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December 6, 2021

The Honorable Thomas C. Miller
Superior Court, Somerset County
20 N. Bridge Street, 3rd Floor
Somerville, NJ 08876

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

Dear Judge Miller:

This firm represents the plaintiffs in this prerogative writs action. I write in response to the December 1 letter from the attorney for the defendant Town of Phillipsburg. We strenuously oppose the relief requested in that letter.

In its September 15, 2021 discovery order, the court directed that plaintiffs be permitted to propound discovery directed at possible conflicts of interest on the part of the council members who voted on the challenged action, and that the Town answer that discovery. At a case management conference on November 17, 2021, the Town agreed to provide answers by the end of last week. No answers have been forthcoming and we are not aware of any amendment to the case management order that would excuse compliance.

The December 1 letter claims that the challenged vote will be mooted by a new ordinance contemplated by the Town, which it anticipates will be adopted at a Council meeting on December 23. The insurmountable obstacle with this claim is that one or more of the conflicted Council members who approved the resolution challenged in this case are also voting on the new ordinance. Thus, there remains a compelling need for answers to our discovery. We respectfully request that the Town be compelled to immediately provide the requested discovery and that this case proceed.

Respectfully submitted,

POTTER AND DICKSON

By /s/ Peter Dickson

Peter Dickson

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