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SUPERIOR COURT  
BURLINGTON COUNTY

2013 OCT -7 PM 12:00

OCT 8 - 2013

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Michael S. Ridgway, Esquire  
Attorney ID: 014111975  
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NJ ID: 014111975

# 17 Blde  
Amount \$ 200  
Batch # 274

FILED

OCT 07 2013

Attorneys for Plaintiff Allied Recycling Inc. /Last Chance Salvage Inc.

ALLIED RECYCLING INC., and  
LAST CHANCE SALVAGE INC.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
BURLINGTON COUNTY  
DOCKET NO. : Bur-L-2448-13

Plaintiffs,

CIVIL ACTION

TOWNSHIP OF SOUTHAMPTON  
ZONING BOARD OF ADJUSTMENT

COMPLAINT IN LIEU OF  
PREROGATIVE WRITS

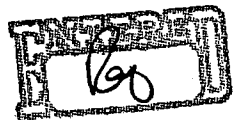
Defendant. 701

FACTS AND PROCEDURAL HISTORY

Plaintiffs, Allied Recycling Inc. (a New Jersey Corporation) and Last Chance Salvage Inc. (a New Jersey Corporation) (hereinafter "Plaintiff"), with a mailing address of 2658 Route 206, Mount Holly, New Jersey 08060, by way of Complaint in Lieu of Prerogative Writs against the Defendant, the Township of Southampton Zoning Board of Adjustment (hereinafter "Board") say:

1. Plaintiff, Allied Recycling Inc., is a for-profit junk yard operator, recycler etc. authorized to do business in the State of New Jersey,
2. Plaintiff, Last Chance Salvage Inc., is a for profit junk yard operator, recycler etc. authorized to do business in the State of New Jersey.

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3. The Board is a duly authorized zoning board of adjustment for the Township of Southampton (“Township”) pursuant to N.J.S.A. 40:55D-69.

4. At all times relevant herein the Board acted within the scope of and in the course of its relationship with the Township.

5. Plaintiff, Last Chance Salvage Inc. is the owner of the property known on the tax map of the Township of Southampton as Block 2401 Lot 36.02. The site is approximately 12.66 acres in size and is located in the RD Pinelands Zoning District of the Township. The site has approximately 700 feet of footage on New Road.

6. The site was carved out of a “mother” lot (the “mother” lot consisted of approximately 34.5 acres) that resulted from a subdivision applied for by Last Chance Salvage Inc. (incorrectly indentified as Last Chance Auto Salvage Inc.) and granted by the Southampton Township Planning Board and further described in a Resolution adopted by the Southampton Township Planning Board on October 7, 1993 and a copy of said Resolution is attached hereto as Exhibit “A”.

7. The Plaintiff Allied Recycling, Inc. purchased all of the shares of the Plaintiff Last Chance Salvage, Inc., the owner of the 12.66 acre site, on or about July 27, 2012.

8. The individual stock holders of Plaintiff Last Chance Salvage, Inc, the owner of the property, were Daniel and Pamela Giberson. The property has been in the Giberson families since the 1940s and has been used a junk yard since approximately 1947.

9. Junkyard, is defined in the Southampton Township zoning ordinances in two separate ordinance sections. It is defined in the Southampton Township Land Development ordinance (chapter 12-2.3) as follows “**Junkyard:** Any area of land that, with or without buildings, devoted to the storage, keeping the abandonment of junk or debris, whether or not it is

in connection with the dismantling, processing, salvage, sale or other use or disposition of thereof or of any material whatsoever”(emphasis added) .. It is further defined in Chapter 4, the general licensing ordinance of Southampton Township as follows under Chapter 4-4.1a. “Junk yard” shall mean a place, location, yard, covered or uncovered or place in the township kept, maintained, or used for the purpose of buying and selling, exchanging or storing, rags, old metals, old bottles, old glassware, old plumbing fixtures, old lumber, unregistered motor vehicles unfit for reconditioning, dismantled old motor vehicles or parts there of, used motor vehicles or parts thereof, used motor vehicle parts, motor vehicle junk or any other old material commonly called junk.”(emphasis added).

10. The Giberson family, either as owners/operators or as landlords has operated the site as a junkyard since the 1940s, prior to the enactment of the junkyard ordinance in September 7, 1965 when junkyards began to first be licensed in Southampton Township.

11. Since the licensing ordinance went into effect, the Giberson family has secured a license from the Township to operate a junkyard each and every year. Attached as Exhibit “B” is correspondence from the then Township attorney, dated August 3, 1967 to William Giberson, Daniel Giberson’s father, acknowledging that a junk business is being conducted on the site and requiring Mr. Giberson to secure a municipal license.

12. Shortly after Plaintiff Allied Recycling, Inc. first leased and subsequently purchased the stock of Plaintiff, Last Chance Salvage, Inc. Plaintiff Allied Recycling, Inc. made significant improvements to the site (removing thousands and thousands of tires, installed fencing, security lighting, etc.) and installed a weight scale. Southampton Township’s building inspector, Jody Mazeall, issued a citation to Plaintiff Allied Recycling, Inc., stating that a site plan application would have to be made even though there was no new development that would

necessitate a site plan application. The Southampton Township Land Development Ordinance, Section 12-2.3 defines a Minor Site Plan as follows: “ **Minor Site Plan:** any site plan for any new development or building alteration or addition not exempt from site plan review which involves grading, clearing or disturbance of an area less than five thousand (5,000) square feet” . Mr. Mazeall also refused to issue the annual junkyard license to Plaintiff Allied Recycling, Inc. without any municipal authority and issued a citation for an unlicensed business.

13. Notwithstanding Plaintiff Allied Recycling, Inc.’s contention that a site plan application was not required by the Southampton Township Municipal Ordinances, Plaintiff, nonetheless, made an application to the Southampton Township Zoning Board for minor site plan approval and a use variance inasmuch as the installation of the weight scale was deemed by Mr. Mazeall an expansion of the pre-existing non-conforming use. Clearly, the weight scale installation should not require a minor site plan approval. Nonetheless, Plaintiff Allied Recycling, Inc. proceeded, in good faith, to make the minor site plan and use variance application for the alleged expansion of the junk yard use on the site.

14. Although application was made to the Zoning Board at the end of 2011, the application was not first heard by the Zoning Board until March of 2013, until after Plaintiff received the New Jersey Certificate of Filing from the New Jersey Pinelands Commission for both the installation of the weight scale and the refurbishment (not expansion) of two existing buildings on the site as well as a sign installation. The Certificate of Filing from the New Jersey Pinelands Commission stated that the pre-existing non-conforming use could not be geographically expanded beyond the location as shown on the 1993 subdivision plan approved by the Southampton Township Planning Board.

15. At the Zoning Board hearing on March 14, 2013, Plaintiff began submitting its presentation to the Defendant Zoning Board and the hearing was, due to various conflicts, lack of a Defendant Zoning Board quorum (after the appearance of the Plaintiff and its experts), etc. rescheduled for August 8, 2013.

16. Between the March and August 2013 hearing dates, there was correspondence between the Plaintiffs' and Defendant's attorney whereby, among other things, it was requested by the Defendant's attorney that the Plaintiff apply for a Certificate of Non-Conforming Use pursuant to N.J.S.A. 40:55D-68, which Plaintiff subsequently did.

17. During the business day of August 7, 2013, one day prior to the scheduled Zoning Board hearing, the attorney for Plaintiff notified both the Zoning Board Secretary and Counsel for the Zoning Board that he could not be in attendance at the August 8, 2013 hearing because he was suffering from tick-borne illness and was subsequently admitted to the hospital for treatment.

18. Notwithstanding Plaintiff Attorney's notification, the Defendant Zoning Board held the August 9, 2013 hearing without Plaintiff representation or knowledge that the hearing would be held and heard testimony from residents objecting to the application and denied Plaintiff's application without prejudice, which would require the Plaintiff to submit a new application, escrow fees, etc. at a significant cost to Plaintiff.

19. On August 19, 2013, Counsel for the Township of Southampton filed a Complaint and Order to Show Cause requesting, among other things, that the junkyard be closed until a new application was submitted and approval was granted for the relief requested by the plaintiff. (Superior Court of New Jersey, Law Division, Burlington County Docket No.: BUR-L-2037-13). Additionally, Township Counsel directed that the junk yard be closed with no prior notice to

Plaintiff Allied Recycling, Inc. After a discussion with Township Counsel, said directive was rescinded.

20. The relief requested by the Township of Southampton was denied without prejudice and the matter was remanded to the Defendant Zoning Board of Adjustment, denying the earlier Defendant Zoning Board of Adjustment's dismissal without prejudice, and continuing the Applicant's Application including the testimony previously supplied at the earlier March 14, 2013 hearing.

21. It was determined that the matter would be heard at a special meeting to be held on September 19, 2013 and proper notice was given to all property owners and utility companies and the meeting advertised in the Burlington County Times.

22. At that special Zoning Board hearing on September 19, 2013, Plaintiff put forth its proofs regarding the Certificate of Non-Conforming Use application. Building on the testimony presented by the Plaintiff at the March 14, 2013 hearing, significant proofs were submitted to the Defendant with regard to the continued use of the site as a junk yard since 1947 and the continued Township licensing of the site as a junkyard since 1965. During said hearings Plaintiff presented expert witness testimony and exhibits in support of its Application. Plaintiff's experts were Gary Civalier, a licensed professional engineer and the Plaintiff's professional planner was James Miller, a licensed professional planner. Mr. Civalier testified as to the installation of the weigh scale and reconstructed driveway, the proposed refurbishment of the two existing buildings and the proposed sign to be installed at the entrance of the site. Mr. Civalier also testified as to the 1993 subdivision approval and the geographic limitations contained in that subdivision approval. Among the exhibits submitted was a plan of the site in its current condition, various aerial photographs from 1963 through 1995, the 1993 Southampton

Township Minor Sub-Division plan and the 1993 approving Resolution granted by the Southampton Township Planning Board. Mr. Miller also testified on behalf of the Plaintiff at the hearings. Mr. Miller, in addition to his other expert testimony, gave his expert opinion that, based upon the testimony presented, the site has always been used as a junkyard as defined by the Southampton Township Municipal Ordinances. The Defendant Board accepted the expert qualifications of both Mr. Civalier and Mr. Miller.

23. Further, Mr. Thomas Gabrysiak, President of both Plaintiff Allied Recycling, Inc. and Last Chance Salvage, Inc., testified that, first since leasing the junk yard site and subsequently since purchasing the stock of Last Chance Salvage, Inc. on July 27, 2012, he removed literally hundreds of tons of non-automotive “junk” from the site including, but not limited to, lumber, copper, iron, and other metals. Michael Ivins testified that he had personal knowledge of the site and stated that, over the years, the junk on that site was not limited to automobiles. Lastly, Mr. Daniel Giberson, the former owner of Last Chance Salvage, Inc., testified to the long history of that site. He testified that the site had historically received significant wood debris, appliances, metals, etc. In fact, Mr. Giberson stated that when the junkyard started in 1947 and for years thereafter, it received, processed and recycled thousands and thousands of tomato cans that were crushed for metal salvage.

24. When the Zoning Board Chairman opened up the meeting to the public at the conclusion of Plaintiff’s testimony, the Board Chairman advised any objectors to limit their comments specifically as to their knowledge regarding the historic use of the site. Notwithstanding the Board Chairman’s direction, the Board allowed numerous residents’s to testify and submit exhibits (pictures of a truck outside of the site) solely with respect what they considered was the present use of the site.

25. Neither the objectors nor the Board presented reliable, competent testimony in opposition to Plaintiff's Application or to the testimony of Plaintiff's expert witnesses or lay witnesses.

26. On September 19, 2013, after the conclusion of the hearings, the Zoning Board statutorily denied Plaintiff's Application for a Certificate of Non-Conforming Use by a vote of 2 votes in favor 4 votes against and 1 vote abstaining.

27. The significant factual and procedural history recited here is critical in that it points to the actions of the Defendant Zoning Board and the actions of the Township of Southampton (by bringing the Complaint and Order to Show Cause and issuing municipal complaints) to attempt to deny the Applicant's right to use the site as a junk yard consistent with the definition of a junkyard in the Township Ordinances and consistent with the licensing that has been applicable to that site since 1965.

### FIRST COUNT

1. The Board's denial of Plaintiffs Application for a Certificate of Non-Conforming Use was arbitrary, capricious, unreasonable, without legal or factual basis, and an abuse of discretion because the Board:

- (a) ignored the uncontroverted expert testimony presented by the Plaintiff's experts in support of the application;
- (b) ignored the uncontested testimony presented by the Plaintiff and Plaintiff's witnesses in support of the application regarding the historical use of the premises as a junkyard;



- (c) wrongfully relied on testimony that was not credible, inaccurate, incompetent, and unsupported by facts;
- (d) created findings and conclusions which were: (1) not based upon the competent, credible evidence; and (2) conclusory in nature in violation of governing case law;
- (e) acted upon information not before the Board and outside the record;
- (f) ignored findings and conclusions compelled by uncontroverted, competent, credible witness and lay evidence presented in support of the application;
- (g) misinterpreted and misapplied the legal standards applicable to the application;
- (h) acted in an arbitrary, capricious and unreasonable manner in denying the application; and
- (i) issued a ruling, which is not supported by the record or substantial evidence as required by the Municipal Land Use Act.

**WHEREFORE**, Plaintiff demand that Judgment be entered against the Defendant as follows:

- A. Invalidating the defendant, Township of Southampton Zoning Board's denial of Plaintiff's Application for a Certificate of Non-Conforming Use;
- B. Granting Plaintiff's application;
- C. Awarding attorney's fees and costs of suit;
- D. Such further relief as the court may deem equitable and just.

**DESIGNATION OF TRIAL COUNSEL**

CLERK OF SUPERIOR COURT  
BURLINGTON COUNTY

2010 OCT 17 PM 12:00

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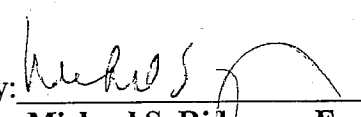
Pursuant to Rule 4:25-4, Michael S. Ridgway, Esquire is hereby designated as trial  
counsel for Plaintiffs.

**CERTIFICATION**

Pursuant to Rule 4:5-1, the undersigned hereby certifies that this matter is not the subject of any other action or a pending arbitration proceeding (other than the matter referred to in Paragraph 19 of the Complaint) and no other action or arbitration proceeding is contemplated. The undersigned hereby certifies that there are no other parties who should be joined in the action at this time.

**RIDGWAY AND STAYTON, L.L.C.**  
**Attorneys for the Plaintiffs**

Dated: 10/17/2010

By:   
**Michael S. Ridgway, Esquire**

**EXHIBIT "A"**

SOUTHAMPTON TOWNSHIP PLANNING BOARD  
ROBERT L. THOMPSON BUILDING  
5 RETREAT ROAD  
SOUTHAMPTON, NEW JERSEY 08088

PLANNING BOARD  
SOUTHAMPTON TOWNSHIP  
BURLINGTON COUNTY

2013 OCT -7 PM 12:00

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RESOLUTION OF MEMORIALIZATION 93.8

IN THE MATTER OF THE APPLICATION OF  
LAST CHANCE AUTO SALVAGE, INC.

BE IT RESOLVED, by the Planning Board of the Township of Southamptton in the County of Burlington and State of New Jersey, that,

WHEREAS, LAST CHANCE AUTO SALVAGE, INC. ("Applicant") is the operator of an auto salvage operation (commonly referred to as a "junk yard") on Lot 36.01, Block 2401, Southamptton Township;

WHEREAS, Applicant has made application to this Board seeking approval of a minor subdivision of the aforesaid lot;

WHEREAS, the said application was considered by the Board at a public hearing on September 2, 1993;

The Board finds the following facts:

(1) That Daniel D. Giberson is the owner of the subject lot and has consented to this application;

(2) The existing lot 36.01 is approximately 34.411 acres in size, is located along New Road in a Rural Development Zone in the Pinelands area;

(3) Applicant received a Certificate of Filing from the Pinelands Commission dated June 4, 1993;

(4) The lot is presently dedicated to mixed uses, containing both the auto salvage yard and a single family residence;

(5) Applicant's proposal to divide the lot into new lot 36.02 (12.666 acres) and remainder lot 36.01 (21.751 acres) will create two (2) conforming lots, one dedicated to residential use only and the other dedicated to auto salvage only. To the extent the salvage operation spills over at present in one small area onto the proposed residential (remainder) lot, Applicant has promised to remove all junk cars or other salvage related operations from same;

(6) Applicant proposes no new development on either lot;

(7) The auto salvage operation is confined to an area delineated on the Plan submitted by Applicant - the remainder of proposed lot 36.02 is wooded.

NOW, THEREFORE, BE IT RESOLVED that this application for minor subdivision is hereby granted, subject to the following conditions:

- (1) Approvals from all other agencies having jurisdiction;
- (2) There shall be no further clearing of the wooded

portion of new lot 36.02, nor shall there be any expansion of the area devoted to auto salvage operations (or storage of junk cars);

(3) Applicant shall remove any junk cars, parts, or other salvage operations from new lot 36.01;

(4) This subdivision shall be recorded within the time prescribed by law by map or deed filed at the Burlington County Clerk's Office. Said subdivision lines shall be precisely in accordance with the lot lines set forth on the plan titled "Minor Subdivision" drawn by Raymond L. Worrell, II, dated April 26, 1993, submitted with this application.

The following requirements of the Township ordinances are hereby waived:

(1) Percolation tests and soil logs, due to the large size of the lots;

(2) Depiction of buildings on adjacent lots, due to large lot sizes and existence of substantial buffering.

SECRETARY'S CERTIFICATE

I hereby certify that the above is a true copy of a resolution adopted by the Planning Board of the Township of Southampton, in the County of Burlington and State of New Jersey,

CLERK OF COURT  
DUNELSON COUNTY

2010 OCT -7 PM 12:00

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in accordance with the authority granted to it under Ordinance  
1976-3 and 1976-7 adopted in pursuance of the authority of  
Section 14 of Chapter 433 of the Laws of 1953, and the amendments  
thereto, at a meeting held on the 7<sup>th</sup> day of October, 1993

*Letty A. Conley*  
SECRETARY OF THE PLANNING BOARD

# **EXHIBIT "B"**



LAW OFFICES  
PARKER, McCAY AND CRISCUOLO  
115 HIGH STREET  
MOUNT HOLLY, N. J. 08060

HAROLD T. PARKER  
ALBERT McCAY  
ROBERT W. CRISCUOLO  
WILLIAM V. WEBSTER, JR.  
RICHARD J. DILL  
BARRY T. PARKER  
DAVID A. PARKER  
ROBERT J. PARTLOW

CLERK OF SUPERIOR COURT  
BURLINGTON COUNTY  
2010 08 17 PM 12:08  
TELEPHONE 267-2650  
AREA CODE 609

August 3, 1967

RECEIVED  
BY: 006

Mr. William Giberson  
Buddtown Road  
Vincentown, New Jersey

Re: Our File No. 13047C

Dear Mr. Giberson:

The records of Southampton Township indicate you are the owner of Lot 36 in Block 2401 and that a junk business is being conducted on the premises, presumably by Eddie Fuller. The Township ordinance prohibits such a business without a license. We are presently engaged in a campaign to prosecute all violators, and prosecution will follow unless this condition is corrected by either removing the junk or obtaining a license by August 30th.

Very truly yours,

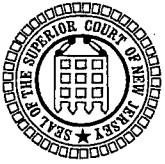

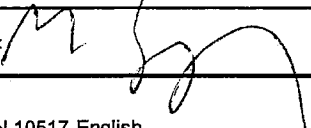
*Robert W. Criscuolo*  
*bah*  
ROBERT W. CRISCUOLO

RWC:bah

cc: Mr. Hector Irick  
Mr. Edward Fuller

Appendix XII-B1

CLERK'S OFFICE  
SUPERIOR COURT  
BURLINGTON COUNTY

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b>	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>,                  if information above the black bar is not completed                  or attorney's signature is not affixed</b>		PAYMENT TYPE: <input type="checkbox"/> CK <input checked="" type="checkbox"/> CG <input type="checkbox"/> CA	CHG/CK NO.
			AMOUNT: RECEIVED BY: 006	OVERPAYMENT:
			BATCH NUMBER:	
	ATTORNEY / PRO SE NAME Michael S. Ridgway, Esquire		TELEPHONE NUMBER (856) 810-7723	COUNTY OF VENUE Burlington
FIRM NAME (if applicable) Ridgway and Stayton, L.L.C.		DOCKET NUMBER (when available) BUR-L-2448-13		
OFFICE ADDRESS 3 East Stow Road, Suite 290 Marlton, New Jersey 08053		DOCUMENT TYPE COMPLAINT		
		JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) Allied Recycling Inc./Last Chance Salvage Inc., Plaintiffs		CAPTION Allied Recycling Inc./Last Chance Salvage Inc. vs. Township of Southampton Zoning Board		
CASE TYPE NUMBER (See reverse side for listing) 701	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

## CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Multicounty Litigation (Track IV)

- |  |   |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT)  | 288 PRUDENTIAL TORT LITIGATION                            |
| 271 ACCUTANE/ISOTRETINOIN              | 289 REGLAN  |
| 274 RISPERDAL/SEROQUEL/ZYPREXA         | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION                |
| 278 ZOMETA/AREIDIA                     | 291 PELVIC MESH/GYNECARE                                  |
| 279 GADOLINIUM                         | 292 PELVIC MESH/BARD                                      |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION                      |
| 282 FOSAMAX                            | 295 ALLODERM REGENERATIVE TISSUE MATRIX                   |
| 284 NUVARING                           | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS       | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 286 LEVAQUIN                           | 601 ASBESTOS  |
| 287 YAZ/YASMIN/OCELLA                  | 623 PROPECIA  |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category  Putative Class Action  Title 59