**F I L E D**

**May 1, 2025**

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

**FLORIO PERRUCCI STEINHARDT**
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| David P. Morrisette and Sandra S. Morrisette, 5 Fairview Heights, Phillipsburg, NJ 08865, <br><br> Plaintiffs, <br><br> v. <br><br> Town of Phillipsburg Town Council, the governing body of the municipality, with offices at Municipal Building, 120 Filmore Street, Phillipsburg, New Jersey 08865, <br><br> Defendant, <br><br> And <br><br> Peron Construction, LLC, <br><br> Defendant-Intervenor. | SUPERIOR COURT OF NEW JERSEY LAW DIVISION: WARREN COUNTY DOCKET NO:  WRN-L-000378-24 <br><br> **CIVIL ACTION** <br><br> **ORDER** |

**THIS MATTER** having come before the Court by Florio Perrucci Steinhardt Cappelli & Tipton, LLC, attorneys for Defendant-Intervenor, Peron Construction, LLC, for an Order dismissing Count Four of the First Amended Complaint filed by Plaintiffs, David P. Morrisette and Sandra S. Morrisette, as against said Defendant-Intervenor for failure to state a claim, pursuant to R. 4:6-2(e), and the Court having considered the matter, and the arguments of counsel if any, ~~and other good cause having been shown~~;

**IT IS** on this 1st day of May, 2025, **ORDERED** as follows:

1.      Defendant-Intervenor's Motion to Dismiss in favor of Defendant-Intervenor, Peron Construction, LLC, pursuant to R. 4:6-2(e) as to Count Four of Plaintiffs' First Amended Complaint **BE** and hereby is **DENIED**. ~~IS GRANTED~~ ~~with prejudice~~;

2.      A copy of this Order shall be deemed served upon all counsel of record upon uploading to eCourts and posting on the electronic case jacket in this matter.

Opposed    __X____

Unopposed _____

_____

Honorable Veronica Allende, J.S.C.

Oral argument was heard on May 1, 2025.  This order is entered for the reasons stated on the record after oral argument was heard.

Application denied.

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