

FILED

MAR 27 2008

JUDGE YOLANDA CICCONE

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ATTORNEYS FOR Plaintiff
Millington Quarry, Inc.

MILLINGTON QUARRY, INC.,

Plaintiff,

v.

TOWNSHIP OF BERNARDS, and
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BERNARDS

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: SOMERSET COUNTY
: DOCKET NO. SOM-L- 475-08

:
:
: **ORDER TO SHOW CAUSE
FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

THIS MATTER having been opened to the Court by Day Pitney LLP, attorneys for Plaintiff Millington Quarry, Inc., by way of an Order to Show Cause for an Order directing that a Temporary Restraining Order and Preliminary Injunction be issued against Defendants the Township of Bernards and the Township Committee of the Township of Bernards (collectively "Defendants"), and the

Court having considered the Verified Complaint, Plaintiff's Memorandum of Law and the Affidavit of Thomas Carton, and ~~it~~ appearing therefrom that Plaintiff Millington Quarry, Inc. ("MQI") is entitled to the relief requested, and good cause having been shown,

IT IS on this 27 day of March 2008:

ORDERED that Defendants show cause on the 14 day of March, 2008 at April a.m./p.m. before the Superior Court of New Jersey, Somerset County, why an Order should not be entered enjoining Defendants or anyone acting on behalf of the Defendants, from, directly or indirectly, enforcing Ordinance # 2008, including the prevention of importation of fill to the Millington Quarry located at 44 Stonehouse Road in Bernards Township (the "Property").

IT IS FURTHER ORDERED that pending the return date, Defendants are immediately and temporarily enjoined and restrained from enforcing Ordinance # 2008 including but not limited to the importation of fill to the Property; and

IT IS FURTHER ORDERED that a copy of this Order to Show Cause together with all supporting papers shall be delivered to: John P. Belardo, Esq., Municipal Attorney of the firm, Di Francesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C., within day(s) hereof, which service shall be deemed due and proper service under New Jersey Rules of Court; and

IT IS FURTHER ORDERED that Defendants, shall serve and file any answering affidavits, certifications, or briefs in response to MQI's application on or before April 7, 2008; and MQI shall serve and file any reply papers on or before April 11, 2008 and

~~**IT IS FURTHER ORDERED** that the parties may immediately serve interrogatories and document requests, and that responses shall be provided within ___ day(s) from the date of service; and~~

~~**IT IS FURTHER ORDERED** that the parties may notice depositions on 5 days notice; and~~

~~**IT IS FURTHER ORDERED** that Defendants shall serve and file an Answer to the Verified Complaint within ___ day(s) of service of the Verified Complaint. If Defendants fail to serve and file an Answer within this time, judgment by default may be entered against them for the relief demanded in the Verified Complaint.~~

IT IS FURTHER ORDERED that a copy of this Order and supporting papers shall be served on all counsel of record within ___ day(s) hereof.


_____, J.S.C.