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December 22, 2022

The Hon. Kevin M. Shanahan
Judge of Superior Court
Somerset County Courthouse
20 N. Bridge Street, 3rd Floor
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 action. We have received Your Honor's communications expressing the view that this action is moot and requesting a stipulation of dismissal. We assume that this is the court's response to the adoption by the Town Council of Phillipsburg of Ordinance 2022-30, notice of which was published on November 11.

However, my clients intend to file a prerogative writs action challenging that ordinance. If that action is successful, as we expect it will be, the ordinance in this action will govern.

We accordingly request that no action be taken in this case until our

challenge to Ordinance 2022-30 has run its course. This will avoid questions of the tolling of limitations and the like should Ordinance 2022-30 be declared invalid. By way of illustration, one Council member who voted in favor of Ordinance 2022-30 explicitly noted that in the absence of a decision in this action, he felt compelled to vote in favor of that Ordinance.

We thank the court for its consideration.

Respectfully submitted,

POTTER AND DICKSON

By /s/ Peter Dickson

Peter Dickson

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