmen M Pagan | 218 Harrison St Apt 21 | Yes | 13 | 18 N/F | PAGAN, CARMEN, M | 218 HARRISON ST 2-A | No visible reason to disqualify |
| 72 Dawnette L. Edgerton | 727 Monroe St #307 | Yes | 13 | 19 N/F | EDGERTON, DAWNETTE, L | 727 MONROE ST 307 | No visible reason to disqualify |
| 73 Suzanne Ausnit | 824 Bloomfield St | Yes | 13 | 23 N/F | AUSNIT-SALAJ, SUZANNE, E | 824 BLOOMFIELD ST | Identifiable as registered voter |
| 74 Bruce E. Walsh | 824 Washington St ?? | Yes | 13 | 25 N/F | WALSH, BRUCE, E | 824 WASHINGTON ST A | Identifiable as registered voter |
| 75 Erin Moharita | 744 Park Ave | Yes | 14 | 3 N/F | MOHARITA, ERIN, K | 744 PARK AVE SR | Identifiable as registered voter |
| 76 Mike Gallo | 804 Castle Point | Yes | 14 | 8 N/F | GALLO, MICHAEL, J | 804 CASTLE POINT TER | Variant form of name |
| 77 Patricia Roca | 1229 Park Ave | Yes | 14 | 9 N/F | ROCA, PATRICIA, C | 1229 PARK AVE | Identifiable as registered voter |
| 78 Dana Ash | 800 Jefferson St | Yes | 14 | 12 D/F? or N/F | ASH, DANA, R | 800 JEFFERSON ST 4-A | No visible reason to disqualify |
| 79 Chris Dunn | 1203 Willow Ave | Yes | 14 | 14 D/A or N/F | DUNN, CHRISTOPHER, P | 815 WILLOW AVE 4-R | Moved within Hoboken |
| 80 Silia Ruiz | 105-13th Street | Yes | 14 | 15 N/F | RUIZ, CELIA | 105 13TH ST 5A | County record mistake |
| 81 Felipe Lo?z | 917 Clinton St | Yes | 14 | 16 N/F | LOPEZ, FELIPE | 917 CLINTON ST 2D | Identifiable as registered voter |
| 82 Neville Fenton | 1101 Adams St 77 | Yes | 14 | 21 N/F | FENTON, NEVILLE, M | 1101 ADAMS ST 507 | Identifiable as registered voter |
| 83 Salvatore Vargo | 800 Jackson Apt 705 | Yes | 14 | 22 N/F | VARGO, SALVATORE | 800 JACKSON ST 705 | Identifiable as registered voter |
| 84 Evan Ack?ann | 831 Monroe | Yes | 15 | 6 N/F | ACKMANIN, EVAN, R | 831 MONROE ST 412 | Identifiable as registered voter |
| 85 Alison Borell | 1133 Bloom | Yes | 15 | 10 N/F | DOVIK-BORELLI, ALISON | 1133 BLOOMFIELD ST | Hyphenated surname |
| 86 Gilda Mellado | 915 Clinton St Apt 5c | Yes | 15 | 14 N/F | BEJARANO-MELLADO, GILDA | 915 CLINTON ST 5C | Hyphenated surname |
| 87 Jeremy Piques | 523 Bloomfield | Yes | 15 | 17 N/F | PIQUES, JEREMY, J | 523 BLOOMFIELD ST 4 | No visible reason to disqualify |
| 88 Danielle Weitzner | 1101 Adams St | Yes | 15 | 22 N/F | WEITZNER, DANIELLE, A | 1101 ADAMS ST 512 | No visible reason to disqualify |
| 89 Michael Hood | 935 Bloomfield St | Yes | 15 | 24 N/F | HOOD, MICHAEL, J | 935 BLOOMFIELD ST | No visible reason to disqualify |

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|--------------------------|----------------------------|-----|----|----------|--------------------------|-----------------------|----------------------------------|
| 90 Nancy Enright | 917 Wash St | Yes | 15 | 25 N/F | ENRIGHT, NANCY, H | 917 WASHINGTON ST 3 | Identifiable as registered voter |
| 91 Jodi Van Slyck | 1125 Maxwell Land Unit 288 | Yes | 16 | 1 N/F | VAN-SLYCK, JODI, R | 1125 MAXWELL LN 228 | No visible reason to disqualify |
| 92 Beth Skolnick | 1201 Adams St #316 | Yes | 16 | 4 N/F | SKOLNICK, BETH, R | 1201 ADAMS ST 316 | No visible reason to disqualify |
| 93 Brittany O'Neill | 1013 Park Ave | Yes | 16 | 7 N/F | O'NEILL, BRITTANY, T | 1122 GRAND ST 606 | Moved within Hoboken |
| 94 Luis Mendoza | 1121 Jefferson Apt 206 | Yes | 16 | 22 N/F | MENDOZA, LUIS, E | 1121 JEFFERSON ST 206 | No visible reason to disqualify |
| 95 Cassie Andre | 830 Madison | Yes | 17 | 4 N/F | ANDRE, CASSIE, L | 831 MONROE ST 322 | Moved within Hoboken |
| 96 Maritza Muniz | 1118 Adams St E 601 | Yes | 17 | 5 N/F | MUNIZ, MARITZA | 1118 ADAMS ST 601-E | Identifiable as registered voter |
| 97 Monick Ruffin-Andino | 1118 Adam St | Yes | 17 | 13 N/F | RUFFIN-ANDINO, MONICK, S | 1118 ADAMS ST 401 | No visible reason to disqualify |
| 98 Carmen A'ayon | 400 First St GR? | Yes | 17 | 21 N/F | ALAYON, CARMEN, G | 400 1ST ST | Identifiable as registered voter |
| 99 Lisa Farrell Sprengle | 670 Jackson 418 E | Yes | 17 | 23 N/F | FARRELL, LISA, A | 600 JACKSON ST 418E | Identifiable as registered voter |
| 100 Vanetta Ritzer? | 501 Marshall Dr 6D | Yes | 17 | 26 N/F | RIVERA, VANETTA, T | 501 MARSHALL DR 6D | Identifiable as registered voter |
| 101 Alexandra Coen | 723 Willow Ave 1N | Yes | 18 | 3 N/F | COEN, ALEXANDRA, M | 723 WILLOW AVE 1N | No visible reason to disqualify |
| 102 Pam Thalund | 456 9th St | Yes | 18 | 5 N/F | THALUND, PAMELA, L | 456 9TH ST 11 | No visible reason to disqualify |
| 103 Amy Rozgony | 536 Grand St #506 | Yes | 18 | 12 N/F | ROZGONY, AMY, A | 536 GRAND ST 506 | No visible reason to disqualify |
| 104 Yu-Hsuan Tsai | 68 Park Ave #5 | Yes | 18 | 19 N/F | TSAI, YU-HSUAN | 68 PARK AVE 5 | No visible reason to disqualify |
| 105 Heather Palzer | 420 Jefferson St Apt 2c | Yes | 19 | 1 N/F | PALMER, HEATHER, A | 420 JEFFERSON ST | Identifiable as registered voter |
| 106 Sara Merrin | 222 Clinton St Unit 14 | Yes | 19 | 7 N/F | MERRIN, SARA, F | 222 CLINTON ST 14 | No visible reason to disqualify |
| 107 Michael Pinsky | 267 5th St, #3E | Yes | 19 | 8 N/F | PINSKY, MICHAEL | 264 5TH ST 3E | Identifiable as registered voter |
| 108 Christian Pescatore | 97 Washington St #3 | Yes | 19 | 23 N/F | PESCATORE, CHRISTIAN, P | 97 WASHINGTON ST 3 | No visible reason to disqualify |
| 109 Jeffrey M. Caldwell | 351 8th St., #412 | Yes | 20 | 1 N/F | CALDWELL, JEFFREY, M | 351 8TH ST 412 | No visible reason to disqualify |
| 110 Amy R7se | 230 Park Ave | Yes | 20 | 7 N/F | ROSE, AMY, N | 230 PARK AVE 2L | Identifiable as registered voter |
| 111 Mitchell Pielock | 722 Willow | Yes | 20 | 8 N/F | PIELOCK, MICHAEL, E | 722 WILLOW AVE 7 | Identifiable as registered voter |
| 112 Un Chi Sweeney | 618 Bloomfield St | Yes | 20 | 15 N/F | SWEENEY, UN, C | 618 BLOOMFIELD ST 2 | No visible reason to disqualify |
| 113 Christopher Wiegand | 81 Monroe St #4 | Yes | 20 | 16 N/F | WIEGAND, CHRISTOPHER, J | 81 MONROE ST 4 | No visible reason to disqualify |
| 114 Sean Dosil | #1 MVP # 19 F | Yes | 20 | 19 N/F | DOSIL, SEAN | 1 MARINE VIEW PLZ 19F | No visible reason to disqualify |
| 115 Margaret Stigliano | 122 Adams St third floor | Yes | 20 | 21 N/F | STIGLIANO, MARGARET, J | 122 ADAMS ST 3RD FLR | No visible reason to disqualify |
| 116 Mary Grech | 107 Willow Ave | Yes | 20 | 22 N/F | GRECH, MARY, C | 107 WILLOW AVE | No visible reason to disqualify |
| 117 Nancy Andrews | 1000 Madison St | Yes | 21 | 12 Moved | ANDREWS, NANCY, M | 1001 MADISON ST 201 | Moved within Hoboken |
| 118 Monica Davis | 655 6th St. | Yes | 21 | 20 ? | DAVIS, MONICA, C | 655 6TH ST 3-E | No visible reason to disqualify |
| 119 Brian Krupkin | 300 Newark | Yes | 21 | 23 Moved | KRUPKIN, BRIAN | 1300 PARK AVE 2L | Moved within Hoboken |

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|-------------------------|------------------------|-----|----|----------|------------------------------|-------------------------|---------------------------------|
| 120 Jay Morales | 312 Harrison | Yes | 22 | 6 Moved | MORALES, JAY, H | 655 6TH ST | Moved within Hoboken |
| 121 Sergio Neissen | 99 Park Ave | Yes | 23 | 4 N/F | NEISSEN, SERGIO, J | 99 PARK AVE 3D | No visible reason to disqualify |
| 122 Eloy Vera | 1312 Bloomfield Apt 3E | Yes | 23 | 6 Moved | VERA, ELOY | 75 BLOOMFIELD ST 1S | Moved within Hoboken |
| 123 John Watkins | 324 Park Ave - Bmnt | Yes | 23 | 8 Moved | WATKINS, JOHN, J | 218 GARDEN ST 1 | Moved within Hoboken |
| 124 Sarah Bachus | 162 2nd St | Yes | 23 | 14 Moved | BACHUS, SARAH, W | 329 WASHINGTON ST APT 3 | Moved within Hoboken |
| 125 Mallory Corbin | 919 Park Ave | Yes | 24 | 2 Moved | CORBIN, MALLORY, A | 800 MADISON ST 407 | Moved within Hoboken |
| 126 Kevin Johnson | 267 1st St | Yes | 24 | 3 Moved | JOHNSON, KEVIN, C | 1500 WASHINGTON ST 2V | Moved within Hoboken |
| 127 Danielle Dudek | 557 2nd St | Yes | 24 | 9 Moved | DUDEK, DANIELLE, S | 835 CASTLE POINT TER | Moved within Hoboken |
| 128 Patrick Bailey | 619 Bloomfield St | Yes | 24 | 10 Moved | BAILEY, PATRICK, A | 619 BLOOMFIELD ST | No visible reason to disqualify |
| 129 Jacqueline Gus?ott | 1203 Washington St | Yes | 24 | 25 N/F | GUSCOTT, JACQUELIN, M | 1203 WASHINGTON ST | Identifiable as Hoboken voter |
| 130 Nereyda Bineda | 303 Jefferson Apt 423 | No | 25 | 23 N/F | PINEDA, NEREYDA, M | 303 JEFFERSON ST 423 | Identifiable as Hoboken voter |
| 131 Luis Ampudia | 303 Jefferson | No | 25 | 25 Moved | AMPUDIA, LUIS, H | 300 ADAMS ST 421 | Moved within Hoboken |
| 132 Debbie Devine | 416 Grand St 3c | ? | 26 | 23 Moved | DEVINE, DEBBIE | 218 7TH ST | Moved within Hoboken |
| 133 Frances Bucci | 303 Jefferson Apt 415 | No | 27 | 1 Moved | BUCCI, FRANCES | 300 ADAMS ST 504 | Moved within Hoboken |
| 134 Camille Fallon | 300 Adams St Apt 410 | No | 27 | 8 Moved | FALLON, CAMILLE | 303 JEFFERSON ST 520 | Moved within Hoboken |
| 135 Vivienne Ho | 1201 Hudson St # 903 | Yes | 29 | 2 Moved | HO, VIVIENNE, P | 161 13TH ST | Moved within Hoboken |
| 136 Iris Rodriguez | 60 12th St Apt # 3-A | Yes | 29 | 6 Moved | RODRIGUEZ, IRIS | 460 5TH ST 8C | Moved within Hoboken |
| 137 Crispino Muniz | 118 Adam 601 | Yes | 29 | 24 Moved | MUNIZ, CRISPINO, Jr. | 1121 JEFFERSON ST W407 | Moved within Hoboken |
| 138 Alfredo Posada | 917 Clinton St Apt 7-8 | Yes | 30 | 11 Moved | POSADA, ALFREDO | 915 CLINTON ST 7B | Moved within Hoboken |
| 139 Jessica Novak | 519 Madison Apt 3R | Yes | 31 | 15 Moved | NOYAK, JESSICA | 258 7TH ST | Moved within Hoboken |
| 140 George Posluga | 400 1st St ?? 5K | Yes | 31 | 22 N/F | POSLUGA, GEORGE | 400 1ST ST 5K | Identifiable as Hoboken voter |
| 141 Christine LaMonaca | 120 Willow Ave | No | 33 | 4 N/F | LAMONACA, CHRISTINE, R | 120 WILLOW AVE 5 | No visible reason to disqualify |
| 142 Michael Della torre | 416 Grand St #2B | No | 33 | 11 N/F | DELLA TORRE, MICHAEL, A, III | 416 GRAND ST 2B | No visible reason to disqualify |
| 143 Kimberly Schlusman | 153 14th St #8 | No | 33 | 12 N/F | SCHLUSSMAN, KIMBERLY, L | 153 14TH ST 8 | No visible reason to disqualify |
| 144 Alexandra Skuthan | 1009 Willow Ave #1R | No | 33 | 14 N/F | SKUTHAN, ALEXANDRA, C | 1009 WILLOW AVE 1R | No visible reason to disqualify |
| 145 Tom Ritter | 88 Clinton St #7 | No | 33 | 15 N/F | ITTER, THOMAS, F | 88 CLINTON ST 6 | Variant form of name |
| 146 Robert Nostkiewicz | 84 Jefferson St #4A | No | 33 | 20 N/F | NOSKIEWIEZ, ROBERT, J | 84 JEFFERSON ST 4A | Identifiable as Hoboken voter |
| 147 Amanda Amsted | 1020 Park Ave #3 | No | 34 | 5 N/F | ANSTED, AMANDA, C | 1029 PARK AVE 3 | Moved within Hoboken |
| 148 Jessica Rivera | 320 Jackson #34 | No | 34 | 19 ? | RIVERA, JESSICA | 419 MARSHALL DR 1A | Moved within Hoboken |
| 149 Jon Lynch | 318 Harrison St 1A | Yes | 34 | 23 N/F | LYNCH, JON-RODNEY | 318 HARRISON ST 1A | Information clear but reversed |

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|-------------------------|-------------------------|-----|----|--------|-------------------------|-----------------------|---------------------------------|
| 150 Gabrielle Schickler | 427 Garden St #1 | No | 35 | 12 N/F | SCHICKLER, GABRIELLE, J | 427 GARDEN ST 2 | Identifiable as Hoboken voter |
| 151 Lillian Barnwell | 1 MVP | Yes | 36 | 2 N/F | BARNWELL, LILLIAN, T | 1 MARINE VIEW PLZ 8D | Identifiable as Hoboken voter |
| 152 Rich Holden | 1 Marine View 19? | Yes | 36 | 10 N/F | HOLDEN, RICHARD, K | 1 MARINE VIEW PLZ 19E | Identifiable as Hoboken voter |
| 153 Jeannette Calle | 1 MVP 2-C | Yes | 38 | 14 N/F | URENA, JEANNETTE | 1 MARINE VIEW PLZ 2C | County record mistake |
| 154 Spiro Gavaris | 217 Clinton St | Yes | 39 | 7 N/F | GAVARIS, SPIRO, T | 814 WILLOW AVE 4R | Moved within Hoboken |
| 155 Alejandra Figueroa | 560 Marshall Dr. | Yes | 39 | 9 N/F | FIGUEROA, ALEJANDRA | 560 MARSHALL DR 3B | No visible reason to disqualify |
| 156 Javier Lopez | 5E 221 Jackson | Yes | 40 | 9 N/F | LOPEZ, JAVIER | 109 WILLOW AVE | Moved within Hoboken |
| 157 Lisa Christensen | 1031 Clinton St | Yes | 41 | 2 ? | CHRISTENSEN, LISA | 1031 CLINTON ST 3D | No visible reason to disqualify |
| 158 Susan Miller | 806 Washington St Apt 2 | Yes | 41 | 3 N/F | MILLER, SUSAN | 806 WASHINGTON ST 2 | No Visible reason to disqualify |
| 159 James Doyle | 806 Park Ave | Yes | 42 | 8 N/F | DOYLE, JAMES, F | 806 PARK AVE | No visible reason to disqualify |
| 160 Cheryl Stinerock | 214 Garden St #4 | Yes | 42 | 15 N/F | STINEROCK, CHERYL, L | 214 GARDEN ST 4 | No visible reason to disqualify |
| 161 Angel Roman | 701 Marshall Dr. | Yes | 43 | 8 ? | ROMAN, ANGEL | 60 12TH ST 6B | Moved within Hoboken |
| 162 Jessica Nearhood | 209 Park Ave Apt 1 | Yes | 43 | 15 ? | NEARHOOF, JESSICA, L | 632 PARK AVE B | Moved within Hoboken |
| 163 Ann Hjelle | 561 1st #1 | Yes | 44 | 1 N/F | HJELLE, ANN, M | 561 1ST ST 1 | No visible reason to disqualify |
| 164 Stephanie Stadig | 827 Willow #2 | Yes | 44 | 8 N/F | STADIG, STEPHANIE, A | 827 WILLOW AVE 2 | No visible reason to disqualify |
| 165 Karyn Kuhl | 312 Monroe St | Yes | 45 | 1 N/F | KUHL, KARYN, L | 312 MONROE ST | No visible reason to disqualify |
| 166 V Amato | 419 Jefferson St | Yes | 45 | 4 N/F | AMATO, VINCENT, F | 419 JEFFERSON ST 2L | Identifiable as Hoboken voter |
| 167 Jennifer Adams | 807 Clinton St #23 | Yes | 46 | 3 ? | ADAMS, JENNIFER, L | 913 GARDEN ST | Moved within Hoboken |
| 168 Christina Koury | 125 Clinton St Apt 6 | Yes | 46 | 5 N/F | KOURY, CHRISTINA, E | 125 CLINTON ST 6 | Identifiable as Hoboken voter |
| 169 Robert Goodwin | 311 Harrison St Apt 4 | Yes | 46 | 11 N/F | GOODWIN, ROBERT | 320 MARSHALL DR 7D | Moved within Hoboken |
| 170 Lisa Rigoux-Hoppe | 828 Bloomfield | Yes | 47 | 15 N/F | RIGOUX-HOPPE, LISA | 828 BLOOMFIELD ST | No visible reason to disqualify |
| 171 Todd Clear | 1223 Bloomfod | Yes | 47 | 23 N/F | CLEAR, TODD, R | 1223 BLOOMFIELD ST | Identifiable as Hoboken voter |
| 172 Alexis Irlen | 300 Hudson St #7 | Yes | 48 | 2 N/F | IRLEN, ALEXIS, A | 300 HUDSON ST 7 | No visible reason to disqualify |
| 173 Nick Calaro | 600 Willow | Yes | 48 | 3 N/F | CAFARO, NICOLA | 559 5TH ST | Moved within Hoboken |
| 174 Vanessa Tregena | 1110 Clinton St | Yes | 50 | 9 N/F | TREGENZA, VANESSA | 1110 CLINTON ST 26 | Identifiable as Hoboken voter |
| 175 Marcy Gupta | 1115 Willow | Yes | 50 | 10 N/F | GUPTA, MARCY, M | 1115 WILLOW AVE 309 | No visible reason to disqualify |
| 176 Angelo Elmo | 522 Garden St | Yes | 50 | 15 N/F | ELMO, ANGELO, F | 522 GARDEN ST | Identifiable as Hoboken voter |
| 177 Sue Riegelmann | 218 Jefferson St #2 | Yes | 50 | 19 N/F | RIEGELMANN, SUSAN, D | 218 JEFFERSON ST 2 | Variant form of name |
| 178 Joe Caselleto | 131 Willow Ave | Yes | 51 | 3 N/F | CASTELLITO, JOSEPH, L | 131 WILLOW AVE | Variant form of name |
| 179 Lynsey J. Ward | 1000 Jefferson St | Yes | 51 | 5 N/F | WARD, LYNSEY, J | 1000 JEFFERSON ST 441 | No visible reason to disqualify |

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|------------------------|---------------------|-----|----|----------|------------------------|---------------------------|----------------------------------|
| 180 Audrey Carboy | 456 Ninth St Apt 4S | Yes | 51 | 9 ? | CARBOY, AUDREY, J | 400 9TH ST 3L | Moved within Hoboken |
| 181 Ryan Bednarcik | 713 Willow 4S | Yes | 51 | 13 N/F | BEDNARCIC, RYAN, J | 813 WILLOW AVE 4S | Identifiable as registered voter |
| 182 Leonidas Quizipi | 102 Adams St | Yes | 52 | 14 N/F | QUIZUPI, LEONIDAS, G | 102 ADAMS ST 3 | No visible reason to disqualify |
| 183 Brian Critz | 82 Grand St | Yes | 52 | 15 N/F | CRITZ, BRIAN, A | 82 GRAND ST 1 | Identifiable as Hoboken voter |
| 184 Melody Carey | 300 Newark | Yes | 52 | 24 N/F | CAREY, MELODY | 300 NEWARK ST 6I | Identifiable as registered voter |
| 185 Amelia torres | 1202 Hud St | Yes | 53 | 7 ? | TORRES, AMELIA | 60 12TH ST 1D | Moved within Hoboken |
| 186 Jen Crealese | 1115 Willow Ave | Yes | 53 | 14 N/F | CREALESE, JENNIFER | 1115 WILLOW AVE 507 | Variant form of name |
| 187 Stephanie Mooney | 501 9th St | Yes | 53 | 16 N/F | MOONEY, STEPHANIE, A | 501 9TH ST 614 | No visible reason to disqualify |
| 188 Martin Lo?? | 1273 Washington St | Yes | 53 | 24 N/F | LOTT, MARTIN | 1203 WASHINGTON ST 9D | Identifiable as Hoboken voter |
| 189 Robert Brckmann | 909 Clinton St | Yes | 53 | 25 N/F | BROCKMANN, ROBERT, J | 909 CLINTON ST 5C | Identifiable as registered voter |
| 190 Kevin Ocampo | 300 Willow Ave | Yes | 54 | 9 N/F | OCAMPO, KEVIN, A | 109 WILLOW AVE 14 | Moved within Hoboken |
| 191 Ariel Saffner | 807 Park Ave Apt #3 | Yes | 54 | 11 Moved | SAFFNER, ARIEL, R | 2 14TH ST 213 | Moved within Hoboken |
| 192 Sarah H7rper | 162 5th St Apt 3 | Yes | 54 | 23 | HARPER, SARAH | 162 5TH ST | Identifiable as Hoboken voter |
| 193 Allison Powers | 1040 Willow Ave | Yes | 55 | 1 Moved | POWERS, ALISON, L | 404 COURT ST | Moved within Hoboken |
| 194 Tom O'Donnell | 80 Madison St | Yes | 55 | 11 Moved | ODONNELL, THOMAS | 1 CASTLE POINT TER S-1628 | Moved within Hoboken |
| 195 Jarrett Caparotta | 301 Madison St 3S | Yes | 55 | 12 | CAPAROTTA, JARETT, M | 301 MADISON ST 3-S | No visible reason to disqualify |
| 196 Daniel Bodasky | 400 9th St | Yes | 56 | 4 N/F | BODANSKY, DANIEL, L | 400 9TH ST W3C | Identifiable as registered voter |
| 197 Michael Marinelli | 2 14th St Apt 312 | Yes | 57 | 1 N/F | MARINIELLO, MICHAEL, A | 2 14TH ST 312 | Identifiable as registered voter |
| 198 Ryan Caulfield | 613 4th St | Yes | 57 | 5 Moved | CAUFIELD, RYAN | 925 GARDEN ST 1 | Moved within Hoboken |
| 199 Brian T. Morris | 659 1st St Apt 302 | Yes | 57 | 10 N/F | MORRIS, BRIAN, T | 659 1ST ST 302 | No visible reason to disqualify |
| 200 Noah Guzman | 1130 Willow | Yes | 57 | 24 Moved | GUZMAN, NOAH, B | 1302 WASHINGTON ST 2H | Moved within Hoboken |
| 201 Alex Gen'ro | 450 5th St | Yes | 57 | 25 N/F | GENAO, ALEXIS, A | 450 5TH ST 7C | Identifiable as registered voter |
| 202 Maria Melandez | 400 First St Apt 9A | Yes | 58 | 3 N/F | MELENDEZ, MARIA | 460 8TH ST 4F | Moved within Hoboken |
| 203 Natasha Rodriguez | 311 Harrison | Yes | 58 | 11 N/F | RODRIGUEZ, NATASHIA, D | 311 HARRISON ST 413 | Identifiable as registered voter |
| 204 Camilla Perez | 218 Harrison St | Yes | 58 | 12 N/F | PEREZ, CAMILLA, V | 321 HARRISON ST 223 | Moved within Hoboken |
| 205 Felix Fragosa | 655 6th St | Yes | 58 | 13 N/F | FRAGOSA, FELIX, A | 310 JACKSON ST 342 | Moved within Hoboken |
| 206 William Valesquez | 221 Jackson St | Yes | 58 | 16 N/F | VELAZQUEZ, WILLIAM | 221 JACKSON ST 2H | Identifiable as registered voter |
| 207 Lina Vasquez | 514 Madison St | Yes | 58 | 17 N/F | VASQUEZ, LINA, D | 514 MADISON ST 207 | No visible reason to disqualify |
| 208 Christopher Aponte | 320 Jackson St | Yes | 58 | 20 N/F | APONTE, CHRISTOPHER | 63 BLOOMFIELD ST 1L | Moved within Hoboken |
| 209 Eleazer Sepulveda | 311 13th St | Yes | 58 | 23 N/F | SEPULVEDA, ELIZER | 311 13TH ST 6H | Identifiable as registered voter |

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|---------------------------|--------------------------|-----|----|--------------|-----------------------------|-----------------------|----------------------------------|
| 210 Elatha Parker | 324 Harrison St | Yes | 59 | 5 N/F | PARKER, ELETHA | 324 HARRISON ST 1A | Identifiable as registered voter |
| 211 Jackie Rivera | 320 Jackson St | Yes | 59 | 7 N/F | RIVERA, JAKELINE | 321 HARRISON ST 271 | Moved within Hoboken |
| 212 Peggy Jefferies | 560 Marshall Drive | Yes | 59 | 9 N/F | JEFFERIES, PEGGY, I | 560 MARSHALL DR | No visible reason to disqualify |
| 213 Alipio Pagan | 218 Harrison St Apt 2A | Yes | 60 | 2 N/F | PAGAN, ALIPIO | 218 HARRISON ST 2-A | No visible reason to disqualify |
| 214 Migdalia Torres | 400 1st Hoboken | Yes | 60 | 6 N/F | TORRES, MIGDALIA | 400 1ST ST 9 | No visible reason to disqualify |
| 215 Fiada Santiago | 400 Marshall Dr. 7-A | Yes | 60 | 11 N/F | SANTIAGO, FLADA | 400 MARSHALL DR 7A | No visible reason to disqualify |
| 216 B.A. Steed | 310 Marshall Dr. #?? | Yes | 60 | 17 no reason | STEED, B A | 310 MARSHALL DR 68 | No visible reason to disqualify |
| 217 Madeline Brudnicki | 514 Madison | Yes | 62 | 5 N/F | BRUDNICKI, MADALINE | 514 MADISON ST 512 | Identifiable as registered voter |
| 218 Margaret Romelotti | 400 1st St. Apt 4-G | Yes | 62 | 7 N/F | ROMELOTTI, MARGARET, T | 400 1ST ST 4G | No visible reason to disqualify |
| 219 Laurie Parsons | 412 Grand | Yes | 62 | 16 N/F | PARSONS, LAURIE, B | 412 GRAND ST | No visible reason to disqualify |
| 220 Tom Gormley | 601 Observer Hwy 5B | Yes | 66 | 5 Moved | GORMLEY, THOMAS, F, III | 402 9TH ST E2A | Moved within Hoboken |
| 221 Abbe Rivers | 336 Bloomfield | Yes | 66 | 13 N/F | SHAYTIN, ABBE, R | 336 BLOOMFIELD ST 1 | County record mistake |
| 222 Tom McKinney | 1003 Bloomfield St | Yes | 66 | 17 Moved | MCKINNEY, THOMAS, A | 830 MONROE ST 2A | Moved within Hoboken |
| 223 Suzanne Bush | 123 Park Ave. #2 | Yes | 66 | 24 Moved | BUSH, SUZANNE, I | 224 BLOOMFIELD ST 11 | Moved within Hoboken |
| 224 Roger Pinkham | 919 Castle Point Terrace | Yes | 68 | 17 Moved | PINKHAM, ROGER, S | 0 STEVENS INST | Moved within Hoboken |
| 225 Theo Calderara | 377 Park Ave | Yes | 70 | 3 N/F | CALDERARA, THEODORE, F, JR. | 307 PARK AVE | Variant form of name |
| 226 Matt Gennon | 222 Grand Street | Yes | 70 | 10 N/F | GENNONE, MATT | 222 GRAND ST 3I | Identifiable as registered voter |
| 227 Beth O'Boyle | 634 Bloomfield St | Yes | 70 | 11 N/F | OBOYLE, BETH, A | 634 BLOOMFIELD ST | No visible reason to disqualify |
| 228 Lucia Hurtado | 320 Marshall Dr 1C | Yes | 70 | 13 N/F | HURTADO, LUCIA | 320 MARSHALL DR 1C | No visible reason to disqualify |
| 229 Elizabeth Callah?? | 300 Adams | Yes | 70 | 14 N/F | CALLAHAN, ELIZABETH, LEE | 300 ADAMS ST 211 | Identifiable as registered voter |
| 230 Con Turkowski | 1025 Park Ave | Yes | 70 | 15 N/F | TURKOWSKI, CORIANNE | 1025 PARK AVE BSMT. | Variant form of name |
| 231 Carla Pavlo | 1231 Park | Yes | 70 | 17 N/F | PAVLO, CARLA, ISON | 1231 PARK AVE 4 | No visible reason to disqualify |
| 232 Rosamund Cogswell | 929 Willow Ave | Yes | 70 | 20 N/F | COGSWELL, ROSAMUND | 929 WILLOW AVE 7 | No visible reason to disqualify |
| 233 Eileen O'Sullivan | 115 Washington St | Yes | 70 | 22 N/F | OSULLIVAN, EILEEN, M | 115 WASHINGTON ST 7 | No visible reason to disqualify |
| 234 McKevin Shaughnessy | 359 Second St | Yes | 71 | 4 N/F | SHAUGHNESSY, MCKEVIN, M | 359 2ND ST 6 | No visible reason to disqualify |
| 235 Angel L. Rosado | 529 Park Ave Hob | Yes | 71 | 6 N/F | ROSADO, ANGEL | 529 PARK AVE 6L | No visible reason to disqualify |
| 236 David Cogswell | 929 Willow Ave #7 | Yes | 71 | 13 N/F | COGSWELL, DAVID, G | 929 WILLOW AVE 7 | No visible reason to disqualify |
| 237 Jack Coggins | 1311 Garden St | Yes | 71 | 15 N/F | COGGINS, JOHN, T | 1311 GARDEN ST | Variant form of name |
| 238 Christina L. Andersen | 1 Marine View Plaza 24A | Yes | 71 | 17 N/F | ANDERSEN, CHRISTINA, L | 1 MARINE VIEW PLZ 24A | No visible reason to disqualify |
| 239 Frank Frattolillo | 253 6th St 2L | Yes | 71 | 22 N/F | FRATTOLILLO, FRANK | 104 3RD ST 3 | Moved within Hoboken |

| | | | | | | | |
|------------------------------|---------------------------|------------|----|--------|---------------------------|------------------------|---------------------------------|
| 240 Arno Jakobson | 536 Grand St | Yes and No | 72 | 4 N/F | JAKOBSON, ARNO | 536 GRAND ST 401 | No visible reason to disqualify |
| 241 Luis Pineiro | 371 Harrison | Yes | 72 | 6 N/F | PINEIRO, LUIS, H | 321 HARRISON ST 241 | Identifiable as Hoboken voter |
| 242 Ronald Bernal | 161 14th St #5 | Yes | 72 | 9 N/F | BERNAL, RON | 161 14TH ST 5 | No visible reason to disqualify |
| 243 Meriline Ortiz | 220 Court St | Yes | 72 | 13 N/F | ORTIZ, MERILIN | 220 COURT ST | Identifiable as Hoboken voter |
| 244 Charlie Crowl | 617 Willow Ave. 4R | Yes | 72 | 14 N/F | CROWL, CHARLES, D | 617 WILLOW AVE 4R | Variant form of name |
| 245 Robert Garratt | 456 9th Street | ? | 72 | 16 N/F | GARRATT, ROBERT, A | 456 9TH ST 48 | No visible reason to disqualify |
| 246 Ferhat Kor | 1127 Washington St | ? | 72 | 21 N/F | KOR, FERHET, R | 235 HUDSON ST 302 | Moved within Hoboken |
| 247 Carly Williams | 722 Garden St | Yes | 73 | 1 N/F | WILLIAMS, CARLY, D | 722 GARDEN ST 2 | No visible reason to disqualify |
| 248 Richard Rosenblatt | 207 2nd St 3A | ? | 73 | 2 N/F | ROSENBLATT, RICHARD, F | 207 2ND ST 3A | No visible reason to disqualify |
| 249 Christopher J. Schiraldi | 533 Madison St Apt 2B | Yes | 73 | 4 N/F | SCHIRALDI, CHRISTOPHER, J | 533 MADISON ST 2B | No visible reason to disqualify |
| 250 Brian McCloskey | 251 9th | Yes | 73 | 13 N/F | MCCLOSKEY, BRIAN | 251 9TH ST 4 | No visible reason to disqualify |
| 251 Mike Dimaiolo | 516 Garden | Yes | 73 | 16 N/F | DIMAILO, MICHAEL, V | 516 GARDEN ST 2 | Variant form of name |
| 252 Jane Kobe? | 551 Observer Hwy | Yes | 73 | 18 N/F | KOBEN, JANE, C | 551 OBSERVER HWY 2K | Identifiable as Hoboken voter |
| 253 Maggie Faurizio | 156 10th St | No | 74 | 2 N/F | FABRIZIO, MARGARET, L | 156 10TH ST | Identifiable as Hoboken voter |
| 254 Suzanne Piotrowski | 1225 Bloomfield | Yes | 74 | 3 N/F | PIOTROWSKI, SUZANNE, J | 1225 BLOOMFIELD ST | Identifiable as Hoboken voter |
| 255 Jenny Byrnes | 457 7th St | No | 74 | 5 N/F | BYRNES, JENNIFER, M | 457 7TH ST | Variant form of name |
| 256 Alice Cumming | 2 Marine View | No | 74 | 7 N/F | CUMMINGS, ALICE, E | 2 MARINE VIEW PLZ 13 C | Identifiable as Hoboken voter |
| 257 Tony Devito | 1 Willow Terrace | No | 74 | 9 N/F | DEVITO, ANTHONY, M | 1 WILLOW TER | Variant form of name |
| 258 Catherine Beard | 703 Park | No | 74 | 11 N/F | BEARD, KATHRYN, L | 703 PARK AVE 3 | Identifiable as Hoboken voter |
| 259 Brittany Taylor | 805 Clinton | ? | 74 | 24 N/F | TAYLOR, BRITTANY, B | 54 11TH ST 3C | Moved within Hoboken |
| 260 Robert J. Tadde? | 2 MVP #16F | No | 75 | 4 N/F | TADDEO, ROBERT, J | 2 MARINE VIEW PLZ 16F | Identifiable as Hoboken voter |
| 261 Debra Sugerman | 205 Adams St #1 | No | 75 | 5 N/F | SUGARMAN, DEBRA, P | 205 ADAMS ST 1 | Identifiable as Hoboken voter |
| 262 Andrew Lzakowski | 93 Garden St #3 | Yes | 75 | 6 N/F | LASKOWSKI, ANDREW, J | 93 GARDEN ST 3 | Identifiable as Hoboken voter |
| 263 Angela Osorio | 712 Grand | Yes and No | 75 | 20 N/F | OSORIO, ANGELA, M | 712 GRAND ST 3 | Identifiable as Hoboken voter |
| 264 Brando Medin? | 2 Marine View Plz Apt 24E | Yes and No | 75 | 21 N/F | MEDINA, BRANDO | 2 MARINE VIEW PLZ 24E | Identifiable as Hoboken voter |
| 265 Morg B?den | 515 4th St #273 | Yes and No | 75 | 24 N/F | BADEN, MORGAN | 515 4TH ST 203 | Identifiable as Hoboken voter |
| 266 Laurie G7ld7r7m | 109 Willow Ave #7 | Yes and No | 76 | 1 N/F | GOLDSTEIN, LAURIE, M | 109 WILLOW AVE 18 | Identifiable as Hoboken voter |
| 267 H Chang | 812 Grand St | Yes | 76 | 7 N/F | CHANG, HSIAO-LING | 812 GRAND ST 403 | Identifiable as Hoboken voter |
| 268 Coreen Simonowicz? | 519 Washington St #2 | Yes | 76 | 9 N/F | SIMONOWICZ, COREEN, M | 519 WASHINGTON ST 2 | No visible reason to disqualify |
| 269 David J. Zablock | 1024 Clinton St #300 | Yes | 76 | 10 N/F | ZABLOCKI, DAVID, J | 1024 CLINTON ST 300 | No visible reason to disqualify |

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|------------------------|-----------------------|-----|----|----------|-------------------------|-------------------------|---------------------------------|
| 270 Bill Curran | 100 Bloomfield St | Yes | 76 | 13 N/F | CURRAN, WILLIAM | 100 BLOOMFIELD ST APT 1 | Variant form of name |
| 271 Manlu Rosa | 606 Bloomfield St | Yes | 76 | 17 N/F | ROSA, MARYLOU | 606 BLOOMFIELD ST | Identifiable as Hoboken voter |
| 272 Michael A. Farrar | 311-13 St 3-V | Yes | 76 | 22 N/F | FARRAR, MICHAEL, A | 311 13TH ST 3V | Identifiable as Hoboken voter |
| 273 Raymond DePhillip? | 316 Madison | No | 77 | 21 N/F | DEPHILLIPS, RAYMOND | 316 MADISON ST 6 | Identifiable as Hoboken voter |
| 274 Adam Lucibi | 1305 Bloomfield | No | 77 | 22 N/F | LUCIDI, ADAM, J | 1305 BLOOMFIELD ST 51 | Identifiable as Hoboken voter |
| 275 Christine Coloco | 208 Grand | No | 78 | 1 N/F | COLASCO, CHRISTINE, M | 208 GRAND ST 48 | Identifiable as Hoboken voter |
| 276 Jessica Lical | 611 Hudson | No | 78 | 2 N/F | LICALSI, JESSICA, A | 611 HUDSON ST 3 | Identifiable as Hoboken voter |
| 277 Mike DeCicco | 627 Willow | No | 78 | 11 N/F | DECICCO, MICHAEL, J | 627 WILLOW AVE 3 F | Variant form of name |
| 278 Diana Favazza | 1025 Maxwell | No | 78 | 17 N/F | FAVAZZA, DIANA, M | 1025 MAXWELL LN 709 | No visible reason to disqualify |
| 279 Michelle Lafusca | 703 Park Ave | No | 78 | 18 N/F | LAFIOSCA, MICHELLE, A | 703 PARK AVE 1 | No visible reason to disqualify |
| 280 Mike Lebowitz | 619 Adams | No | 78 | 22 N/F | LEBOWITZ, MICHAEL, P | 619 ADAMS ST 502 | Variant form of name |
| 281 Ralph Daez | 832 Willow | No | 79 | 2 N/F | BAEZ, RALPH, A | 832 WILLOW AVE 2 B | Identifiable as Hoboken voter |
| 282 Charles Kellet | 725 Willow | No | 79 | 8 N/F | KELLETT, CHARLES, F | 725 WILLOW AVE 2E | Identifiable as Hoboken voter |
| 283 Will Delsalto | 416 Grand | No | 79 | 16 N/F | DELSALTO, WILFRIDO, F | 416 GRAND ST 2A | Variant form of name |
| 284 Kristen Katunith | 719 Adams | No | 79 | 17 N/F | KASUNICH, KRISTIN, E | 719 ADAMS ST 1L | Identifiable as Hoboken voter |
| 285 Meagan Matthews | 1026 Hudson St | ? | 80 | 4 N/F | MATTEWS, MEGAN, M | 1026 HUDSON ST 5L | County record mistake |
| 286 Brian Jernanok | 76 Madison | No | 80 | 16 N/F | JERMANOK, BRIAN, S | 76 MADISON ST 3 | No visible reason to disqualify |
| 287 Tresten Lada | 802 Park Ave | No | 80 | 17 N/F | LODA, TRESTEN, P | 802 PARK AVE 4R | Identifiable as Hoboken voter |
| 288 Grace Troise | 235 Hudson 1113 | No | 80 | 24 N/F | TROISE, GRACE, M | 235 HUDSON ST 1113 | No visible reason to disqualify |
| 289 Michael Hill | 157 Ninth St | No | 80 | 25 N/F | HILL, MICHAEL | 157 9TH ST | No visible reason to disqualify |
| 290 Clark Matthews | 526 Bloomfield #1 | ? | 81 | 1 N/F | MATTHEWS, CLARK | 526 BLOOMFIELD ST | No visible reason to disqualify |
| 291 Ricardo Golubov | 212 12th St | Yes | 82 | 17 Moved | GOLUBOV, RICARDO, E | 1201 BLOOMFIELD ST 2 | Moved within Hoboken |
| 292 Margaret Anderson | 300 Adams St Apt 405 | ? | 83 | 19 Moved | ANDERSON, MARGARET | 303 JEFFERSON ST 626 | Moved within Hoboken |
| 293 Pushp? W Carey | 221 Jackson St #1A | Yes | 84 | 13 N/F | CAREY, PUSHPA, W | 221 JACKSON ST | Identifiable as Hoboken voter |
| 294 Kristen Sykes | 601 Harrison St | Yes | 85 | 6 Moved | SYKES, KRISTEN, I | 1201 HUDSON ST 2145 | Moved within Hoboken |
| 295 Eli?? Nest?r | 1301 Adams St | Yes | 85 | 21 N/F | NESTOR, ELAYNE | 1301 ADAMS ST 211 | Identifiable as Hoboken voter |
| 296 Juan Cardona | 7034 Garden | Yes | 85 | 22 Moved | CARDONA, JUAN, M | 76 BLOOMFIELD ST 1A | Moved within Hoboken |
| 297 Lawanda Miller | 530 Jackson St 1A | Yes | 85 | 23 Moved | MILLER, LAWANDA, S | 400 MARSHALL DR 6E | Moved within Hoboken |
| 298 Jaime A. Pena | 1302 Washington St 1E | Yes | 86 | 22 Moved | PENA, JAIME, A | 1000 CLINTON ST 3F | Moved within Hoboken |
| 299 Madelin Butter | 540 Marshall Dr. | Yes | 86 | 24 N/F | CENTENO-BUTLER, MADELIN | 540 MARSHALL DR 3E | Hyphenated surname |

| | | | | | | | |
|-----------------------------|------------------------|-----|----|----------|----------------------------|-----------------------|--|
| 300 Orville Silv? | 1202 Hudson Apt 202 | Yes | 87 | 1 Moved | SILVA, ORVILLE | 50 BLOOMFIELD ST 701 | Moved within Hoboken |
| 301 Julia Peres | 63 Bloomfield St | Yes | 87 | 9 Moved | PERES, JULIA | 111 NEWARK ST | Moved within Hoboken |
| 302 Mary Nisler | 15 Church Towers 4M | Yes | 88 | 16 Moved | NISLER, MARY, C | 400 1ST ST 9M | Moved within Hoboken |
| 303 Stephanie Mastronicolas | 223 Bloomfield St 4A | Yes | 89 | 2 N/F | MAVRONICOLAS, STEPHANIE, M | 223 BLOOMFIELD ST 4A | No visible reason to disqualify |
| 304 Jordana Weinstein | 1300 Clinton St #221 | Yes | 89 | 3 N/F | WEINSTEIN, JORDANA, L | 1300 CLINTON ST 221 | No visible reason to disqualify |
| 305 Albertina Lavergne | 252 11th St #9D | Yes | 89 | 8 N/F | LAVERGNE, ALBERTINA | 252 11TH ST 9D | No visible reason to disqualify |
| 306 Dennis Yoon | 809 Park #7 | Yes | 89 | 15 N/F | YOON, DENNIS | 809 PARK AVE 7 | No visible reason to disqualify |
| 307 Ariene Weintraub | 626 Park #1 | Yes | 89 | 17 N/F | WEINTRAUB, ARIENE, S | 626 PARK AVE 1 | No visible reason to disqualify |
| 308 Diana Wartski | 700 1st Apt 15 W | Yes | 89 | 19 N/F | WARTSKI, DIANA, C | 700 1ST ST 15W | No visible reason to disqualify |
| 309 Gwen Thompson | 801 Madison #4L | Yes | 89 | 21 N/F | THOMPSON, GWEN | 801 MADISON ST 4L | No visible reason to disqualify |
| 310 Dmitriy Galyutin | 116 Clinton St Apt 2N | Yes | 90 | 3 N/F | GALYUTIN, DMITRIY | 116 CLINTON ST 2N | No visible reason to disqualify |
| 311 Thelma Morrisette | 220 Adams | Yes | 90 | 6 N/F | MORRISSETTE, THELMA, L | 220 ADAMS ST | No visible reason to disqualify |
| 312 Kelly English | 804 Willow Ave Apt 2?? | Yes | 90 | 9 N/F | ENGLISH, KELLY | 804 WILLOW AVE 210 | No visible reason to disqualify |
| 313 Elizabeth Markkevitch | 706 Grand | Yes | 90 | 10 N/F | MARKEVITCH, ELIZABETH, J | 706 GRAND ST | No visible reason to disqualify |
| 314 Maria Diaz | 923 Garden St #2 | Yes | 90 | 20 N/F | DIAZ, MARIA, S | 512 JACKSON ST 2A | Moved within Hoboken |
| 315 Loren Cicalese | 205 Hudson St 601 | Yes | 90 | 21 N/F | CICALESE, LOREN, R | 205 HUDSON ST 601 | No visible reason to disqualify |
| 316 James Kelly | 74 Garden St 4S | Yes | 90 | 23 N/F | KELLY, JAMES, M | 74 GARDEN ST 4S | No visible reason to disqualify |
| 317 Rebecca Wilk | 906 Garden St #3 | Yes | 91 | 3 N/F | WILK, REBECCA, A | 906 GARDEN ST 3 | No visible reason to disqualify |
| 318 Steven Teti | 1015 Grand | Yes | 91 | 5 N/F | TETI, STEVEN, E | 1015 GRAND ST 3A | No visible reason to disqualify |
| 319 Lessee Demary | 1 Marineview Plz 5H | Yes | 91 | 8 N/F | DEMARY, LESSIE, M | 1 MARINE VIEW PLZ 5-H | No visible reason to disqualify |
| 320 Michael O'Neill | 1122 Grand St 606 | Yes | 91 | 9 N/F | ONEILL, MICHAEL, S | 1122 GRAND ST 606 | No visible reason to disqualify |
| 321 Michael Ouellette | 1500 Hudson St #5M | Yes | 91 | 12 N/F | OUELLETTE, MICHAEL, R | 1500 HUDSON ST 5M | No visible reason to disqualify |
| 322 Edward Daly | 321 Adams St | Yes | 91 | 13 N/F | DALY, EDWARD, P | 812 GRAND ST 217 | Moved within Hoboken |
| 323 Lindsey Bean | 156 10th St | Yes | 91 | 18 N/F | BEAN, LINDSEY, K | 937 GARDEN ST 2 | Moved within Hoboken |
| 324 Jared Gerstenbluth | 317 Monroe St #1 | Yes | 91 | 25 N/F | GERSTENBLUTH, JARED, N | 317 MONROE ST 1 | No visible reason to disqualify |
| 325 Jack Brabant | 317 3rd St. Apt 3 | Yes | 92 | 1 N/F | BRABANT, JOHN, R, JR. | 233 C ADAMS ST | Moved within Hoboken - variant form of nam |
| 326 Jason Eblisizor | 800 Jackson Apt 503 | Yes | 92 | 2 N/F | EBLISIZOR, JASON, J | 800 JACKSON ST 503 | Identifiable as Hoboken voter |
| 327 Stephanie Lardaro | 73 Madison #2rs | Yes | 92 | 3 N/F | LARDARO, STEPHANIE | 73 MADISON ST 2RS | No visible reason to disqualify |
| 328 Jose L. Fernandez | 918 Willow Ave. #4 | Yes | 92 | 8 N/F | FERNANDEZ, JOSE, L | 918 WILLOW AVE 4 | No visible reason to disqualify |
| 329 Stacy Kaczmarek | 800 Jefferson St | Yes | 92 | 9 N/F | KACZMAREK, STACY, E | 557 2ND ST 4 | Moved within Hoboken |

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|------------------------|--------------------------|-----|-----|--------|-----------------------|---------------------------|---------------------------------|
| 330 Michael Mosso | 711 Clinton St | Yes | 92 | 12 N/F | MOSSE, MICHAEL G | 711 CLINTON ST 5D | No visible reason to disqualify |
| 331 Scott Mark | 131 Bloomfield St #2 | Yes | 92 | 13 N/F | MACK, SCOTT, W | 131 BLOOMFIELD ST 2 | Identifiable as Hoboken voter |
| 332 Matt Morrison | 131 Park Ave #2 | Yes | 92 | 18 N/F | MORRISON, MATTHEW, J | 131 PARK AVE 2 | Variant form of name |
| 333 James R. Link | 63-11th St 3N | Yes | 93 | 1 ? | LINK, JAMES, R | 1032 HUDSON ST 4 | Moved within Hoboken |
| 334 Pasupu Leti | 219 Bloomfield #5 | No | 93 | 16 N/F | PASUPULETI, LATHA, V | 219 BLOOMFIELD ST 5 | Identifiable as Hoboken voter |
| 335 Osborn Focht | 1021 Park Ave. #1R | No | 93 | 18 N/F | OSBORN-FOCHT, ERIC, E | 1021 PARK AVE 1R | Identifiable as Hoboken voter |
| 336 Douglas C. Carroll | 300 Grand St. #419 | Yes | 93 | 20 N/F | CARROLL, DOUGLAS, C | 300 GRAND ST 419 | No visible reason to disqualify |
| 337 George Rodriguez | 516 Adams 2F | No | 93 | 22 N/F | RODRIGUEZ, JORGE, E | 516 ADAMS ST 2F | Variant form of name |
| 338 Erin Stewart | 1050 Hudson St 6E | No | 94 | 18 N/F | STEWART, ERIN | 800 WASHINGTON ST 1 | Moved within Hoboken |
| 339 Janet Larson | 917 Wash St | No | 94 | 23 N/F | LARSON, JANET, L | 917 WASHINGTON ST 2 | No visible reason to disqualify |
| 340 Javier Kienzie | 405 Washington St #3 | No | 94 | 25 ? | KIENZLE, JAVIER, J | 1 CASTLE POINT TER 5-0979 | Moved within Hoboken |
| 341 Mike Sasso | 635 6th St. #5D | No | 95 | 14 N/F | SASSO, MICHAEL, J | 801 MADISON ST 6Q | Moved within Hoboken |
| 342 Ryan Cullen | 525 Monroe St #1R | No | 95 | 15 N/F | CULLEN, RYAN, M | 525 MONROE ST 1-4 | Identifiable as Hoboken voter |
| 343 Robert Coen | 723 Willow #1N | No | 95 | 16 N/F | COEN, ROBERT, L | 723 WILLOW AVE 1-N | No visible reason to disqualify |
| 344 Brook Visentini | 1115 Grand St. 5A | No | 96 | 5 N/F | VISENTINI, BROOKE | 1115 GRAND ST 5A | Identifiable as Hoboken voter |
| 345 Stan Grossbard | 59 Madison St | Yes | 97 | 10 N/F | GROSSBARD, STANLEY, M | 59 MADISON ST A-2 | Variant form of name |
| 346 Kelly Wisoczanski | 221 Clinton St | No | 97 | 16 N/F | WYSOZANSKI, KELLY, M | 221 CLINTON ST | Identifiable as Hoboken voter |
| 347 Frani Lieberman | 207 Madison #4D | No | 98 | 13 ? | LIEBERMAN, FRANI | 557 1ST ST 1 | Moved within Hoboken |
| 348 Abby Wentworth | 106 Sixth St #2 | No | 98 | 20 ? | WENTWORTH, ABIGAIL | 407 4TH ST 1 | Moved within Hoboken |
| 349 Margaret McGeary | 76 bloomfield St Apt 10A | Yes | 99 | 11 N/F | MCGEARY, MARGARET | 76 BLOOMFIELD ST 10A | No visible reason to disqualify |
| 350 Alice Andro | 504 Bloomfield St | No | 99 | 17 N/F | ANDROSIGLIO, ALICE | 504 BLOOMFIELD ST | Identifiable as Hoboken voter |
| 351 Carmen Marrero | 655 6th St. #7E | No | 100 | 13 ? | MARRERO, CARMEN, A | 512 JACKSON ST | Moved within Hoboken |
| 352 Daniel Schott | 204 7th st | No | 100 | 17 N/F | SCHOTT, DANIEL | 204 7TH ST | No visible reason to disqualify |
| 353 Matthew Demers | 323 Monroe St #3N | No | 100 | 22 ? | DEMERS, MATTHEW, J | 130 WILLOW AVE 2-B | Moved within Hoboken |
| 354 Marisela Bello | 626 Court St | No | 101 | 1 N/F | STBELLO, MARTINO, C | 626 COURT ST | County record mistake |
| 355 Pamela Adler | 708 Willow Ave. #8 | No | 101 | 11 ? | ADLER, PAMELA, B | 901 MADISON ST | Moved within Hoboken |
| 356 Sada Fretz | 526 Bloomfield St | No | 101 | 12 N/F | FRETZ, SADA, J | 526 BLOOMFIELD ST | No visible reason to disqualify |
| 357 Paul Dalessio | 928 Willow Ave #1 | No | 101 | 17 N/F | DALESSIO, PAUL, M | 928 WILLOW AVE 1 | No visible reason to disqualify |
| 358 Gabrielle Doktor | 925 Park Ave #4L | No | 101 | 21 ? | DOKTOR, GABRIELLE, C | 1018 HUDSON ST 1 | Moved within Hoboken |
| 359 David Friedman | 1208 Hudson St #209 | No | 101 | 22 ? | FRIEDMAN, DAVID, B | 233 GRAND ST 2L | Moved within Hoboken |

| | | | | | | | |
|---------------------------|-------------------------|-----|-----|--------|--------------------------|-----------------------|--|
| 360 Robert La Rosa | 1124 Park Ave. #1 | No | 102 | 3 N/F | LAROSA, ROBERT, R | 1124 PARK AVE | No visible reason to disqualify |
| 361 J.C. Iglesias | 217 Bloomfield St | Yes | 103 | 7 N/F | IGLESIAS, JUAN, C | 217 BLOOMFIELD ST 302 | Identifiable as Hoboken voter |
| 362 Conor T. Pigott | 1300 Clinton St Apt 219 | No | 103 | 10 N/F | PIGOTT, CONOR, T | 1300 CLINTON ST 219 | No visible reason to disqualify |
| 363 William Browne | 233 Madison Ave | Yes | 103 | 12 N/F | BROWNE, WILLIAM, J | 233 MADISON ST 2 | Identifiable as Hoboken voter |
| 364 Ryan M'Keen | 561 First St | Yes | 103 | 14 N/F | MULKEEN, RYAN, M | 561 1ST ST 2 | Identifiable as Hoboken voter |
| 365 Jean-Paul Picard | 1028 Hudson | No | 103 | 22 N/F | PICARD, JEAN, PAUL, JR. | 1028 HUDSON ST 3 | No visible reason to disqualify |
| 366 Anthony Dud? | 77 River St Apt 3 | Yes | 104 | 2 N/F | DUDA, ANTHONY, J | 77 RIVER ST 3 | Identifiable as Hoboken voter |
| 367 Stan Usher??No | 813 Park Ave #8 | Yes | 104 | 7 N/F | USHERENKO, STAN, G | 813 PARK AVE 8 | Identifiable as Hoboken voter |
| 368 Darrell Kingston | 333 Washington St Apt 2 | Yes | 104 | 9 | KINGSTON, DARRELL, R | 333 WASHINGTON ST 2 | Identifiable as Hoboken voter |
| 369 Samantha Sherwin | 529 Washington | Yes | 104 | 11 N/F | SHERWIN, SAMANTHA, | 529 WASHINGTON ST 2 | Identifiable as Hoboken voter |
| 370 Lindsay Downing | 704 Clinton St | Yes | 104 | 19 N/F | DOWNING, LINDSAY, A | 704 CLINTON ST 2C | No visible reason to disqualify |
| 371 Lisa Wong | 56 3rd St. #6 | Yes | 105 | 19 N/F | WONG, LISA, A | 56 3RD ST 6 | No visible reason to disqualify |
| 372 Jeffrey R. Pilot | 819 Park Ave. #9 | Yes | 106 | 3 N/F | PILOT, JEFFREY, R | 82 MONROE ST | Moved within Hoboken |
| 373 Oscar Maldonado | 917 Clinton St | Yes | 106 | 4 N/F | MALDONADO, OSCAR | 917 CLINTON ST 6E | No visible reason to disqualify |
| 374 Kathy Zavaritay | 627 Willow Ave #4G | Yes | 106 | 9 N/F | ZAVARTKAY, KATHERINE | 627 WILLOW AVE | Variant form of name |
| 375 Christina O'Brien | 626 Jeff | Yes | 106 | 16 N/F | OBRIEN, CHRISTINE, A | 626 PARK AVE 3 | Moved within Hoboken |
| 376 King Wang | 333 River St | Yes | 107 | 3 N/F | WANG, KING, C | 333 RIVER ST 912 | No visible reason to disqualify |
| 377 Ed Fogarty | 807 Bloomfield | Yes | 107 | 9 N/F | FOGARTY, EDMUND, W, II | 807 BLOOMFIELD ST 2 | Variant form of name |
| 378 Elizabeth Van Itall?e | 702 Hudson St | Yes | 107 | 13 N/F | VANITALLIE, ELIZABETH, B | 702 HUDSON ST | Identifiable as Hoboken voter |
| 379 Steve Lichtenberger | 206 Bloomfield St | Yes | 107 | 22 N/F | LICHTENBERGER, STEVEN, P | 206 BLOOMFIELD ST 82 | Variant form of name |
| 380 Matt Bender | 77 Park Ave #1615 | Yes | 107 | 23 N/F | BENDER, MATTHEW, I | 105 GARDEN ST 1 | Moved within Hoboken- variant form of name |
| 381 Robert Strell | 1119 Park Ave | Yes | 109 | 6 N/F | STRELL, ROBERT, F | 1119 PARK AVE | Identifiable as Hoboken voter |

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DANIEL TUMPSON, RUSSELL HOOVER, ERIC
VOLPE, CHERYL FALLICK, and JOEL HORWITZ
("COMMITTEE OF
PETITIONERS"),

Plaintiffs,

v.

JAMES FARINA, in his capacity as Hoboken City
Clerk, and the CITY OF HOBOKEN,

Defendants,

and

MILE SQUARE TAXPAYER ASSOCIATION
2009, INC., GINA DeNARDO, individually and on
behalf of all similarly situated and 611-613 LLC,
individually and on behalf of all similarly situated,

Intervenors.

TO: Victor Afanador, Esq.
Marissa Quigley, Esq.
Lite DePalma Greenberg, LLC
Two Gateway Center, Suite 1201
Newark, New Jersey 07102

Charles X. Gormally, Esq.
Sean Smith, Esq.
Brach Eichler L.L.C.
101 Eisenhower Parkway

RECEIVED #15
SEP 09 2011

SUPERIOR COURT OF N.J.
FEE OFFICE
COUNTY OF HUDSON

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - HUDSON COUNTY
Docket No. L-2375-11

**PLAINTIFFS' NOTICE OF MOTION
FOR SUMMARY JUDGMENT ON
COUNT FIVE AND FOR AWARD OF
COUNSEL FEES**

Roseland, New Jersey 07068

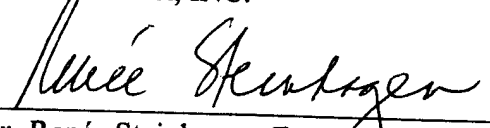
COUNSEL:

PLEASE TAKE NOTICE that pursuant to the Order of the Appellate Division dated August 23, 2011 in Docket No. A-5454-10 / Motion No. M-7434-10 and the Order of this Court dated August 29, 2011, Respondents, Daniel Tumpson, Russell Hoover, Eric Volpe, Cheryl Fallick and Joel Horwitz ("Plaintiffs-Respondents"), through undersigned counsel, on September 23, 2011 at 1:30 pm, will move this Court for an order: (1) granting them summary judgment on Count V of their Complaint against defendants James Farina and the City of Hoboken; and (2) awarding attorneys' fees and costs, jointly and severally, against James Farina, the City of Hoboken, Mile Square Taxpayer Association 2009, Gina DeNardo on behalf of herself and all similarly situated, and 611-613, LLC individually and on behalf of all similarly situated.

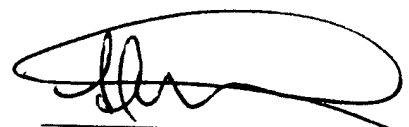
PLEASE TAKE FURTHER NOTICE that in support of this motion, Respondents shall rely on the Brief, the Statement of Undisputed Facts, the Certification of Renee Steinhagen and the Certification of Flavio Komuves filed herewith.

Respectfully submitted,

NEW JERSEY APPLESEED PUBLIC INTEREST
LAW CENTER, INC.


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