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December 1, 2021

VIA E-COURTS

Hon. Thomas Miller, J.S.C.
Somerset County Courthouse
20 North Bridge Street, 3rd Floor
Somerville, NJ 08876

RE: Kormandy v. Phillipsburg Town Council
Docket No. WRN-L-248-21

Dear Judge Miller:

As you know, this office represents Defendant Phillipsburg Town Council (“Phillipsburg”) in the above-captioned litigation, which is a prerogative writ action challenging Phillipsburg Ordinance 2021-14. I respectfully submit this letter in lieu of a more formal motion requesting that this case be held in abeyance, or that Phillipsburg’s discovery obligations be tolled, due to public actions anticipated this month that may potentially moot this litigation.

As background, at our case management conference on November 17, 2021, the parties agreed that Phillipsburg would provide Plaintiffs with responses to interrogatories by the end of this week. These responses remain subject to potential objections and motion practice concerning the applicability of the attorney-client privilege, which is specifically contemplated in the Court’s September 15, 2021 discovery order.

After our case management conference, Phillipsburg decided to pursue a *de novo* adoption of the subject ordinance. To this end, Phillipsburg introduced a new version of the subject ordinance, Ordinance 2021-27, at its November 23, 2021 meeting, by a 4-1 vote. This ordinance is slated to receive final adoption at Phillipsburg’s December 23, 2021 public meeting.

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Phillipsburg contends that this *de novo* adoption of Ordinance 2021-27 would moot the instant litigation. This position is consistent with N.J.S.A. 10:4-15, which allows public bodies “to take corrective or remedial action by acting *de novo* at a public meeting” to address alleged Open Public Meetings Act violations.

Accordingly, Phillipsburg respectfully requests that this case be held in abeyance or that Phillipsburg’s discovery obligations be tolled until a short period following the scheduled December 23, 2021 Town Council meeting, when it will be determined if the allegations contained in this litigation are mooted.

I respectfully ask for Your Honor’s consideration of this request at our case management conference scheduled for December 14, 2021 or at any other time that the Court deems appropriate.

Very truly yours,



MICHAEL L. COLLINS

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