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May 25, 2023

VIA E-COURTS

Hon. Kevin M. Shanahan, A.J.S.C.
Superior Court of New Jersey
20 North Bridge Street
Somerville, NJ 08876

RE: Morrisette v. Town of Phillipsburg Town Council
Docket No. WRN-L-341-22

Dear Judge Shanahan:

I represent Defendant Town of Phillipsburg Town Council in the above-captioned matter. I write in response to Your Honor's May 22, 2023 order denying entry of a consent order that I had filed setting a prerogative writ trial date, on account of the Chief Justice's directive suspending civil trials.

To start, I want to advise the Court that this consent order was submitted at the specific request of Judge Ballard, as he directed at our case management conference held on May 16, 2023. Please be assured that the consent order was not presumptuously submitted by the parties in spite of the Chief Justice's standing directive.

Given the Court's apparent inability to adjudicate this matter through a prerogative writ trial at this time, with the consent of my adversary, I further write Your Honor to inquire if this matter may be decided through cross-motions for summary judgment in lieu of a prerogative writ trial. My adversary and I submit that the prerogative writ claims are strictly legal issues that do not involve any disputed facts and which are ripe for decision following briefing and oral argument.

If disposition by cross-motions for summary judgment is feasible, I would request that our previously filed trial briefs be converted to cross-motion briefs and that an oral argument date on the motion be scheduled. In the alternative, I submit that the trial briefs could be re-filed as motion briefs such that motion practice is initiated.

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I thank the Court for its consideration of this request.

Very truly yours,



MICHAEL L. COLLINS

Cc: Peter Dickson, Esq. (via e-courts)