

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,

v.

TOWNSHIP OF MAHWAH and
MAHWAH TOWNSHIP COUNCIL,

Defendants.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CIVIL ACTION NO.: 2:17-cv-11988-JMV-JBC

**ORDER ENFORCING CONSENT DECREE
AND ENTERING DISMISSAL OF
MATTER WITH PREJUDICE**

THIS MATTER, having been opened to the Court by Motion of Defendants Township of Mahwah and the Mahwah Township Council (hereinafter “Defendants” or “Township”), by and through their attorneys, Dorsey & Semrau (Jonathan Testa, Esq., appearing), for an Order enforcing the terms and conditions of the prior “Consent Order and Final Judgment” (“Consent Order”) issued on September 24, 2018, and dismissing this matter with prejudice; and

WHEREAS this matter having been previously brought by Plaintiffs, Gurbir S. Grewal, Attorney General of New Jersey, Craig Sashihara, Director of the New Jersey Division on Civil Rights, and Catherine R. McCabe, Commission of the Department of Environmental Protection (hereinafter collectively the “Plaintiffs”) against Defendants Township of Mahwah and Mahwah Township Council; and

WHEREAS, Plaintiffs and the Township having previously resolved the above-captioned matter by way of Consent Order and Judgment entered on September 24, 2018 (*see* ECF No. 26) (hereinafter “Consent Order”), and which imposed certain restraints upon the Township and

further required the Township comply with certain reporting, recordkeeping, investigation/inspection, and records access requirements for a period of four years from the date of entry of the Consent Order; and

WHEREAS, pursuant to the Consent Order, during the above-referenced four-year period, this Honorable Court retained jurisdiction over this matter, and the Township remained subject to a stipulated suspended penalty and fee in the event the Township failed to comply with its obligations and responsibilities under the Consent Order; and

WHEREAS, the Consent Order further provides that upon conclusion of the four-year period, liability for payment of the stipulated penalty and fee shall be suspended and automatically vacated, provided that the Township complies in all material respects with the restraints and conditions set forth in the Consent Order, Plaintiffs do not uncover information that the Township made any material misrepresentations/omissions, and the Township does not engage in any unlawful conduct prohibited by the New Jersey Civil Rights Act, N.J.S.A. 10:6-1 to 2 or the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to 49.

FOR GOOD CAUSE SHOWN, IT IS ON THIS ____ day of _____, 2023, HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. The Township has fulfilled and is and has been in full compliance in all material respects with the restraints, conditions and obligations set forth within the Consent Order previously entered on September 24, 2018 for the four-year period, which was set to terminate on September 24, 2022; and

2. Pursuant to the express terms of the Consent Order previously entered, all injunctive restraints, conditions, duties, obligations and other requirements imposed upon the Township Defendants be and are hereby dissolved and vacated, and the Township of Mahwah and

the Township Council of the Township of Mahwah are hereby relieved of continuing to comply with any and all such injunctive restraints, conditions, duties, obligations and other requirements set forth in the Consent Order, retroactive to September 24, 2022; and

3. All suspended penalties, fines, fees, obligations and liabilities of the Township Defendants set forth within the Consent Order, including, but not limited, all suspended penalties and liabilities set forth in enumerated paragraph twelve (12) and all subparagraphs/subsections, therein, be and a hereby vacated; and

4. This matter be and is hereby dismissed with prejudice and without costs to any of the parties herein.

Dated: _____, 2023