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Attorneys for Plaintiffs,
David P. Morrisette
and Sandra S. Morrisette

David P. Morrisette and
Sandra S. Morrisette,

Plaintiffs,

v.

Town of Phillipsburg Town Council,

Defendant.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - WARREN COUNTY
:
: DOCKET NO. WRN-L-341-22

:
:
: Civil Action

:
: NOTICE OF MOTION
: FOR SUMMARY JUDGMENT
: BY PLAINTIFFS
: AS TO COUNTS TWO AND FIVE

No trial date has been set.
Discovery End Date is June 19, 2024.

TO: Michael L. Collins, Esq.
King Moench & Collins, LLP
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Red Bank, NJJ 07701
mcollins@kingmoench.com
Attorneys for Defendant, Town of Phillipsburg

PLEASE TAKE NOTICE that I, Peter Dickson, attorney for the Plaintiffs, will
apply to the above-named court at Hunterdon County Justice Center, at 65 Park
Avenue, Flemington, New Jersey 08822, or to such other court as the court may direct, on

April 26, 2024, at 9:00 a.m., or as soon as the matter may be heard, for an Order granting summary judgment in favor of the Plaintiffs and against the Defendant with respect to Counts Two and Five of the Complaint. A proposed form of Order is attached.

This motion is made upon the following grounds:

The Ordinance challenged in the Complaint In Lieu Of Prerogative Writs is invalid because the Town Council did not consider any report from the Land Use Board on whether the amendment to the redevelopment plan is consistent with the Master Plan, because the Town Council did not consider any inconsistencies with the Master Plan, because the Town Council considered a consistency review that was not prepared for this Ordinance, and because the Ordinance is arbitrary and capricious.

Plaintiffs will rely upon the statement of material facts as to which there is no dispute, the certification, exhibits and letter brief filed in support hereof.

The discovery end date is June 19, 2024.

I request oral argument in the event that this motion is contested.

Respectfully submitted,

/s/ Peter Dickson
Peter Dickson

March 29, 2024.