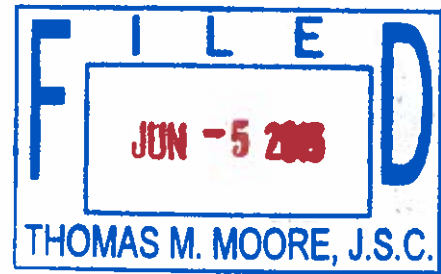


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MONTCLAIR KIDS FIRST;
JONATHAN BONESTEEL,

Plaintiffs

vs.

SEAN SPILLER,

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION – ESSEX COUNTY
DOCKET NO. C-59-15

ORDER

THIS MATTER, having come before the Court on the motion of Defendant Sean Spiller pursuant to R. 4:6-2(e), to dismiss the Second Amended Complaint, and the Court having considered the submissions and arguments of counsel, and good cause appearing, and for the reasons stated at length on the record on Friday, May 29, 2015,

IT IS on this 5th day of June, 2015,

ORDERED THAT:

1. The motion to dismiss Count I (Common Law Conflict of Interest) and Count III (Montclair Ethics Code) is denied.
2. The motion to dismiss Count II of the Second Amended Complaint (Local Government Ethics Law) is denied; however, proceedings in this Court on Count II are stayed

until further Order of the Court, pending disposition of this claim by the Local Finance Board, should Plaintiffs choose to bring this claim to that agency.

3. The motion to dismiss Count IV of the Second Amended Complaint (New Jersey Civil Rights Act) is granted.

4. Plaintiffs' request for invalidation of official actions of the Montclair Board of School Estimate for FY2015 or earlier were withdrawn. If Plaintiffs seek the invalidation of official actions of the Montclair Board of School Estimate for FY2016, they shall name the Board of School Estimate as a party defendant in an amended pleading. Defendant's request to dismiss Plaintiff Montclair Kids First's claims for lack of standing was withdrawn by Defendant.

5. Counsel for the parties and third-party subpoena recipients are directed to speak with each other, preferably in person, but at least telephonically, in an effort to resolve any pending discovery disputes. The court should be engaged only as a last resort, if the parties are unable to reach a reasonable accommodation. No discovery motions are to be filed before the July 8 Case Management Conference.

6. A case management conference shall be held before the undersigned on July 8, 2015 at 2:00 p.m.


THOMAS M. MOORE, J.S.C.

Opposed

Unopposed