

HILL WALLACK LLP

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FILED

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James J. DeLuca, J.S.C.

RIVER RIDGE CONDOMINIUM UNIT OWNERS' COALITION, an unincorporated association; **ELLIOT CHAN; ELIZABETH LEE; and MI SUN KAREN LEE.**

Plaintiffs

vs.

RIVER RIDGE CONDOMINIUM ASSOCIATION, INC., a Non-Profit Corporation of New Jersey; and **NORMAN ADAMS; SHERRI BENEKE; DAVID BEREZIN; MICHAEL DEMATTIA; PAUL KIM; ARIELE KRANTZOW; BOB MOHL; MOUNZER TCHELEBI; and JOHN DOE(S), which name or names are fictitious, in their capacities as Directors and/or Officers of River Ridge Condominium Association, Inc.**

Defendants

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION –
BERGEN COUNTY**

Docket No. BER-C-178-21

Civil Action

**ORDER REGARDING SPECIAL
MEETING TO VOTE ON REMOVAL
OF DIRECTORS AND, IF NECESSARY,
SPECIAL MEETING TO ELECT
REPLACEMENTS**

THIS MATTER having come before the Court upon the application by Hill Wallack LLP, attorneys for plaintiffs, by Michael S. Karpoff, Esq. and Catherine M. Brennan, Esq., for preliminary relief regarding the conduct of a vote to remove the River Ridge Condominium Association directors and, if necessary, a vote to replace those removed; upon notice to Gallo Vitucci Klar LLP, attorneys for defendants, by Kenneth S. Merber, Esq. and Jae W. Joo, Esq.; and the application being opposed; and the Court having read the papers submitted on behalf of

the parties and having heard the arguments of counsel, and also having read the proposal of and having heard the comments of Matthew Z. Earle, Esq., who has been retained by the Association to oversee the said votes; and for the reasons set forth on the record of the hearing on August 30, 2021; and for good cause shown, .

It is on this 31 day of August, 2021, **ORDERED that**

1. Matthew Z. Earle, Esq. shall serve as the independent and neutral third-party to administer, conduct, act as inspector of ballots, and tally and report the votes for the vote to remove the directors and, if an election to fill vacancies is necessary, the election of the replacement directors.
2. The vote to remove the directors shall take place on Sunday, September 19, 2021.
3. The ballots for the vote to remove the directors shall list each director separately and direct Association members to vote either to REMOVE or to RETAIN each director.
4. Mr. Earle shall send notices of the September 19, 2021 meeting together with all required ballot, absentee ballot, and proxy forms for such meeting to all Association members on September 1, 2021.
5. If any directors are removed, the election to fill such vacancy or vacancies shall take place on Thursday, October 7, 2021.
6. Mr. Earle shall, if necessary, send notices of the October 7, 2021 meeting together with all ballot, absentee ballot, and proxy forms for such meeting to all Association members no later than September 23, 2021.

7. Mr. Earle shall solicit members of the Association to run for election at the October 7, 2021 and mail a "Call for Candidates" with nominating forms by September 3, 2021 with a deadline for candidate nominations of September 17, 2021, so as to assure that such candidates will appear on the ballots by the time they are sent to the Association members.
8. No member of the Association shall be disqualified from voting at either the September 19, 2021 vote or the October 7, 2021 election on the grounds that such person is not in good standing as defined by N.J.S.A. 45:22A-23r, or had not paid, for whatever reason, their respective assessment payments.
9. Mr. Earle may serve as proxy holder for a directed proxy submitted by an Association member and to cast ballots as directed by the member on the proxy. Further, nothing herein shall be construed as preventing any member from designating someone else as his or her directed proxy holder in lieu of Mr. Earle.
10. Any person removed as a director by reason of the vote on September 19, 2021 may run for election to fill any vacancy at the October 7, 2021 election.

**Copy of this Order shall be served
upon all counsel/parties within
seven (7) days of the date hereof.**



JAMES J. DELUCA, J.S.C.