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COUNTY OF MORRIS,

Plaintiff

v.

MORRISTOWN and ERIE RAILWAY, INC.

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: MORRIS COUNTY

Docket No: MON-

Civil Action

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

THIS MATTER being brought before the court by Cleary Giacobbe Alfieri Jacobs, LLC, attorneys for plaintiff, County of Morris, ("Plaintiff"), 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 the defendant has notice of this application and for good cause shown.

It is on this ___ day of _____ **ORDERED** that defendant, Morristown and Erie

Railway, Inc., appear and show cause before the Superior Court at the Morris County Courthouse in Washington & Court Streets, Morristown, New Jersey 07963 at _____ o'clock in the _____ a.m./p.m. or as soon thereafter as counsel can be heard, on the _____ day of _____, 2016 why an order should not be issued preliminarily enjoining and defendant, Morristown and Erie Railway, Inc., from directly or indirectly:

A. Allowing any further railway shipments of butane, propane or other hazardous material from Gibson Gas Liquids or any other like supplier to the property owned by the County of Morris;

B. Allowing any further railway storage of butane, propane or other hazardous material from Gibson Gas Liquids or any other like supplier on the property owned by the County of Morris;

C. Soliciting, inducing or persuading Gibson Gas Liquids or any other like supplier from shipping or storing any further railway shipments of butane, propane or other hazardous material to the property owned by the County of Morris;

D. Requiring Morristown and Erie Railway, Inc. from removing any and all railcars containing butane, propane or other hazardous material stored on the property owned by the County of Morris;

E. Granting such other relief as the court deems equitable and just.

And it is further *ORDERED* that pending the return date herein, the defendant is temporarily enjoined and restrained from directly or indirectly:

A. Allowing any further railway shipments of butane, propane or other hazardous material from Gibson Gas Liquids or any other like supplier to the property owned by the County of Morris;

B. Allowing any further railway storage of butane, propane or other hazardous material from Gibson Gas Liquids or any other like supplier on the property owned by the County of Morris;

C. Soliciting, inducing or persuading Gibson Gas Liquids or any other like supplier from shipping or storing any further railway shipments of butane, propane or other hazardous material to the property owned by the County of Morris;

D. Requiring Morristown and Erie Railway, Inc. from removing any and all railcars containing butane, propane or other hazardous material stored on the property owned by the County of Morris;

E. Granting such other relief as the court deems equitable and just.

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.

2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application have been served upon the defendant via email and regular mail at defendant's registered agent and counsel, John K. Fiorilla, Esq., of the law firm Capehart & Scatchard, P.A., 8000 Midlantic Drive, Suite 300S, Mount Laurel, New Jersey 08054, who agreed to accept service there via email and regular mail, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

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

4. Defendant shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by _____.

2016. The original 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.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. You must send a copy of your opposition papers directly to Judge _____, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the Plaintiff's attorney whose name and address appears above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ _____ 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. The Plaintiff must file and serve any written reply to the defendant's order to show cause opposition by _____, 2016. 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 Judge _____.

6. If the defendant 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 relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three (3) days prior to the return date.

7. If the Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. Defendant, take notice that the Plaintiff has 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.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include a \$_____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the Plaintiff's attorney whose name and address appear 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 Plaintiff 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.judiciary.state.nj.us/prose/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 _____ days before the return date.

J.S.C.