



210 Park Avenue, Suite 301
Florham Park, NJ 07932
Tel: 973.635.6300 | Fax: 973.635.6363
marc.law

JOHN L. SHAHDANIAN II
Partner
Direct: 973.457.0257
Direct Fax: 862.579.2366
Email: Jshahdanian@marc.law

Via e-Courts Filing

Hon. Robert C. Wilson
Bergen County Justice Center
10 Main Street
Hackensack, NJ 07601

Re: Food & Water Watch v. Ruccione *et al.*
Docket No.: BER-L-5566-221

Dear Judge Wilson:

Our Firm serves as Township attorney for the Township of Teaneck (“Teaneck”) and represents the Township of Teaneck and Douglas Ruccione (“Clerk Ruccione”), the Clerk of the Township of Teaneck, in the above-captioned matter. Please accept this letter as a reply to Renee Steinhagen, Esq’s., letter requesting a change to the scheduled date for oral argument.

By way of background, the Court has scheduled a hearing for this matter on September 13, 2021, at 3:00 p.m. As the Court is aware, our Firm also serves as attorney for Clerk Ruccione in the *Lacey v. Ruccione, et al.*, Docket No.: BER-L-5526-21 matter, which is also scheduled to be heard before Your Honor on September 13, 2021, at 10:00 A.M.

In her letter, Ms. Steinhagen requests that the hearing in this matter be scheduled during the first week of September 2021. The Township objects to this request, as plaintiff’s purported reasons for an accelerated hearing date ring hollow. That is, it was solely plaintiff’s decision to wait to file the Complaint and Order to Show Cause in this matter until August 20, 2021.

By way of further background, in the instant matter, there is a single issue to be decided by the Court; whether Clerk Ruccione was permitted to accept electronically collected signatures after the termination of the Public Health Emergency on July 4, 2021. As the Court will see from the papers submitted with the Order to Show Cause, Clerk Ruccione advised plaintiffs, on August 4, 2021, that their Petition was insufficient because, in his opinion, he had no legal authority to accept electronic signatures after the end of the Public Health Emergency. At that point, plaintiffs were on notice of the reason that the Petition was insufficient and could have immediately sought judicial relief. Instead, they chose to submit an Amended Petition on August 5, 2021, which Amended

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Petition contained only a few hundred additional handwritten signatures. It is important to note that, assuming that Clerk Ruccione was correct in deciding to reject the late filed electronic signatures, that plaintiffs did not submit enough new signatures with their Amended Petition to meet the statutory minimums.

As the date for oral argument was based on affording the parties a reasonable time period to file their papers and, as the original filing date of this matter was solely in the control of the plaintiffs, it is hypocritical for plaintiffs to now ask this Court to accelerate the briefing and argument schedule. As such, we respectfully request the hearing for the above-captioned matter to remain on September 13, 2021, as previously scheduled by Your Honor.

We thank the Court for its attention to this matter.

Respectfully submitted,

s/John L. Shahdanian II
John L. Shahdanian II, Esq.

cc: Renee Steinhagen, Esq.