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SUPERIOR COURT BERGEN COUNTY
FILED

JUN 25 2015

Laura A. Lombardi
DEPUTY CLERK

IN THE MATTER OF THE APPLICATION
OF THE BOROUGH OF EAST
RUTHERFORD FOR A JUDGMENT OF
COMPLIANCE AND REPOSE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-BERGEN COUNTY

DOCKET NO. : L-5925-15

Civil Action
(Mount Laurel)

**COMPLAINT FOR A
DECLARATORY JUDGMENT
GRANTING EAST RUTHERFORD
TEMPORARY IMMUNITY FROM
EXCLUSIONARY ZONING
LAWSUITS, A PERIOD OF TIME TO
COMPLETE AN UPDATED HOUSING
ELEMENTAND FAIR SHARE PLAN
AND FOR A JUDGMENT OF
COMPLIANCE AND REPOSE**

Plaintiff/Petitioner, the Borough of East Rutherford ("East Rutherford"), a municipal corporation and body politic organized under the laws of the State of New Jersey, with offices located at One Everett Place, East Rutherford, New Jersey 07073, by way of Complaint for Declaratory Judgment says:

Jurisdiction

1. Jurisdiction is established pursuant to the New Jersey Declaratory Act, N.J.S.A. 2A:16-50, et seq. and as a result of the Supreme Court Decision, In the Matter of the Adoption

of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the “2015 Case”).

2. This declaratory judgment action has been authorized by the East Rutherford Mayor and Council pursuant to its Resolution 82-5015 adopted May 19, 2015. A copy of that resolution is attached as **Exhibit “A”**.

3. In the 2015 Case the Supreme Court required that notice of this action be served upon the entities on the “Service List” in the 2015 Case. In addition, East Rutherford will provide notice of this action to those entities filing objections to its adopted Housing Element and Fair Share Plan (see Paragraph 14 below) identified in the following table:

Name	Address	Interest
Tomu Development, Inc.	Robert Hopper, Registered Agent Sax, Macy & Fromm 855 Valley Road Clifton, NJ 07013	Holder of Builders’ remedy
10 Morton Street Associates, LLC	c/o Richard J. Abrahamsen, Esq. The Abrahamsen Law Firm 115 River Road; Suite 828 Edgewater, N.J. 07020	Objection to Plan before COAH
Group at Rt. 3, LLC	16 Microlab Road; Suite A Livingston, N.J. 07039	Objection to Plan before COAH (settled)
Oak St., LLC, Inc.	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates Meadowland Office Complex 301 Route 17; Suite 505, 5 th Fl. Rutherford, N.J. 07070	Objection to Plan before COAH
Russo Acquisitions, LLC	c/o Richard G. Berger, Esq. 71 Hudson Street Hackensack, N.J. 07601	Objection to Plan before COAH
Avalon Bay Communities, Inc.	517 Route One South Suite 5500 Iselin, NJ 08830	Entity Expressing Intent
Star Rutherford Corp.	c/o Thomas H. Bruinooge, Esq. Bruinooge & Associates Meadowlands Office Complex 301 Route 17 Suite 505 5th floor Rutherford, NJ 07070	Entity Expressing Intent
New Jersey Builders Association	c/o Stephen M. Eisdorfer, Esq. Hill Wallack, LLP	Entity Expressing Intent and 2015 Case Service List

	202 Carnegie Center Princeton, N.J. 08540	
N.J. State League of Municipalities	c/o Edward J. Buzak, Esq. Buzak Law Group, LLC 150 River Road; Suite N4 Montville, N.J. 07045	2015 Case Service List
Borough of Atlantic Highlands	c/o Jeffrey R. Surenian, Esq. Jeffrey R. Surenian and Associates, LLC 707 Union Avenue; Suite 301 Brielle, N.J. 08730	2015 Case Service List
Bernards Township, Clinton Township, Union Township and Green Wick Township	c/o Jonathan E. Drill, Esq. Stickel, Koenig, Sullivan & Drill, LLC 571 Pompton Avenue Cedar Grove, N.J. 07009	2015 Case Service List
New Jersey Council on Affordable Housing	c/o Geraldine Callahan, Deputy Attorney General Hughes Justice Complex 25 W. Market Street Trenton, N.J. 08625	2015 Case Service List
Fair Share Housing Center	Kevin D. Walsh, Esq. Fair Share Housing Center 510 Park Boulevard Cherry Hill, NJ 08002	2015 Case Service List

4. In addition to the other relief sought, this Complaint seeks Temporary Immunity from Exclusionary Zoning (“Builders’ Remedy”) Lawsuits (see Count Three below at Page 14). As such, that relief is akin to a preliminary injunction. Pursuant to *R.4:67-1*, this matter may proceed by Order to Show Cause.

5. In the 2015 Case, the Supreme Court did not require the interested parties such as those identified in Paragraph 3 above to actually be served with the pleadings but rather they each be given notice of this action. Therefore, East Rutherford shall provide to each entity identified in Paragraph 3 with the Notice attached hereto as Exhibit “B” by certified and regular mail.

Background and Prior Round Obligations

6. In 1975 the Supreme Court of New Jersey in *South Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low and moderate income housing needs.

7. In 1983, the Supreme Court refined that constitutional obligation in *South Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan.

8. In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act ("FHA") N.J.S.A. 52:2D-301 et seq. which transformed the judicial doctrine which became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it.

9. COAH proceeded to adopt regulations for first round obligations applicable from 1987 to 1993 and second round obligations that created a cumulative obligation from 1987 to 1999.

10. In 2003 Tomu Development Co. filed a builders' remedy suit against the Boroughs of East Rutherford and Carlstadt, their Planning Boards and the New Jersey Meadowlands Commission seeking a builders' remedy. On November 28, 2005 the Honorable

Jonathan Harris, J.S.C. entered an order in the matter entitled *Tomu Development Co. v. Borough of East Rutherford, et al.* (the "Tomu Matter") awarding Tomu a builder's remedy. Attached hereto as Exhibit "C" is a copy of that order. Attached as Exhibit "D" is a copy of the opinion of the court pursuant to which the order was issued.

11. On June 1, 2006 the Honorable Jonathan Harris, J.S.C. entered final judgment in the Tomu Matter which, among other things, appointed Robert T. Regan, Esq. as Mount Laurel Compliance Monitor (the "Monitor") and required the Monitor to file a petition with COAH for substantive certification of the Borough's Housing Element and Fair Share Plan. Attached hereto as Exhibit "E" is a copy of that Final Judgment. Attached as Exhibit "F" is a copy of the opinion of the court pursuant to which the Final Judgment was issued.

12. The decisions in the Tomu Matter were issued after a full trial on the merits. The decisions were affirmed by the Appellate Division in an unreported opinion, see *2008 WL 4057912*, and certification was denied by the New Jersey Supreme Court, see *197 N.J. 474 (2009)*.

13. On June 5, 2006 the Monitor issued a letter directive setting forth the directives of the Monitor with regards to land use procedures within the Borough of East Rutherford (the "Monitor's Directive".) Attached hereto as Exhibit "G" is a copy of the Monitor's Directive.

14. The Monitor required East Rutherford to develop and submit a proposed Housing Element and Fair Share Plan to him for approval. That was done and with the approval of the Monitor, East Rutherford filed its Petition for Substantive Certification with COAH on December 31, 2008 and its application was completed on June 8, 2009. Attached hereto as Exhibit "H" is a copy of a spreadsheet issued by the Council on Affordable Housing. This spreadsheet contains the filing information for the various municipalities, including East

Rutherford, who filed Petitions for Substantive Certification with COAH. The entry for East Rutherford has been highlighted. Attached hereto as Exhibit "I" is a copy of Housing Element and Fair Share Plan filed by East Rutherford.

15. Since the issuance of the Monitor's Directive, all land use applications within East Rutherford, both in and out of the Hackensack Meadowlands District, have been subject to the Monitor's review.

16. The *Tomu* court determined that East Rutherford's affordable housing obligation under the then effective "Second Round" rules to be as follows:

Indigenous Need	34 units
New Construction	70 units
Total Obligation	104 units

See Exhibit "D" at page 14. The *Tomu* Court then awarded a builders' remedy to Tomu which permitted the following in East Rutherford:

Market Rate Units	360 units
Affordable Units	60 units
Total Units	420 units

See Exhibit D at page 27. The *Tomu* court required that the affordable housing units included in the builders' remedy be rental units thereby qualifying for an additional "bonus" credit of up to 2 times the number of actual rental units, subject to certain limitations, under the then effective Second Round rules, see *N.J.A.C. 5:93-5.15(d)(2)*. Through application of that bonus credit East Rutherford could receive up to an additional 70 unit credit towards its obligation, again subject to certain limitations.

17. Since the issuance of the Monitor's Directive, affordable housing has been a consideration in every significant land use application in East Rutherford, and, as a result, the following land use developments have been approved with and affordable housing set-aside:

Development	Approved Use	Affordable Housing
132 Union, LLC	30 units	6 (3 on site -3 "in lieu payments)
M& M Investment (Van Winkle Avenue)	33 units	6 (3 on site -3 "in lieu payments)
GFM Builders LLC	Retail/office with 24 units	5
Capodagli	45 units	9
Group at 3 (Phase 1)	316 units	32 (pursuant to COAH order)
Group at 3 (Phase 2) (planned)	434 units	44 (pursuant to COAH order)
384 Paterson LLC	7 units	1

The Group at 3 approvals contains a provision which requires Group at 3 to provide additional affordable units, not to exceed 20%, under certain circumstances.

18. In addition, East Rutherford committed the balance of \$140,000 in its affordable housing trust fund to a project proposed by the Housing Authority of Bergen County ("HABC"). This project would create at least 2 additional units of affordable housing. A copy of the resolution of the Mayor and Council making that commitment to the HABC is attached as Exhibit "J".

19. Since the issuance of the Monitor's Directive, East Rutherford has complied with its affordable housing obligation.

Third Round Obligation

20. COAH first proposed third round substantive and procedural rules in October, 2003. *35 N.J.R. 4636(a); 35 N.J.R. 4700(a)*.

21. Those rules remained un-adopted and COAH re-proposed both the substantive and procedural third round rules (*N.J.A.C. 5:94 and 5:95*) in August of 2004 and adopted the same effective on December 20, 2004. (the "*2004 Regulations*")

22. The *2004 Regulations* were challenged and on January 25, 2007, the Appellate Division invalidated various aspects of those regulations and remanded considerable portions of

the rules to COAH with direction to adopt revised rules. *In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007) (the "2007 Case")*.

23. On January 22, 2008, COAH proposed and published revised third round regulations in the New Jersey Register. *40 N.J.R. 237*.

24. On May 6, 2008, COAH adopted the revised third round regulations and advised that the new regulations would be published in the June 2, 2008 New Jersey Register, thereby becoming effective.

25. On May 6, 2008, COAH simultaneously proposed amendments to the revised third round rules it had just adopted. Those amendments were published in the June 16, 2008 New Jersey Register, see *40 N.J.R. 3373 (Procedural N.J.A.C. 5:96); 40 N.J.R. 3374 (Substantive N.J.A.C. 5:97)*. The amendments were adopted on September 22, 2008 and made effective on October 20, 2008.

26. As required by the Final Judgment in the *Tomu* matter and the *Monitor's Directive*, East Rutherford filed its HEFSP with COAH in a timely manner. See paragraph 14 above.

27. Since that time East Rutherford has affirmatively sought to include affordable housing in all appropriate land use developments. See paragraphs 15, 16 and 17 above.

The Transfer of Jurisdiction to the Courts

28. *N.J.A.C. 5:96 and 5:97* as adopted in 2008 were challenged in an appeal entitled *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010) (the "2010 Case")*. In that decision, the Appellate Division determined, among other things, that the growth share methodology was

invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the first and second rounds, i.e. 1987-1999.

29. On September 26, 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the third round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the first and second rounds. *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2013) (the "2013 Case")*.

30. COAH proceeded to propose such regulations in accordance with the schedule and amended schedule established by the New Jersey Supreme Court in the 2013 Case.

31. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised third round regulations.

32. Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center ("FSHC"), a party in the 2010 Case and the 2013 Case, filed a motion with the New Jersey Supreme Court to enforce litigant's rights.

33. On March 10, 2015 the New Jersey Supreme Court issued its decision on FSHC's motion to enforce litigant's rights. The Supreme Court in the 2015 Case found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015) (the "2015 Case")*.

34. In doing so, the Supreme Court established a transitional process for municipalities, like East Rutherford, that participated in the administrative process before COAH

to file a declaratory judgment action with the trial courts seeking to declare their HEFSPs as being constitutionally compliant and seeking similar protections to those that the participating municipalities would have received if they had continued to proceed before COAH.

35. In explaining the transitional process contemplated, the Supreme Court equated these "Participating "Municipalities" to those municipalities in 1985 that had sought to transfer jurisdiction from the Court to the newly created COAH and switch the forum from a judicial one to an administrative one under *N.J.S.A. 52:27D-316*.

36. While the Supreme Court in the 2015 Case declined to adopt a specific methodology or formula to calculate the third round affordable housing obligations of the municipalities and instead left that determination to the 15 Mount Laurel Judges (one in each vicinage), it did provide some guidance by reiterating its endorsement of the previous methodologies employed in the First and Second Round Rules as the template to establish third round affordable housing obligations, and as abovementioned, by treating Participating Municipalities filing Declaratory Judgment actions in the same way that the 1985 FHA when originally enacted on July 2, 1985 treated municipalities transitioning from the judicial to the administrative process. See paragraphs 49 through 51 below.

37. In light of the decisions of the Supreme Court in the 2013 Case and the 2015 Case, East Rutherford, its Planning Board and its Planner are currently in the process of preparing a revised HEFSP that will verify full compliance of East Rutherford with its constitutional affordable housing obligations as directed by East Rutherford Resolution 82-2015 (see Exhibit A hereto.).

COUNT ONE
(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)

38. East Rutherford repeats and realleges each and every allegation set forth in Paragraphs 1-37 of this Complaint as if set forth herein at length.

39. Pursuant to the Declaratory Judgments Act, *N.J.S.A. 2A:16-50 et seq.*, and the 2015 Case, East Rutherford has a right to a declaratory judgment verifying and confirming its full compliance with its constitutional affordable housing obligations and for issuance of a Judgment of Compliance and Repose.

COUNT TWO
(FIVE MONTHS TO PREPARE HEFSP)

40. East Rutherford repeats and realleges each and every allegation as set forth in Paragraphs 1-39 as if set forth herein at length.

41. In the 2015 Case, the Supreme Court equated participating municipalities who file Declaratory Judgment actions such as the instant one to those municipalities who were involved in litigated matters in 1985 when the Fair Housing Act was adopted and successfully transferred their litigated cases to COAH and were entitled under *N.J.S.A. 52:27D-316* to a five month period from the date of transfer or the date of the promulgation of criteria and guidelines by COAH, whichever occurred later to prepare its HEFSP.

42. The Supreme Court in the 2013 Case and in the 2015 Case declined to establish a specific methodology or formula to calculate third round affordable housing obligations of the municipalities and instead left that determination to the 15 Mount Laurel Judges (one in each vicinage), directing that the methodology or formula established should be similar to that employed in the first and second round rules.

43. As a result of the Supreme Court's actions in the 2013 Case and the 2015 Case,

there are insufficient criteria and guidelines established by the Court at this time for East Rutherford to prepare a compliant HEFSP which this Court could evaluate to determine its constitutional compliance.

44. In the 2015 Case, the Supreme Court afforded wide discretion to the 15 Mount Laurel Judges in addressing these Declaratory Judgment actions and enabled the trial judges specifically to grant municipalities a five month period within which to prepare a compliant HEFSP in accordance with the approved methodology and formula established by said trial judges.

45. By equating these Participating Municipalities to those municipalities who in 1985 transferred their litigated cases from the Court to COAH, and then had a five (5) month period from the date of transfer or the date that guidelines and regulations were adopted by COAH, whichever was later, East Rutherford is entitled to the opportunity to prepare and adopt a HEFSP within five (5) months from the date that the Court establishes the methodology and formula which will quantify the affordable housing obligation of East Rutherford and allow for the preparation and adoption of a constitutionally compliant HEFSP.

COUNT THREE
(REQUEST FOR IMMUNITY)

46. East Rutherford repeats and realleges each and every allegation as set forth in Paragraphs 1-45 as if set forth herein at length

47. In the 2015 Case, the Supreme Court afforded Participating Municipalities who filed Declaratory Judgment actions seeking to verify and confirm their constitutional compliance with their affordable housing obligations, the right to seek temporary immunity from third party lawsuits while pursuing these Declaratory Judgment actions and the development of compliant HEFSPs.

48. By virtue of the filing of the within action, East Rutherford is eligible to seek and obtain immunity from third party lawsuits while pursuing their Declaratory Judgment action pursuant to the 2015 Case.

49. The Temporary Immunity sought by East Rutherford is appropriate and reasonable under the circumstances. The policy announced by the Supreme Court in the 2015 Case is for the Superior Court to “establish an orderly process by which towns can have their housing plans reviewed by the courts... through processes, where appropriate, that are similar to those which would have been available through COAH.” *221 N.J. at 23*. Before COAH, the Fair Housing Act mandates that exclusionary zoning lawsuits cannot be brought against East Rutherford until the exhaustion of COAH’S administrative requirements. *See N.J.S.A. 52:27D-316.b*.

50. The Appellate Division applied that principle to dismiss exclusionary zoning lawsuits that violated *N.J.S.A. 52:27D-316.b*. *See Elon Associates, LLC v. Township of Howell, 370 N.J. Super. 475 (App. Div. 2004), Sod Farms Associates v. Township of Springfield, 366 N.J. Super. 116 (App. Div. 2004) and Wayne Property Holdings, LLC v. Township of Wayne, 427 N.J. Super. 133 (App. Div. 2012)*.

51. The Supreme Court’s recent decision in the 2015 Case, the Court’s 90 day stay of its ruling, and the exclusive 30 day period within which the municipality may bring an action to obtain protection against builder’s remedy suits reinforces the policy that the municipality which complied with the Fair Housing Act should be entitled to the respite from affordable housing based litigation while it is in good faith proceeds with its application for substantive certification or, in this case, its application to the Court for a Judgment of Compliance and Repose.

COUNT FOUR
(JURISDICTION OVER UNAPPROVED SPENDING PLAN)

52. East Rutherford repeats and realleges each and every allegation as set forth in Paragraphs 1-51 as if set forth herein at length.

53. On April 9, 2015 the Appellate Division issued a decision divesting COAH of jurisdiction to administratively effect a forfeiture of Affordable Housing Trust Funds not spent or committed in accordance with the requirements of the FHA and enjoining COAH from taking any such administrative action. See *In re Failure of Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, 2015 WL 1582908 (App. Div. 2015) (the "Trust Fund Case")*.

54. In the Trust Fund Case the Appellate Division further transferred jurisdiction over such actions and matters to the 15 Mount Laurel Judges designated to hear the Declaratory Judgment Actions regarding compliance with affordable housing obligations as set forth in the 2015 Case.

55. On information and belief, COAH has taken the position that it no longer has jurisdiction to approve Spending Plans that are pending before it.

56. East Rutherford has a Spending Plan that has not been approved pending before COAH and without COAH's approval and authorization is prevented from expending Affordable Housing Trust Funds to advance the purposes of affordable housing in the municipality.

57. In light of COAH's inaction on its Spending Plan, East Rutherford seeks to have this Court, in conjunction with processing the instant Declaratory Judgment action, approve its Spending Plan that has been pending before COAH and further, to assume jurisdiction over any amendment to said Spending Plan once approved in order to give East Rutherford the ability to

properly utilize and expend Affordable Housing Trust Funds collected for the purposes of advancing and satisfying its affordable housing obligation.

WHEREFORE, Plaintiff/Petitioner, the Borough of East Rutherford, respectfully seeks that the Court grant the following relief:

(a) An Order exercising jurisdiction over the compliance by East Rutherford with its constitutional affordable housing obligations;

(b) An Order granting East Rutherford a five month period from the date that a methodology or formula is established by this Court, or otherwise, to prepare a constitutionally complaint HEFSP that incorporates the formula and methodology approved by this trial court or otherwise;

(c) An Order granting temporary immunity from third party exclusionary zoning lawsuits against East Rutherford from the date of the filing of this Declaratory Judgment action until this Court issues a Final Judgment of Compliance and Repose to the Borough of East Rutherford for its HEFSP formulated, adopted and approved in accordance with the applicable formula and methodology established by this Court;

(d) An Order declaring that East Rutherford has fully discharged its constitutional affordable housing obligations and is granted protection and repose against exclusionary zoning litigation;

(e) A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry;

(f) An Order approving the Spending Plan of East Rutherford heretofore pending before COAH;

(g) An Order continuing the jurisdiction of this Court to consider and approve

any amendments to the Approved Spending Plan; and

(h) An Order granting such additional relief as the Court deems equitable and just.

KIPP & ALLEN, L.L.P.
Attorneys for Plaintiff/Petitioner,
BOROUGH OF EAST RUTHERFORD

Dated: June 24, 2015

By: 
Richard J. Allen, Jr.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Richard J. Allen, Jr., Esq., Attorney for the Plaintiff/Petitioner, the Borough of East Rutherford, is designated as trial counsel in the above captioned matter.

KIPP & ALLEN, L.L.P.
Attorneys for Plaintiff/Petitioner,
BOROUGH OF EAST RUTHERFORD

Dated: June 24, 2015

By: 
Richard J. Allen, Jr.

CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to R.4:5-1, I hereby certify that the matter in controversy is not the subject matter of any other action pending in any Court or of a pending arbitration or administrative proceeding, and that no other action or arbitration or administrative proceeding is contemplated, except that Plaintiff has previously submitted a Petition for Substantive Certification to the New Jersey Council on Affordable Housing, which, as a result of the 2015 Case, has been divested of jurisdiction which has been delegated to the Superior Court as a result of the filing of the within

Declaratory Judgment action.

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.

KIPP & ALLEN, L.L.P.
Attorneys for Plaintiff/Petitioner,
BOROUGH OF EAST RUTHERFORD

Dated: June 24, 2015

By: _____


Richard J. Allen, Jr.