

**FILED**

**PREPARED BY THE COURT**

MAR - 9 2021

Donald Whiteman, Patricia A. Dolobacs, SUPERIOR COURT OF NEW JERSEY  
 Judith A. Erdman and 282 other Petitioners MEMBERS OF JUDGE LEAH DIVISION: CIVIL PART  
 Signers of South Seaside Park Homeowners & Voters Association, SUPERIOR COURT  
 OCEAN COUNTY

DOCKET NO. OCN-L-2667-20

Plaintiffs,

CIVIL ACTION

v.

**Amended Pretrial Order**

Township Council of Berkeley Township,  
 Township of Berkeley, John Does 1-10,  
 ABC Corps. 1-10

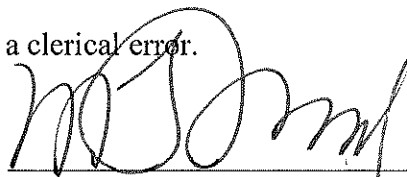
Defendants.

The parties to this action, by their attorneys, having appeared before the Court at a pretrial conference on the 9th day of March 2021, and the Court having considered the pretrial memoranda of the parties, and for good cause shown:

It is on this 9th day of March 2021 Ordered:

1. **Nature of Action:** This is an action in Lieu of Prerogative Writs in which Donald Whiteman, Patricia A. Dolobacs, Judith A. Erdman, and 282 other Petition Signers of South Seaside Park Homeowners & Voters Association (the "SSPHVA") (collectively, "Plaintiffs") challenge the decision of the Township Council of Berkeley Township (the "Council") to deny de-annexation of South Seaside Park from Berkley Township.
2. **Admission and Stipulations:** As set forth in the stipulated facts except as objected to by Defendants.
- 3-4. **Factual and Legal Contentions:** As set forth in the Pretrial Memoranda submitted by Plaintiffs and Defendants, a copy of which is attached hereto.
5. **Damage and Injury Claims:** Plaintiff seeks compensatory and punitive damages for alleged denial of due process. Claims seeking damages will be bifurcated and tried after the Prerogative Writ action.
6. **Amendments:** None.
7. **Issues and Evidence Problems:**

- a. Whether the denial of de-annexation was arbitrary, capricious, and/or unreasonable.
  - b. Whether the denial of de-annexation was detrimental to the economic and social well-being of the majority of residents of South Seaside Park.
  - c. Whether de-annexation will cause a significant injury to the Township of Berkeley.
  - d. Whether Plaintiffs were denied due process of the law.
8. **Legal Issues Abandoned:** None.
9. **Exhibits:** As provided as part of the record.
10. **Expert Witness:** As relied upon at the hearing before the Township.
11. **Briefs:** Plaintiffs: September 8, 2021  
Defendants: December 7, 2021  
Reply: January 7, 2022
12. **Order of Opening and Closing:** Usual.
13. **Any Other Matters Agreed Upon:** None.
14. **Trial Counsel:**  
Joseph Michelini, Esq., for the Plaintiffs  
Gregory P. McGuckin, Esq., for the Defendants
15. **Estimated Length of Trial:** Half Day.
16. **Weekly Call or Trial Date:** To be determined at a Trial Scheduling Conference on Friday, January 7, 2022 at 10:00am.
17. **Attorneys for Parties Conferred on:** None.
18. **Status of Discovery:** None.
19. **Parties Who Have Not Been Served:** None.
20. **Parties Who Have Defaulted:** None.
21. A status conference will be conducted on Tuesday, June 15, 2021 at 10:00 a.m.
22. This amended order is entered to correct a clerical error.



HON. MARLENE LYNCH FORD, A.J.S.C.