

Jonathan Testa, Esq.
Attorney ID: 015152009
Dorsey & Semrau
714 Main Street
Boonton, New Jersey 07005
T:(973)334-1900
F:(973)334-3408
jtesta@dorseysemrau.com
Attorneys Defendants Township of Mahwah
and Mahwah Township Council

GURBIR S. GREWAL, Attorney General of
New Jersey; CRAIG SASHIHARA, Director of
the New Jersey Division on Civil Rights; and
CATHERINE R. McCABE, Commissioner of
the Department of Environmental Protection,

Plaintiffs,

-vs-

TOWNSHIP OF MAHWAH and MAHWAH
TOWNSHIP COUNCIL

Defendants.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(NEWARK VICINAGE)**

**CIVIL ACTION NO.:
2:17-CV-11988-JMV-JBC**

**CERTIFICATION OF COUNSEL &
EXHIBITS**

I, Jonathan Testa, Esq., an attorney-at-law, of the State of New Jersey licensed to practice before the Federal District Court for the District of New Jersey, to hereby certify as follows:

1. At all relevant times herein, I have been employed by and serve as a Senior Associate Attorney of the law firm of Dorsey & Semrau, LLC.

2. The attorneys employed by Dorsey & Semrau, LLC, serve as Township Attorneys for the Township of Mahwah, including the Mahwah Township Council (hereinafter “Township Defendants”).

3. I hereby make this certification based upon my review of the files maintained in this office, records obtained from the Township Defendants, my review of the public docket for

the above-captioned matter, and my personal involvement in this matter for the period of October 1, 2022 thru the current date.

4. On behalf of the Township Defendants, on October 24, 2022, I sent correspondence to Plaintiffs' counsel of record, Chief Deputy Attorney General James R. Michael, Esq., via regular mail, certified mail return receipt requested, and email to the following address:

Chief Deputy Attorney General James Michael
State of New Jersey
Office of the Attorney General
Department of Law & Public Safety
Division of Civil Rights
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark New Jersey 07101
Email: james.michael@law.njoagg.gov

5. This correspondence included a cover letter, copy of the Consent Order and Final Judgment entered in the above-captioned matter on September 24, 2018 ("Consent Order") and proposed stipulation of dismissal with prejudice.

6. In my October 24th letter, I reminded Plaintiffs' counsel that the restraints and conditions imposed upon the Township Defendants under the Consent Order ended on September 24, 2022; that the Township Defendants have been in full compliance with same for the four-year term; and requested the execution of a "stipulation of dismissal with prejudice" by counsel for Plaintiffs.

7. Upon information and belief, a true and accurate copy of the Consent Order and Final Judgment entered in the above-captioned matter on September 24, 2018 is annexed hereto at **Exhibit "A"**.

8. A true and accurate copy of my written correspondence to Plaintiffs' counsel, dated October 24, 2022, along with the USPS tracking results confirmation for same confirming that the

correspondence was received and signed for on October 27, 2022 is annexed hereto at **Exhibit “B”**.

9. On October 24, 2022, I also sent an identical electronic copy of this written correspondence, the Consent Order and the proposed stipulation of dismiss with prejudice to Plaintiffs’ counsel via email at the following email address: james.michael@law.njoagg.gov.

10. This email was sent via “Microsoft Office” using the “delivery receipt” and “read receipt” options.

11. A true and accurate copy of my email correspondence to Plaintiffs’ counsel, dated October 24, 2022 is annexed hereto at pages 1-2 of **Exhibit “C”**.

12. I have since received both a return receipt for the written correspondence and a “read receipt” for my email of October 24, 2022.

13. I did not receive a response from Plaintiffs’ counsel or anyone else from the Office of the New Jersey Attorney General.

14. On November 16, 2022, I sent a follow-up email to Plaintiffs’ counsel via email at the following email address: james.michael@law.njoagg.gov.

15. Therein, I again requested Plaintiffs comply with the Consent Order and execute the stipulation of dismissal.

16. My email of November 16, 2022, included as attachments: my prior a cover letter of October 24, 2022; a copy of the Consent Order, the proposed stipulation of dismissal with prejudice; the email “read receipt” for my prior email of October 24th; and the UPSP tracking results for my letter of October 24, 2022.

17. A true and accurate copy of my email of November 16, 2022 is annexed hereto at pages 4-6 of **Exhibit “C”**.

18. Again, no response was received by Plaintiffs' counsel or anyone else from the Office of the New Jersey Attorney General.

19. Prior to filing the instant motion, I once again reached out to Plaintiffs' counsel, via telephone, and was finally able to communicate with Plaintiffs' counsel on Wednesday, January 18, 2023.

20. At that time, Plaintiffs' counsel advised that he was unavailable for the last several months; that Plaintiffs would need to review their files to determine compliance with the Consent Order; and agreed to respond by mid-day on January 19, 2023.

21. On the next day, Plaintiffs' counsel responded advising that he could not execute the stipulation of dismissal until approval was obtained from his client and did not provide any timeframe for same. (*See* p. 7 of Ex. "C").

22. At present, Plaintiffs' Counsel has yet to execute the stipulation of dismissal, with prejudice, and I assume that Plaintiffs have yet to authorize execution of same.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,
Dorsey & Semrau, LLC
Attorneys for Defendants
Township of Mahwah and
Mahwah Township Council

By: /s/ Jonathan Testa
JONATHAN TESTA, ESQ.
Attorney ID: 015152009
714 Main Street
Boonton, New Jersey 07005
T:(973)334-1900
Email: jtesta@dorseysemrau.com

Dated: January 24, 2023