

Peter Dickson,  
 NJ Attorney ID # 001661979  
 Law Offices of Peter Dickson  
 23 Route 31 North, Suite A28  
 Pennington, NJ 08534  
 Telephone: (609) 690-0312  
 Cell phone: (609) 651-9960  
 Email: [rwppddl@cs.com](mailto:rwppddl@cs.com)  
[dicksonpd@cs.com](mailto:dicksonpd@cs.com)  
 Attorney for Plaintiffs,  
 David P. Morrisette  
 and Sandra S. Morrisette

**F I L E D**

**February 28, 2025**

**Veronica Allende, J.S.C.**

David P. Morrisette and	:	SUPERIOR COURT OF NEW JERSEY
Sandra S. Morrisette,	:	LAW DIVISION - WARREN COUNTY
5 Fairview Heights	:	
Phillipsburg, NJ 08865	:	DOCKET NO. WRN-L-000378-24
Plaintiffs,	:	
v.	:	Civil Action
Town of Phillipsburg Town Council,	:	
the governing body of the municipality,	:	
with offices at Municipal Building,	:	
120 Filmore Street,	:	
Phillipsburg, New Jersey 08865,	:	ORDER
Defendant.	:	

This matter having been brought before the Court on the Motion by the Plaintiffs, David P. Morrisette and Sandra S. Morrisette, by and through their counsel, Peter Dickson, for leave to file an Amended Complaint in these proceedings; and

The Court having considered the papers and submissions submitted in support of this motion and in opposition, and having considered any oral argument on the matter, and good cause appearing;

It is on this 28th day of February, 2025, ORDERED that:

1. The Plaintiffs, David P. Morrisette and Sandra S. Morrisette, are granted leave to file an Amended Complaint in this matter, and

**IT IS FURTHER ORDERED** that service of this Order shall be deemed effectuated upon all parties upon the upload to eCourts. Pursuant to Rule 1:5-1(a), a movant shall serve a copy of this Order on all parties not served electronically within seven days of the date of this Order.

~~2. Plaintiffs shall file the Amended Complaint within seven (7) days of this Order and serve a copy of this Order and the Amended Complaint on all parties in this matter within seven (7) days of its filing.~~

*Veronica Allende*

Honorable Veronica Allende, J.S.C.

The Motion was  
☐ Opposed  
☒ Unopposed

### **Statement of Reasons**

Plaintiff moves the court to grant them leave to file a First Amended Complaint to amend paragraphs 5, 7, and 13, to add new paragraphs 39 and 48, and to add a new sentence at the end of renumbered paragraph 57. Plaintiff's motion is unopposed.

Rule 4:9-1 provides that after both a complaint and answer in an action have been filed, a party may amend the complaint only by written consent of the adverse party, or by leave of court, "which shall be freely given in the interest of justice." A motion for leave to amend shall be accompanied by a copy of the proposed amended pleading. The responding party shall plead in response to an amended pleading within the time remaining for response to the original

pleading or within 20 days after service if the amended pleading, which ever period is longer, unless the court otherwise orders.

The motion for leave to amend is required by the rule to be liberally granted and without consideration of the ultimate merits of the amendment. *Notte v. Merchants Mut. Ins. Co.*, 185 N.J. 490, 500-01 (2006). The leave to amend may be denied upon of showing of undue prejudice. The party moving to amend its pleadings must attach a copy of the proposed pleadings.

Here, the court finds that Plaintiff has identified additional information that is relevant to Plaintiff's claims. Plaintiff certified that "[t]hese changes reflect that the Planning Board adopted a new Master Plan Reexamination Report, which is, nonetheless not applicable to this Ordinance, and the resignation of two of the three Council members who voted for approval on the 3-2 vote to approve the Redevelopment Plan amendment in Ordinance 2024-14." No showing of undue prejudice has been made. Additionally, Plaintiff attached a copy of the proposed pleading for the court's review. For those reasons, the court grants Plaintiff's motion in the interest of justice, as permitted per Rule 4:9-1.

Application is granted.

The proposed form of order has been modified with additional language added in bold face and/or other proposed provisions stricken.

