

SUMMONS

Attorney(s) Edward F Liston, Jr., LLC
Office Address P.O. Box 1056
207 Hooper Avenue
Town, State, Zip Code Toms River, NJ 08754-1056
Telephone Number (732) 244-5900
Attorney(s) for Plaintiff JSTAR, LLC, et als

Superior Court of
New Jersey

Ocean COUNTY
Law DIVISION

JSTAR, LLC, John Callaghan, Maryann Callaghan, Marie Sacco
and Angelo J. Sacco
Plaintiff(s)

Docket No: OCN-L-99-16

CIVIL ACTION
SUMMONS

Vs.
Brick Township Zoning Board of Adjustment and
Robert T. Osborn Trust
Defendant(s)

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/pro se/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where 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.

Mitchelle Smith
Clerk of the Superior Court

DATED: 01/18/2016

Name of Defendant to Be Served: Brick Township Zoning Board of Adjustment, Christine Papa, Secretary

Address of Defendant to Be Served: Municipal Bldg., 401 Chambersbridge Road, Brick, NJ 08723

GLAN COUNTY SUPERIOR COURT
GLAN COUNTY COURTHOUSE
CIVIL LIAISON DIVISION
TOWNS RIVER NJ 08758

COURT TELEPHONE NO. (732) 929-2016
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: JANUARY 12, 2016
RE: EM JSDR LLC VS BRICK TOWNSHIP ZONING BOARD/DAU
DOCKET: OCN L - 000099 1f

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 4.

DISCOVERY IS PRESUMPTIVELY 450 DAYS BUT MAY BE ENLARGED OR SHORTENED BY THE JUDGE AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE OF THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE MANAGING JUDGE ASSIGNED IS: HON MARLENE L. FORD

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (732) 288-7830 EXT 7830.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.



ATTENTION:

LILISTON JR EDWARD F
297 HOSPER AVE
TOWNS RIVER NJ 08753

JUMMH6

Edward F Liston Jr LLC
JAN 18 2016
RECEIVED

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i> , if information above the black bar is not completed or attorney's signature is not affixed		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO.	AMOUNT:
			OVERPAYMENT:	BATCH NUMBER:
ATTORNEY / PRO SE NAME Edward F Liston, Jr., Esq.	TELEPHONE NUMBER (732) 244-5900	COUNTY OF VENUE Ocean		
FIRM NAME (if applicable) Edward F Liston, Jr., LLC		DOCKET NUMBER (when available) P.W. 299-16		
OFFICE ADDRESS P.O. Box 1056 207 Hooper Avenue Toms River, NJ 08754-1056		DOCUMENT TYPE Complaint		
		JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) JSTAR, LLC, John Callaghan, Maryann Callaghan, Marie Sacco and Angelo J. Sacco, Plaintiffs		CAPTION STAR, LLC, John Callaghan, Maryann Callaghan, Marie Sacco and Angelo J. Sacco, vs Brick Township Zoning Board of Adjustment and Robert T. Osborn Trust		
CASE TYPE NUMBER (See reverse side for listing) 701	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILY <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT SPECIAL MANAGEMENT OR ACCELERATED DISPOSITION				
<div style="border: 2px solid black; padding: 10px; width: fit-content; margin: auto;"> RECEIVED & FILED JAN 12 2016 SUPERIOR COURT OF NEW JERSEY </div>				
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE 				



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 598 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| <ul style="list-style-type: none"> 271 ACCUTANE/ISOTRETINOIN 274 DISPERDAL/ISERGON/ELZV/REX 278 ZOMETHA/AREZIA 279 GADOLINIUM 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 288 LEVAQUIN 287 YAZ/YASMIN/OCELLA 288 PRUDENTIAL TORT LITIGATION 289 REGLAN | <ul style="list-style-type: none"> 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/SYNOCARE 292 PELVIC MESH/SARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR 300 TALC-BASED BODY POWDERS 601 ASBESTOS 623 PROPECIA |
|--|---|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

EDWARD F. LISTON, JR., LLC
Edward F. Liston, Jr., Esquire
ID # 256911969
207 Hooper Avenue
P.O. Box 1056
Toms River, NJ 08754
(732) 244-5900
Attorneys for Plaintiffs

JSTAR, LLC, a New Jersey
limited liability company, JOHN CALLAGHAN
MARYANN CALLAGHAN, and
MARIE SACCO and ANGELO J. SACCO,

Plaintiffs

SUPERIOR COURT OF NEW JERSEY,
LAW DIVISION: OCEAN COUNTY

DOCKET NO. OCN-L-99-16 PW

vs.

Civil Action

BRICK TOWNSHIP ZONING BOARD OF
ADJUSTMENT and ROBERT T.
OSBORN TRUST

Defendants

COMPLAINT IN LIEU OF
PREROGATIVE WRITS

Plaintiffs, JSTAR, LLC, John Callaghan and Maryann Callaghan and Marie Sacco and

Angelo J. Sacco, whose addresses are 32 Robert Court, Washington Township, New Jersey
07676, 14 Rochambeau Road, Pompton Plains, New Jersey 07444 and 111 Lyndhurst Drive,
Mantoloking, New Jersey 08738, respectively, by way of Complaint against Defendants, says:

FIRST COUNT

1. Plaintiff JSTAR, LLC is the owner of premises located at 107 Lyndhurst Drive, Brick

Township, County of Ocean and State of New Jersey more particularly known and designated as Block 36, Lot 11.06 on the Tax Map of the Township of Brick, which property is located within two hundred (200') feet to the premises referred to the application of Defendant, Robert T. Osborn Trust referred in Paragraph 4 below.

2. Plaintiffs John Callaghan and Maryann Callaghan are the owners of premises located at 115 Lyndhurst Drive, Brick Township, County of Ocean and State of New Jersey more particularly known and designated as Block 36, Lot 11.03 on the Tax Map of the Township of Brick, which property is located within two hundred (200') feet to the premises referred to the application of Defendant, Robert T. Osborn Trust, referred in Paragraph 4 below.
3. Plaintiffs Marie Sacco and Angelo J. Sacco, are owners of premises located at 111 Lyndhurst Drive, Brick Township, County of Ocean and State of New Jersey more particularly known and designated as Block 36, Lot 11.05 on the Tax Map of the Township of Brick, which property is located within two hundred (200') feet to the premises referred to the application of Defendant, Robert T. Osborn Trust, referred in Paragraph 4 below
4. Defendant, Robert T. Osborn Trust, is the successful Applicant to the Defendant Board for Preliminary and Final Subdivision approval along with density variance relief, ancillary bulk variance relief, design waivers and an exception from the Residential Site Improvement Standards for property located at 456 NJ State Highway Route 35, Northbound and known and designated as Block 36, Lot 12 on the Tax Map of the

Township of Brick.

5. Defendant, Brick Township Zoning Board of Adjustment, is the duly constituted planning board of the Township of Brick, County of Ocean and State of New Jersey, created by ordinance pursuant to the provisions of N.J.S.A. 40:55D-23 et seq.
6. By written application, Defendant, the Robert t. Osborn Trust, applied to the Brick Township Zoning Board of Adjustment for Preliminary and Final Subdivision Approval along with density variance relief, ancillary bulk variance relief, design waiver relief and an exception from the Residential Site Improvement Standards to create sixteen (16) lots, including fourteen (14) separate building lots for the construction of fourteen (14) single-family homes, along with a lot consisting of a private right-of-way to be known as Cummins Street and a 19,6540 sq. ft. open-space oceanfront lot.
7. Defendant Robert t. Osborn Trust's Preliminary and Final Major Subdivision Application with Variance Relief was referred to Defendant, Brick Township Zoning Board of Adjustment, for public hearings, which public hearings were held thereon on March 18, 2015, April 29, 2015, August 19, 2015, and September 30, 2015.
8. By Resolution adopted by the Brick Township Planning Board on December 2, 2015, a copy of which is annexed hereto and designated as "Exhibit A", and published on

December 12, 2015, Defendant, Brick Township Zoning Board of Adjustment, granted to Defendant, Robert t. Osborn Trust, the Preliminary and Final Major Subdivision Approval with Variance Relief requested by it to permit the creation of sixteen (16) lots, including fourteen (14) separate building lots for the construction of fourteen (14) single-

family homes, along with a lot consisting of a private right-of-way to be known as Cummins Street and a 19,6540 sq. ft. open-space oceanfront lot.

9. The action of Defendant, Brick Township Zoning Board of Adjustment, in granting the Application of Defendant, Robert T. Osborn Trust, for Preliminary and Final Major Subdivision Approval with Variance Relief referred to above, was arbitrary, capricious, unreasonable, oppressive, unlawful and against the great weight of the evidence presented to Defendant, Brick Township Zoning Board of Adjustment, at the hearings held by it on said application.

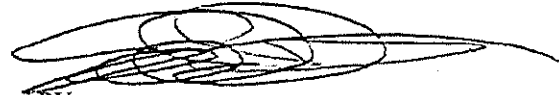
WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

- A. Reversing the approval of the Preliminary and Final Major Subdivision Approval with Variance Relief sought by Defendant, Robert T. Osborn Trust, to permit the creation of sixteen (16) lots, including fourteen (14) separate building lots for the construction of fourteen (14) single-family homes, along with a lot consisting of a private right-of-way to be known as Cummins Street and a 19,6540 sq. ft. open-space oceanfront lot.
- B. Declaring the Resolution of December 2, 2015 ("Exhibit A") to be null and void and setting aside said Resolution and the Preliminary and Final Major Subdivision Approval with Variance Relief which it purported to grant to Defendant, Robert T. Osborn Trust.
- C. Ordering and directing Defendant, Brick Township Zoning Board of Adjustment, to deny the Preliminary and Final Major Subdivision Application with Variance

Relief of Defendant, Robert t. Osborn Trust ; or

- D. Declaring the Preliminary and Final Major Subdivision Approval with Variance Relief of Defendant, Robert t. Osborn Trust, to be denied;
- E. Awarding legal fees and costs of this action to the Plaintiffs; and
- F. For such other relief as the Court may deem just and equitable.

EDWARD F. LISTON, JR., LLC
Attorneys for Plaintiffs



BY: _____
EDWARD F. LISTON, JR., ESQ.

DATED: January 12, 2016

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, EDWARD F. LISTON, JR., ESQ., is hereby designated as trial counsel for Plaintiff in the above matter.

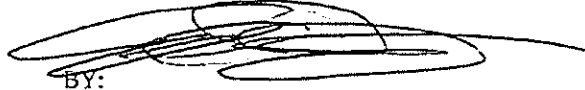
CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that to the best of my knowledge, there are no other civil actions or arbitration proceedings involving this matter and no other parties need to be joined at this time.

CERTIFICATION PURSUANT TO R. 4:69-4

Pursuant to Rule 4:69-4, it is hereby certified that to the best of my knowledge, all necessary transcripts of the local agency proceedings in this cause have been ordered.

EDWARD F. LISTON, JR., LLC
Attorneys for Plaintiffs



BY:

EDWARD F. LISTON, JR., ESQUIRE

DATED: January 12, 2016