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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

SUPREME COURT OF NEW JERSEY

Docket No.
Motion No.

On appeal from a stay
entered by the Superior
Court of New Jersey,
Appellate Division

Sat Below:
Hon. Clarkson Fisher, J.A.D.
Hon. Linda Baxter, J.A.D.

**MOTION TO VACATE OR MODIFY
APPELLATE STAY FILED
SEPTEMBER 26, 2011 AND
REINSTATE TRIAL COURT ORDER
ENFORCING LITIGANTS' RIGHTS**

TO: Victor Afanador, Esq.
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COUNSEL:

PLEASE TAKE NOTICE that Plaintiffs, pursuant to R. 2:9-5 and 2:8-1, hereby move before the Supreme Court to (1) vacate the Stay issued by the Appellate Division filed September 26, 2011 in Docket No. A-5454-10 / Motion No. M-47-11 and (2) reinstate the trial court's order enforcing litigants rights dated August 25, 2011, or in the alternative, to modify that stay to hold that the voters of Hoboken will be allowed to vote on the referendum on rent control ordinance No. Z-88 during the November 8, 2011 general election.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Respondents shall rely on the Brief and Appendix filed herewith.

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: September 29, 2011