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August 10, 2022

The Honorable Kevin M. Shanahan, A.J.S.C.
Judge of the Superior Court
Somerset County Courthouse
20 N. Bridge Street, P.O. Box 3000
Somerville NJ 08876-1262

Re: Kormandy v. Town of Phillipsburg Town Council
WRN-L-000248-21

Dear Judge Shanahan:

This firm represents the plaintiffs in this matter. I apologize for this post-argument letter, but I wanted to make sure the court was aware of a few facts that were not specifically raised in our briefs but are pertinent to the questions Your Honor was asking about timing. All of these facts are in the record.

The challenged ordinance, Ordinance 2021-14, was approved on first reading on April 20, 2021, and on final reading on May 5, 2021. (I believe that I gave an incorrect date for the second reading.) Plaintiffs' Exhibit 1.

As required by law, the Planning Board carried out a review of the proposed redevelopment's consistency with the master plan and reexamination reports. See N.J.S.A. 40A:12A-7(8)c, d; 12A-13. That Consistency Report is Exhibit 3F to our trial brief. It is dated February 25, 2021. Page 6 of that report contains a description of a "concept plan" submitted by the "current owner and redeveloper," namely, Peron Construction, Inc. (Plaintiffs requested a copy of this concept plan in our discovery but it was not furnished.)

The Thompson case was settled by agreement dated March 24, 2021. Plaintiffs' Exhibit 8D, submitted with our trial brief.

The Cappello case was settled by agreement dated March 12, 2020. Plaintiffs' Exhibit 6G, submitted with our reply brief.

The Post-Sheedy case was settled by agreement dated March 12, 2020. Plaintiffs' Exhibit 5G, submitted with our reply brief.

The Corcoran case was settled by agreement dated August 19, 2020. Plaintiffs' Exhibit 7E, submitted with our trial brief. For reasons not apparent on the record, the stipulation of dismissal was not filed with the court until July 21, 2021. Plaintiffs' Exhibit 7D.

The Ellis case was concluded by order of the court on attorneys' fees dated September 4, 2019. Plaintiffs' Exhibit 9E submitted with our trial brief.

We thank the court for its consideration.

Respectfully,

POTTER AND DICKSON

/s/ Peter Dickson

Peter Dickson

N.J. Attorney ID # 001661979

cc: Michael Collins, Esq., counsel for the own of Phillipsburg (via email and e-filing)