

FILED

MAY 08 2019

PREPARED BY THE COURT

SUPERIOR COURT OF NJ
MERCER VICINAGE
CIVIL DIVISION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-
MERCER COUNTY

DOCKET NO. MER-L-919-19

CIVIL ACTION

KATHY McBRIDE, PRESIDENT,
TRENTON CITY COUNCIL; MARGE
CALDWELL-WILSON, VICE
PRESIDENT, TRENTON CITY
COUNCIL; and ROBIN M. VAUGHN,
MEMBER, TRENTON CITY COUNCIL,

Plaintiffs,

v.

LT. GOVERNOR SHEILA Y. OLIVER,
COMMISSIONER, NEW JERSEY
DEPARTMENT OF COMMUNITY
AFFAIRS, DIVISION OF LOCAL
GOVERNMENT SERVICES; MELANIE
R. WALTER, DIRECTOR, NEW JERSEY
DEPARTMENT OF COMMUNITY
AFFAIRS, DIVISION OF LOCAL
GOVERNMENT SERVICES, and REED
GUSCIORA, MAYOR, CITY OF
TRENTON,

Defendants.

ORDER

Plaintiffs pro se:

Kathy McBride, President, City Council
Marge Caldwell-Wilson, Vice President, City
Council
Robin M. Vaughn, Member, City Council
319 E. State St. -City Hall
Trenton, New Jersey 08609

THIS MATTER having come before the court by way of the filing of a Verified Complaint and Order to Show Cause by Plaintiffs on April 29, 2019; and Plaintiffs seeking temporary and permanent injunctive relief preventing any action by Defendants that would shut down City government or endorse or implement in any way the budget proposed by Mayor Reed Gusciora; and the court not entering the Order to Show Cause to date because it was not supported

by a brief containing legal argument establishing the Plaintiffs' right to relief, as required by R. 4:52-1c; and a brief being essential to put Defendants on notice of the legal arguments upon which Plaintiffs will rely in seeking the relief set forth in the Verified Complaint and Order to Show Cause, and further being essential for the court to review the Plaintiffs' application for relief; and it being the court's understanding that Plaintiffs were seeking an attorney to represent them in the lawsuit; and pro se Plaintiffs having filed a document on May 8, 2019, that, while not in a form complying with the New Jersey Court Rules, appears to be a motion seeking to compel the City of Trenton to provide funding for Plaintiffs to hire an attorney to pursue their lawsuit, including a claim that the Defendant Department of Community Affairs be ordered to approve a professional services contract for the law firm of Manfredi & Pellechio to represent Plaintiffs in this case; and the court determining to relax the requirements of the court rules to allow Plaintiffs to pursue the relief sought in the motion regarding appointment of an attorney at City expense despite the fact that their motion papers are non-conforming as long as they comply with this order; and for good cause shown:

IT IS on this 8th day of May, 2019, **HEREBY ORDERED** that:

1. The court hereby accepts the filing of Plaintiffs' application seeking publicly funded counsel to pursue their Verified Complaint and Order to Show Cause as a motion subject to the requirements set forth in this order.
2. Plaintiffs shall provide the \$50.00 filing fee for a motion to be docketed to civil case management by May 10, 2019.
3. Plaintiffs shall file a Notice of Motion in the proper form by May 10, 2019.
4. Plaintiffs shall serve by May 10, 2019, copies upon all Defendants of the original Verified Complaint and unsigned Order to Show Cause and copies of

the papers filed on May 8, 2019 regarding their application for publicly funded counsel to pursue the relief sought in their Order to Show Cause and Verified Complaint.

5. Plaintiffs shall file a proposed order and proof of service on Defendants as required in paragraph 4 of this order by May 13, 2019.
6. If Plaintiffs comply with the requirements of this order, the court will conduct a case management conference in person with pro se Plaintiffs and attorneys representing the Defendants on May 16, 2019 at 2 P.M. at the Mercer County Criminal Courthouse, 400 South Warren Street, Trenton, New Jersey, Courtroom 4 A. The court recommends that the attorney selected by Plaintiffs participate, but will not compel participation since the issue of funding of counsel for Plaintiffs is the subject of the motion filed by pro se Plaintiffs.
7. The subject of the conference will be to discuss a schedule for the consideration of the relief sought in Plaintiffs' motion regarding publicly funded counsel to represent them in this lawsuit.
8. Although the court has relaxed court rules to allow the filing of the motion subject to the requirements set forth in this order, Defendants are not foreclosed from raising procedural arguments in opposition to the relief requested.


Mary C. Jacobson, A.J.S.C.