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Department of Environmental Protection

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SUPERIOR COURT OF NEW JERSEY, CAPE MAY COUNTY
CHANCERY DIVISION
Docket No. C-000055-22

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiff,

v.

CITY OF NORTH WILDWOOD, XYZ
CORPORATIONS" 1-10; and "JOHN
AND/OR JANE DOES" 1-10,

Defendants.

Civil Action

**ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52**

THIS MATTER being brought before the court by Matthew J. Platkin, Attorney General of New Jersey, by Kevin A. Terhune, Deputy Attorney General appearing, attorney for plaintiffs State of New Jersey, Department Of Environmental Protection ("DEP" or "Department"), seeking relief by way of temporary restraints pursuant to R. 4-52, based upon the facts set forth in the Verified Complaint filed herewith, and it appearing that defendant City of

North Wildwood has notice of this application and that immediate and irreparable damage will likely result before notice can be given and a hearing held, and for good cause being shown;

IT IS on this 8th day of December, 2023;

ORDERED that defendant City of North Wildwood appear and show cause before the Superior Court of New Jersey, Chancery Division, Cape May County, before the Honorable ~~James H. Pickering, Jr., J.S.C.~~ **Michael J. Blee, A.J.S.C.**, at the Cape May County Courthouse, 9 North Main Street, **in Courtroom I** Cape May, NJ 08210, on the 17th day of January, 2023, at 1:30p.m. ~~o'clock~~ in the afternoon, or as soon as counsel may be heard, why an Order should not be entered preliminarily enjoining defendant City of North Wildwood, from:

1. installing a bulkhead between 15th and 16th Avenues until it has received a permit authorizing the installation of same from the DEP;
2. engaging in any further excavation, placement or regrading of sand between 14th and 16th Avenues until it has received a permit authorizing the installation of same from the DEP;
3. engaging in any other oceanfront construction, reshaping of dunes and/or reconstruction of the access point at 16th and 25th Avenues until it has received a permit authorizing the installation of same from the DEP;

AND IT IS FURTHER ORDERED that pending the return date herein, the defendant City of North Wildwood is temporarily enjoined and restrained from:

~~4. installing a bulkhead between 15th and 16th Avenues until it has received a permit authorizing the installation of same from the DEP; MJB~~

~~5. engaging in any further excavation, placement or regrading of sand between 14th and 16th Avenues until it has received a permit authorizing the installation of same from the DEP; MJB~~

~~6. engaging in any other oceanfront construction, reshaping or dunes, and/or reconstruction of the access point at 16th and 25th Avenues until it has received a permit authorizing the installation of same from the DEP; MJB~~

AND IT IS FURTHER ORDERED that:

~~1. The defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to the Plaintiff's attorney, MJB~~

2. A copy of this order to show cause, verified complaint, supporting brief and supporting certification shall be served upon the defendant City of North Wildwood personally, within 7 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

3. DEP must file with the court its proof of service of the pleadings on the defendant City of North Wildwood no later than three (3) days before the return date.

4. The defendant City of North Wildwood shall file a written response to the order to show cause and request for the entry of injunctive relief and proof of service by January 4, 2023. The answer, answering affidavit, and/or opposition

documents, as the case may be, must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of the Honorable ~~James H. Pickering, Jr., J.S.C.~~ **Michael J. Blee, A.J.S.C.**, whose address is 9 North Main Street, Cape May Court House, New Jersey 08210. You must also send a copy of your opposition papers to the Plaintiff's attorney whose name and address appears above, or to the Plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ 175 and serve your opposition on your adversary, if you want the Court to hear your opposition to the injunctive relief the Plaintiff is seeking.

5. Plaintiff must file and serve any written reply to the defendant City of North Wildwood's order to show cause opposition by January 11, 2023. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of **Michael J. Blee, A.J.S.C.** the Honorable ~~James H. Pickering, Jr., J.S.C.~~

6. If the defendant City of North Wildwood does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and the relief may be granted by default, provided that the Plaintiffs files its proof of service and a proposed form of order at least three (3) days prior to the return date.

7. If the Plaintiffs have not already done so, Plaintiffs shall submit a proposed form of order addressing the relief sought on the return date no later than three (3) days before the return date.

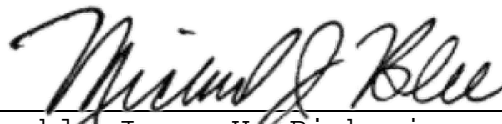
8. Defendant City of North Wildwood, take notice that the Plaintiffs have filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf. Include a \$ 175 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the Plaintiffs' attorney whose name and address appear above, or to the Plaintiffs, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer

and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief Plaintiffs demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.

10. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than 3 days before the return date.



Honorable ~~James H. Pickering, Jr., J.S.C.~~
Michael J. Blee, A.J.S.C.

ATLANTIC COUNTY

**Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401**

**LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200**

BERGEN COUNTY

**Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 20 Main St.
Hackensack, NJ 07601-0769**

**LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166**

BURLINGTON COUNTY

**Deputy Clerk of the Superior Court
Central Processing Unit
Attn: Judicial Intake
First Fl. Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060**

**LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088**

CAMDEN COUNTY:

**Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103**

**LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010**

CAPE MAY COUNTY:

**Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210**

**LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001**

CUMBERLAND COUNTY:

**Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302**

**LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003**

ESSEX COUNTY:

**Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102**

**LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500**

GLOUCESTER COUNTY:

**Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096**

**LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360**

HUDSON COUNTY:

**Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House-- 1st Floor
583 Newark Ave.
Jersey City, NJ 07306**

**LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363**

HUNTERDON COUNTY:

**Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822**

**LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979**

MERCER COUNTY:

**Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650**

**LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249**

MIDDLESEX COUNTY

**Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq. P.O. Box 2633
New Brunswick, NJ 08903-2633**

**LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600**

MONMOUTH COUNTY

**Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269**

**LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020**

MORRIS COUNTY

**Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl, P.O. Box 910
Morristown, NJ 07960-0910**

**LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911**

OCEAN COUNTY

**Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754**

**LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727**

PASSAIC COUNTY

**Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505**

**LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171**

SALEM COUNTY

**Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079**

**LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003**

SOMERSET COUNTY

**Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876**

**LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840**

SUSSEX COUNTY

**Deputy Clerk of the Superior Court
Sussex County Justice Center
43-47 High Street
Newton, NJ 07860**

**LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400**

UNION COUNTY

**Deputy Clerk of the Superior Court
1st Fl. Court House
2 Broad Street
Elizabeth, NJ 07207-6073**

**LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340**

WARREN COUNTY

**Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500**

**LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010**