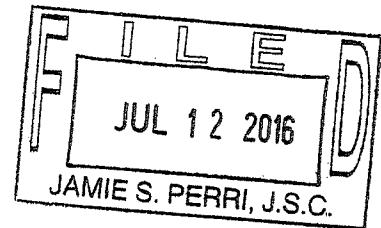


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Township of Hazlet



HIGHVIEW HOMES, LLC,

Plaintiff,

v.

TOWNSHIP OF HAZLET and PLANNING
BOARD OF THE TOWNSHIP OF HAZLET,

Defendants.

:
: SUPERIOR COURT OF NEW JERSEY
:
: MONMOUTH COUNTY
: LAW DIVISION
:
: DOCKET NO. MON-L-4224-15
:
: CIVIL ACTION
:
: ORDER GRANTING
: SUMMARY JUDGMENT TO DEFENDANT,
: TOWNSHIP OF HAZLET, AND
: DISMISSING PLAINTIFF'S
: COMPLAINT
:

THIS MATTER having been opened before the court by James H. Gorman, Esq., on behalf of the defendant Township of Hazlet, and Gregory W. Vella, Esq. appearing on behalf of the defendant, Land Use Board of the Township of Hazlet, and Richard J. Hoff, Jr., Esq., appearing on behalf of plaintiff, Highview Homes, LLC, and the court having considered the Notice of Motion and supporting brief, certification and affidavit, as well as the response and reply papers filed in this matter; and the court having heard the arguments of counsel; and the court having found that plaintiff, Highview Homes, LLC did not negotiate in good faith with the Township of Hazlet prior to filing its

complaint; and the court having further found that the complaint is procedurally barred by the order of immunity entered by the court on July 28, 2008 in Elegant Properties, LLC v. Township of Hazlet, Docket No. MON-L-1559-08; and further finding that there is no genuine issue of material fact, and for good cause appearing;

IT IS on this 12th day of July, 2016,

ORDERED that summary judgment be and hereby is granted to the defendant, Township of Hazlet, and against the plaintiff for plaintiff's failure to negotiate in good faith, and on alternative grounds pursuant to the prior order of immunity.

DENIED

IT IS FURTHER ORDERED that the complaint of plaintiff, Highview Homes, LLC be and hereby is dismissed with prejudice.

DENIED

IT IS FURTHER ORDERED that a conforming copy of this Order shall be served upon all parties within 7 days from the date of its entry.

Findings of the Court were set forth on
Record on 7/12/16.

See companion order



JAMIE S. PERRI, J.S.C. , J.S.C.

Opposed

Unopposed

Defendants are granted 20 days to file answers out of time.