ORDER PREPARED BY THE COURT

FILED
OCT 23 2015
CIVIL CHAMBERS

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF ROCKY HILL, A Municipal Corporation of the State of New Jersey, Petitioner.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION SOMERSET COUNTY DOCKET NO. SOM-L-901-15 CIVIL ACTION (Mount Laurel) **ORDER**

THIS MATTER having been opened to the Court by Petitioner, Borough of Rocky Hill, upon notice to all Parties requiring notice, for an Order extending the period of temporary immunity from exclusionary zoning and builder's remedy lawsuits; and the Court having considered the papers filed in support of and in opposition to Petitioner's request and the argument of counsel, and for good cause appearing,

It is on this 23rd day of October, 2015, **ORDERED** as follows:

1. Extension of Temporary Immunity. The temporary immunity for the municipality and its Planning Board from any and all exclusionary zoning lawsuits, which the Court granted in ordering paragraph #1 of CMO #1 to remain in effect until December 2, 2015, remains in full force and effect and is hereby extended until March 31, 2016.

2. Appointment of Special Master. The Court' shall appoint Frank Banisch as the Special Master in this matter. Any fees incurred by the Special Master shall be divided equally between the municipality and all intervenors (if any), except that FSHC shall not be required to pay a share of such fees.

3. Matrix Forms. On or before December 1, 2015, the municipality shall complete and provide to the Court, Special Master, FSHC and intervenors (if any) the "matrix forms" that were developed by Frank Banisch, PP, AICP, with the understanding that the municipality may utilize the fair share numbers from the proposed third iteration of the Third Round rules that were never adopted due to COAH's 3-3 tie vote.

4. Meetings. On or before December 1, 2015, the municipality shall furnish the Court with a proposed plan, schedule and commentary concerning meetings with any and all interested parties (which should include the Special Master if at all possible), and if the municipality has already begun that process, the municipality shall submit a report of the progress of the meeting(s).

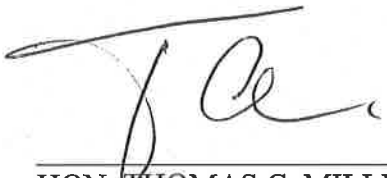
5. Pre Trial Submissions. With respect to the fair share number "trial" that will be scheduled by the Court, the municipality and any participating Intervenor shall, by December 8, 2015, provide a concise position paper concerning the following: (a) the issues to be resolved; (b) the expected number of witnesses that each intends to call; (c) any anticipated issues or problems that need to be addressed; (d) a preliminary list of exhibits or evidence to be presented; (e) the anticipated length of the trial; (f) the proposal for the exchange of Pretrial Information (see, R. 4:25-7 and Appendix XXIII to the New Jersey Court Rules); (g) the plan for accomplishing any stipulations on contested procedural, evidentiary or substantive issues; (h) the plan for submission of trial briefs; (i) counsel and expert availability and, if availability is limited, proposal for alternate counsel; and (j) the proposal to address such other issues as any party deems appropriate for the management of the case and/or the "fair share" portion of the trial.

6. Expert Reports on Fair Share Issues. On or before January 8, 2016, the municipality and the intervenors (if any) shall provide to each other, the Special Master, and to the Court their respective expert reports on fair share issues.

7. Positions on Compliance Issues. On or before January 8, 2016, the municipality shall furnish the Court with its positions relating to compliance issues.

8. Case Management Conference to set Fair Share Trial Date. The Court will hold a case management conference in mid to late January, 2016 to set a trial date relating to the municipality's fair share obligation.

9. Service of within Order. A copy of the within Order shall be served on counsel for all persons and/or entities on the municipal service list within five (5) days of receipt of this order by counsel for the municipality.



HON. THOMAS C. MILLER, P.J.Ch.

SEE ATTACHED STATEMENT OF REASONS