

# BISGAIER HOFF

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December 11, 2015

Via Regular Mail and E-Mail

Elizabeth K. McManus, P.P., AICP, LEED  
Clarke Caton Hintz  
100 Barrack Street  
Trenton, NJ 08608

*Re: In the Matter of the Application of the Borough of East Rutherford for a  
Judgment of Compliance and Repase  
Docket No. BER-L-5925-15*

Dear Ms. McManus:

Our firm represents Tomu Development Co., Inc. ("Tomu"), an interested party to the above-referenced litigation. This submission is made pursuant to Paragraph 3 of the October 29, 2015 Case Management Order, which provides that interested parties must submit objections or comments to the Borough of East Rutherford's Summary of Plan no later than December 17, 2015. Pursuant to the Court's directive, please accept this letter as Tomu's commentary to the Plan Summary.

By way of brief background, in the litigation styled Tomu Development Co. v. Borough of East Rutherford, et. al., Docket No: BER-L-5895-03, Tomu was awarded a builder's remedy in order to construct an inclusionary development within the Borough. As we understand the Borough's submission, our client's proposed site has been included in the November 25, 2015 Plan Summary. Accordingly, Tomu will seek to intervene as a party in this litigation simply to ensure that occurs. In light of the foregoing, Tomu has no objection to the Borough's Plan Summary submission.

This firm requests to be included on the Borough's service list for all future correspondence related to this litigation.

Thank you for your attention to this matter.

Respectfully submitted,

BISGAIER HOFF, LLC



Robert A. Kasuba

cc: Richard J. Allen, Jr., Esq. (via regular mail and e-mail)  
Thomas Bruinooge, Esq. (via regular mail and e-mail)  
Attached Service List (via regular mail)  
Tomu Development Co., Inc. (via e-mail)

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