

FILED

APR 19 2019

**CHRISTINE A. FARRINGTON,
J.S.C.**

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**IN THE MATTER OF THE BOROUGH OF
ENGLEWOOD CLIFFS, BERGEN COUNTY**

SUPERIOR COURT
Law Division
Bergen COUNTY

DOCKET NO.: BER-L-6119-15

CIVIL ACTION

Order

This matter has been case managed by the Court, most recently through the entry of an order dated March 7, 2019, which memorialized the Court's directives at a case management conference held on February 21, 2019, and it appearing that that the Court-appointed Special Master Mary Beth Lonergan, PP, AICP has been assisting in mediation involving the Borough of Englewood Cliffs, Intervenor 800 Sylvan Avenue, LLC and has advised the Court that the ongoing mediation is progressing, but that a settlement has not been reached;

And the court having been advised by the Special Master that an amendment to the March 7, 2019 order is appropriate and will be

helpful to the effort to reach a global settlement,

IT IS on this 19th day of April, 2019

ORDERED as follows:

1. This order supersedes the Court's March 7, 2019 order.

2. In the event the parties reach a conceptual settlement, they shall sign a memorandum of understanding (MOU) on or before April 18, 2019 and shall execute a formal settlement agreement on or before May 17, 2019, with all parties to take all steps necessary, including through the scheduling of special meetings by the Borough, if necessary, to meet those deadlines.

3. In the event that there is not a conceptual settlement as expressed in an MOU by April 18, 2019 to which *Mount Laurel* *subcommittee of* *the Borough* Inglewood Cliffs, 800 Sylvan and FSHC agree, the parties may restart discovery.

4. Discovery shall be concluded on or before May 6, 2019.

5. In the event there is not a conceptual settlement memorialized in a signed MOU on or before April 29, 2019, the Special Master shall file her report with the court on that date. The deposition of the Special Master shall be completed on or before May 6, 2019.

6. The exchange of pre-trial statements and trial exhibits shall be addressed by the court prior to trial in this matter.

7. If there is not a settlement, the trial in this matter is scheduled to start on May 13, 2019 and to continue on days to be established by further order of this court.

8. In the event there is a settlement on or before May 17, 2019, the court will review the settlement at a fairness hearing, which is scheduled for June 28, 2019 at 10 a.m.

9. Immunity is extended until May 13, 2019, at which point the Court shall determine whether the Borough needs to take any additional actions to extend immunity.

Christine Farrington
Hon. Christine A. Farrington, J.S.C., *ret'd, t/a*

objection as to form not to entry.