

MONMOUTH COUNTY
SUPERIOR COURT
PO BOX 1269
FREEHOLD

NJ 07728

COURT TELEPHONE NO. (732) 677-4240
COURT HOURS

TRACK ASSIGNMENT NOTICE

DATE: JUNE 30, 2011
RE: GREENBERG ANITA VS TOWNSHIP OF OLD BRIDGE
DOCKET: MON L -003096 11

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE
JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST
DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON LAWRENCE M. LAWSON

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 677-4249 EXT 4249.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: JORDAN B RICKARDS
JORDAN B. RICKARDS
196 RIVA AVE
PO BOX 382
MILLTOWN NJ 08850-0382

JUALS2

The Law Office of Jordan B. Rickards, Esq., LLC
Rickards Professional Building
196 Riva Ave., P.O. Box 382
Milltown, NJ 08850-0382
(732) 297-8200
Attorney for Plaintiffs

ANITA GREENBERG, COUNCILOR
MARY SOHOR, OWEN HENRY,
COUNCILOR BRIAN CAHILL,
COUNCILOR RICHARD GREENE,
COUNCILOR LUCILLE PANOS,
ELEANOR WALKER, JAMES H.
ANDERSON

Plaintiffs

vs.

TOWNSHIP OF OLD BRIDGE, MAYOR
PATRICK GILLESPIE, COUNCILOR G.
KEVIN CALOGERA, COUNCILOR
KELLY ELLIS-FOSTER, COUNCILOR
ROBERT VOLKERT, COUNCILOR
REGINALD BUTLER, COUNCILOR
EDWARD TESTINO

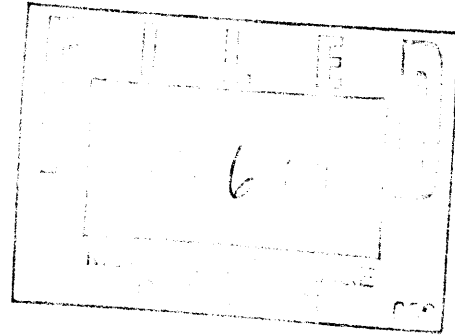
Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MIDDLESEX
COUNTY

DOCKET NO. ~~MID-L-4359-11~~ *1000-1-3097-11*

Civil Action

**AMENDED COMPLAINT IN LIEU OF
PREROGATIVE WRITS**



Plaintiff, Anita Greenberg, by and through his attorneys, The Law Office of Jordan B. Rickards, Esq., LLC, by way of Complaint in Lieu of Prerogative Writs, along with the other named taxpayers, against the Defendants herein, hereby states as follows:

PARTIES

1. At all times relevant to the matter set forth herein, the Plaintiff, Anita Greenberg (“Greenberg”), is a taxpayer residing at 497 Ticetown Road, Old Bridge, Middlesex County, New Jersey, 08857.
2. At all times relevant to the matter set forth herein, the Plaintiff, Councilor Mary Sohor (“Sohor”), is a taxpayer residing at 21 Cressida Drive, Old Bridge, Middlesex County, New Jersey, 08857. Sohor is a Councilwoman for the Township of Old Bridge.

3. At all times relevant to the matter set forth herein, the Plaintiff, Owen Henry (“Henry”), is a taxpayer residing at 21 West Avenue, Old Bridge, Middlesex County, New Jersey, 08857.
4. At all times relevant to the matter set forth herein, the Plaintiff, Councilor Brian Cahill (“Cahill”), is a taxpayer residing at 11 Bartlett Court, Matawan, Middlesex County, New Jersey, 07747. Cahill is a Councilman for the Township of Old Bridge.
5. At all times relevant to the matter set forth herein, the Plaintiff, Councilor Richard Greene (“Greene”), is a taxpayer residing at 13 Onondaga Street, Old Bridge, Middlesex County, New Jersey 08857. Greene is a Councilman for the Township of Old Bridge.
6. At all times relevant to the matter set forth herein, the Plaintiff, Councilor Lucille Panos (“Panos”), is a taxpayer residing at 36 Central Avenue, Old Bridge, Middlesex County, New Jersey, 08857. Panos is a Councilwoman for the Township of Old Bridge.
7. At all times relevant to the matter set forth herein, the Plaintiff, Eleanor Walker (“Walker”), is a taxpayer residing at 235 Lambertson Road, Matawan, Middlesex County, New Jersey, 07747.
8. At all times relevant to the matter set forth herein, the Plaintiff, James H. Anderson (“Anderson”), taxpayer residing at 16 Overhill Drive, Old Bridge, Middlesex County, New Jersey, 07747.
9. At all times relevant to the matter set forth herein, Plaintiffs have standing by virtue of their status as taxpayers.
10. At all times relevant to the matter set forth herein, the Defendant, Township of Old Bridge (“Township”), is a public entity and municipal organization existing and operating

- under the laws of the State of New Jersey, whose principal business address is 1 Old Bridge Plaza, Old Bridge, Middlesex County, New Jersey, 08857.
11. At all times relevant to the matter set forth herein, the Defendant, Patrick Gillespie (“Gillespie”), is the Mayor of the Defendant Township whose principal business address is 1 Old Bridge Plaza, Old Bridge, Middlesex County, New Jersey, 08857.
 12. At all times relevant to the matter set forth herein, the Defendant, G. Kevin Calogera (“Calogera”), is a duly elected council person for the Defendant Township whose principal business address is 1 Old Bridge Plaza, Old Bridge, Middlesex County, New Jersey, 08857.
 13. At all times relevant to the matter set forth herein, the Defendant, Kelly Ellis-Foster (“Ellis-Foster”), is a duly elected council person for the Defendant Township whose principal business address is 1 Old Bridge Plaza, Old Bridge, Middlesex County, New Jersey, 08857.
 14. At all times relevant to the matter set forth herein, the Defendant, Robert Volkert (“Volkert”), is a duly elected council person for the Defendant Township whose principal business address is 1 Old Bridge Plaza, Old Bridge, Middlesex County, New Jersey, 08857.
 15. At all times relevant to the matter set forth herein, the Defendant, Reginald Butler (“Butler”), is a duly elected council person for the Defendant Township whose principal business address is 1 Old Bridge Plaza, Old Bridge, Middlesex County, New Jersey, 08857.
 16. At all times relevant to the matter set forth herein, the Defendant, Edward Testino (“Testino”), is a duly elected council person for the Defendant Township whose principal

business address is 1 Old Bridge Plaza, Old Bridge, Middlesex County, New Jersey, 08857.

STATEMENT OF FACTS

17. An issue was raised on May 9, 2011, in an Old Bridge Township Budget Amendment Public Hearing regarding Volkert's participation and vote on a proposed amendment of Chapter 351 and amending Section 351-11 ("Ordinance") due to a conflict of interest.
18. Volkert's son, Michael C. Volkert, is employed by the Township and will be rendered a significant financial benefit from the passage of the Ordinance.
19. The proposed change to the Ordinance would allow persons employed by the Township for a period of 15 years or more to combine years of service credit from another state or locally administered retirement system in order to retire after 25 years or more at the expense of the Township and consequently the taxpayers of the Township.
20. Michael Volkert, works for the Township and the Ordinance will allow him to combine his years of service credit and retire earlier than he would have been able to before the amendment.
21. On May 16, 2011, an Advisory Ethics Opinion was delivered by Carol A. Berlen, Assistant Township Attorney ("Berlen"), to Volkert.
22. Berlen advised that Volkert did not have to recuse himself and could participate in the discussion and vote on the Ordinance.
23. Berlen advised that since Volkert's son had not lived with his father in fifteen (15) years the Townships Conflict of Interest Policy and Code of Ethics did not apply.
24. The Conflict of Interest Policy clearly states that "a potential or actual conflict of interest occurs whenever an employee, including a Township official, is in a position to influence

a Township decision that may result in a personal gain for the employee or an “immediate relative.” An “immediate relative” includes a spouse or significant other, **child**, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt **or** any person related by blood or marriage residing in an employee’s household.” (Emphasis added).

25. Berlen’s reading of the Township’s Conflict of Interest Policy ignored all of the specific designations and/or definitions of “immediate relative” before the or clause.
26. On May 16, 2011, the Ordinance was passed by the Township Council and Volkert was the deciding vote.

COUNT ONE: Violation of Township Conflict of Interest Policy

27. The Township adopted a “Personnel Policies and Procedures Manual,” dated May, 2009, which includes a Conflict of Interest Policy.
28. The Conflict of Interest Policy states that “a potential or actual conflict of interest occurs whenever an employee, including a Township official, is in a position to influence a Township decision that may result in a personal gain for the employee or an “immediate relative.” An “immediate relative” includes a spouse or significant other, **child**, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt **or** any person related by blood or marriage residing in an employee’s household.” (Emphasis added).
29. Volkert’s son works for the Township and will directly benefit from the Ordinance as it will allow him to combine his years of service credit.
30. Volkert has a clear conflict of interest according to the Township’s Conflict of Interest Policy.

31. Volkert voted on the Ordinance despite having a clear conflict of interest.

COUNT TWO: Violation of Township Code of Ethics

32. The Township established its own municipal Ethics Board pursuant to N.J.S.A. 40A:9-22.19 and adopted its own Code of Ethics pursuant to N.J.S.A. 40A:9-22.21.

33. The Code of Ethics in regard to conflicts of interest states: "No officer or employee shall act in his or her official capacity in any matter where he, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment;"

34. Volkert, in his official capacity, voted on an ordinance where a member of his immediate family, his son, would have an interest and a direct financial involvement and it should be reasonably expected that such would impair his objectivity, independence, and judgment.

WHEREFORE, Plaintiffs seek an Order of this Court declaring the Ordinance to be void in violation of the Township Conflict of Interest Policy and in violation of the Township Code of Ethics.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiffs will designate trial counsel within ten (10) days of the expiration of the discovery end date.

FOR THE LAW OFFICE OF
JORDAN B. RICKARDS, ESQ.,
LLC:


JORDAN B. RICKARDS, ESQ.

Dated: June 29, 2011

RULE 4:5-1 CERTIFICATION

Plaintiffs, by their attorney, hereby certify that the matter in controversy is not the subject of any other pending or contemplated judicial or arbitration proceedings. Plaintiffs are not currently aware of any other party who should be joined in this action.

FOR THE LAW OFFICE OF
JORDAN B. RICKARDS, ESQ.,
LLC:


JORDAN B. RICKARDS, ESQ.

Dated: June 29, 2011

Appendix XII-B1

	<h2 style="margin: 0;">CIVIL CASE INFORMATION STATEMENT</h2> <h3 style="margin: 0;">(CIS)</h3> <p style="margin: 5px 0 0 0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</p>		FOR USE BY CLERK'S OFFICE ONLY
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA
			CHG/CK NO.
			AMOUNT:
		OVERPAYMENT:	BATCH NUMBER:
ATTORNEY / PRO SE NAME Jordan B. Rickards		TELEPHONE NUMBER (732) 297-8200	COUNTY OF VENUE Monmouth <input type="checkbox"/>
FIRM NAME (if applicable) The Law Office of Jordan B. Rickards, Esq., LLC		DOCKET NUMBER (when available)	
OFFICE ADDRESS Rickards Professional Building 196 Riva Avenue, P.O. Box 382 Milltown, NJ 08850-0382		DOCUMENT TYPE Amended Complaint	
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Anita Greenberg, et al., Plaintiffs	CAPTION Anita Greenberg, et al. v. Township of Old Bridge, et al.		
CASE TYPE NUMBER (See reverse side for listing) 701	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input type="checkbox"/> No	IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 6-29-11			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- | | |
|----------------------------------|--|
| 280 ZELNORM | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 285 STRYKER TRIDENT HIP IMPLANTS | 291 PELVIC MESH/GYNECARE |
| 288 PRUDENTIAL TORT LITIGATION | 292 PELVIC MESH/BARD |
| 289 REGLAN | 293 DEPUY ASR HIP IMPLANT LITIGATION |

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX |
| 271 ACCUTANE/ISOTRETINOIN | 284 NUVARING |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 286 LEVAQUIN |
| 278 ZOMETA/AREDIA | 287 YAZ/YASMIN/OCELLA |
| 279 GADOLINIUM | 601 ASBESTOS |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59