

KATHY McBRIDE, President
City Council – City of Trenton
319 E. State St - City Hall
Trenton, New Jersey 08609
(609) 989-3006
Plaintiff

KATHY McBRIDE, President, Trenton
City Council; MARGE CALDWELL-
WILSON, Vice President, Trenton City
Council; and ROBIN M. VAUGHN,
Member, Trenton City Council;

Plaintiff(s),

v.

LT. GOVERNOR SHEILA Y. OLIVER,
Commissioner, New Jersey Department
of Community Affairs, Division of Local
Government Services; MELANIE R.
WALTER, Director, New Jersey
Department of Community Affairs,
Division of Local Government Services
and REED GUSCIORA, Mayor, City of
Trenton;

Defendants,

) SUPERIOR COURT OF NEW JERSEY
) LAW DIVISION: MERCER COUNTY

) CASE NO: _____

) VERIFIED COMPLAINT FOR INJUNCTION –
) VIOLATIONS OF NEW JERSEY STATE
) CONSTITUTION, THE FAULKNER ACT, STATE
) LAWS AND LOCAL ORDINANCES GOVERNING
) THE BUDGET FOR THE CITY OF TRENTON

Plaintiffs, KATHY McBRIDE, MARGE CALDWELL-WILSON and ROBIN M.
VAUGHN, respectfully allege the following upon information and belief.

PARTIES

1. Plaintiffs, KATHY McBRIDE, is the President of Trenton City Council;
MARGE CALDWELL-WILSON, is the Vice President of Trenton City Council; and
ROBIN M. VAUGHN, is a Member of Trenton City Council, hereinafter referred to
as the "Plaintiffs".

2. Defendant, LT. GOVERNOR SHEILA Y. OLIVER, is the Commissioner of New Jersey Department of Community Affairs, The Division of Local Government Services; MELANIE R. WALTER, Director, Division of Local Government Services; and REED GUSCIORA, is the Mayor of The City of Trenton, hereinafter referred to as the "Defendants".

PREAMBLE

3. Transitional Aid Program is a discretionary aid program through which the Division of Local Government Services provides supplemental state aid to municipalities in need of assistance in addressing temporary fiscal crises. The Memorandum of Understanding for Trenton municipality executes each year sets forth the conditions, for receiving Transitional Aid.

This includes the obligation to comply with the conditions set forth [therein] in addition to all laws, regulations. Local Finance Notices, and any government, administrative and oversight measure necessary for the fiscal recovery of the Municipality as the Director may order from time to time pursuant to the State Budget or any other law.

These constraints are imposed in recognition of the fact that Transitional Aid exists to support essential municipal operational needs in critical fiscal times. They also involve adherence to State laws and Ordinances.

CAUSE OF ACTION

4. In November defendant, Mayor Reed Gusciora ("The Executive"), and his Administration submitted a proposed budget to the plaintiffs, Trenton City Council ("The Legislative Body"). The proposed Budget that included a USD 0.114 cents increase in taxes.

5. Council once they accepted the Budget deliberated for several months and reduced the Budget from a USD 0.114 cents increase in taxes, to a USD 0.05 cents increase in taxes.

6. Following procedural protocol, once the plaintiffs, Trenton City Council, agreed on the Budget, on March 28, 2019, was supposed to be presented, without modifications, to defendants, New Jersey Department of Community Affairs.

7. Plaintiffs believe that the Budget prepared by them was usurped and never accepted by defendant. Moreover, in rejecting the Budget prepared by the plaintiffs, defendant, deliberately, and intentionally suppressed the plaintiffs Budget modifications and replaced it with his initially introduced USD 0.114 cents increase in taxes, and submitted it to the New Jersey Department of Community Affairs for approval and submission to the County Tax Board. More importantly, the defendants are attempting to coerce plaintiffs into approving the Mayor's initially introduced USD 0.114 cents increase in taxes. New Jersey Department of Community Affairs issued letters dated April 8, 2019 and April 24, 2019 with a directive on how the Council should vote and the associated penalties. Subsequently, Mayor Reed Gusciora issued a press release threatening to shut down city government under the guise of an emergency.

8. Plaintiffs, City Council, is the ruling authority over the Budget and not the defendants, the Mayor or New Jersey Department of Community Affairs, as such is a violation of State and Local laws for the defendants and the New Jersey Department of Community Affairs to have any discussions on the matter of the Budget without the presence of City Council.

9. Plaintiffs believe that the defendants, New Jersey Department of Community Affairs did not act in accordance with the New Jersey State Constitution, The Faulkner Act, State Laws and Ordinances by accepting a budget that was not adopted or approved by plaintiffs, City Council. And, transmitting a tax rate to the County Board that was not of the preceding year, instead transmitted the new tax rate of USD 0.114 cents that was initially introduced by Mayor Gusciora for the current fiscal year.

10. Beginning on or about October 1, 2018, and continuing to the present time, Plaintiff, Council, on many occasions attempted to set up meetings between

Council and defendants, New Jersey Department of Community Affairs to address and resolve the violations of the New Jersey State Constitution, The Faulkner Act, State laws and Ordinances, including, but not limited to the violations of, N.J.S.A. 40A:4-16; N.J.S.A. 40A:4-17b; N.J.S.A. 52:27BB-15; N.J.S.A. 52:27BB-18 and N.J.S.A. 40:69A-179, but to no avail.

11. Plaintiffs believe that defendants, New Jersey Department of Community Affairs have not acted or performed its duties in accordance with laws, as their amendments to the Budget not receive the proper oversight or the appropriate level on review and certification. Plaintiffs, City Council, passed a vote, by the full body on March 28, 2019 that was not given any consideration by New Jersey Department of Community Affairs, in approval of amendments that included a USD 0.05 cents increase in taxes. Moreover, defendants, are overreaching their authority in this matter and are demanding that plaintiff vote on a budget and tax rate that plaintiff did not present.

12. Plaintiffs have demanded that defendants cease overreaching their authority, which is described herein. Defendants remain defiant, and each of them, have refused and still refuse to cease overreaching their authority. The defendants in their failure to introduce the budget allowing the Legislative body adequate time to review and make adjustments to meet the October 6 deadline, per N.J.S.A. 40A:4-16, instead the budget was introduced, to council, on October 18. The plaintiffs believe the defendants have with hostility are attempting to impose penalties selectively and with bias only against them, not against themselves or the mayoral administration for acting unlawfully.

13. Plaintiff's has no adequate remedy at law for the Defendants' unlawful conduct, unless and until they are enjoined and restrained by order of this court, defendants will cause great and irreparable injury to the fiscal health of the City of Trenton and the well-being of the citizenry - the taxpayers, residence, businesses and employees in that defendants will be able to manipulate and violate the New Jersey State Constitution, The Faulkner Act, State laws and Ordinances, including, but not limited to the violations of, N.J.S.A. 40A:4-16; N.J.S.A. 40A:4-

17b; N.J.S.A. 52:27BB-15; N.J.S.A. 52:27BB-18 and N.J.S.A. 40:69A-179.

WHEREFORE, plaintiffs plea for judgment against defendants and each of them, as follows:

1. For an order requiring defendants to show cause, if any they have, why they should not be enjoined as hereinafter set forth, during the pendency of this action;

2. For a temporary restraining order, a preliminary injunction, and a permanent injunction, all enjoining defendants, and each of them, and their agents, servants, and employees, and all persons acting under, in concert with, or for them:

a. From unilaterally transmitting to the County Board and imposing a USD 0.114 cents increase in taxes upon the City of Trenton's citizenry;

b. From shutting down City Government;

c. For filing fees and attorney fees incurred;

d. For costs of suit herein incurred; and

e. For such other and further relief as the court deems proper.

KATHY McBRIDE, is the President of Trenton City Council;
Plaintiff

MARGE CALDWELL-WILSON, is the Vice President of Trenton City Council;
Plaintiff

ROBIN M. VAUGHN, is a Member of Trenton City Council;
Plaintiff

VERIFICATION

KATHY McBRIDE, is the President of Trenton City Council; MARGE CALDWELL-WILSON, is the Vice President of Trenton City Council and ROBIN M. VAUGHN, is a Member of Trenton City Council, hereinafter referred to as the hereby certifies that we are the plaintiffs in the above-entitled action. We have read the foregoing Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters, which are therein alleged on information and belief, and as to those matters, we believe it to be true.

We declare under penalty of perjury that the foregoing is true and correct.

DATED:

KATHY McBRIDE, is the President of Trenton
City Council;
Plaintiff

MARGE CALDWELL-WILSON, is the Vice
President of Trenton City Council;
Plaintiff

ROBIN M. VAUGHN, is a Member of Trenton
City Council;
Plaintiff

TRIAL COUNSEL DESIGNATION PURSUANT TO R. 4:5-1 (C)

KATHY McBRIDE, is the President of Trenton City Council; MARGE CALDWELL-WILSON, is the Vice President of Trenton City Council and ROBIN M. VAUGHN, is a Member of Trenton City Council, hereby designated trial counsels in this matter to be determined

TBD

TBD

TBD

KATHY McBRIDE, President
City Council – City of Trenton
319 E. State St - City Hall
Trenton, New Jersey 08609
(609) 989-3006
Plaintiff

KATHY McBRIDE, President, Trenton City
Council; MARGE CALDWELL-WILSON, Vice
President, Trenton City Council; and
ROBIN M. VAUGHN, Member, Trenton City
Council; – City of Trenton - 319 E. State St
- City Hall - Trenton, New Jersey 08609

Plaintiff(s),

LT. GOVERNOR SHEILA Y. OLIVER,
Commissioner, New Jersey Department of
Community Affairs, Division of Local
Government Services; MELANIE R.
WALTER, Director, New Jersey
Department of Community Affairs, Division
of Local Government Services and REED
GUSCIORA, Mayor, City of Trenton;
;

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY

DOCKET NO.

CIVIL ACTION

ORDER TO SHOW CAUSE - WITH
TEMPORARY RESTRAINTS - PURSUANT
TO RULE 4:52 and R.4:67-1(a)

THIS MATTER being brought before the Court by KATHY McBRIDE, President, City Council – City of Trenton; MARGE CALDWELL-WILSON, Vice President - City Council – City of Trenton and ROBIN M. VAUGHN, Member, City Council – City of Trenton, 319 E. State St - City Hall - Trenton, New Jersey 08609, plaintiffs in the presence of LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services; and, MELANIE R. WALTER, Director, New Jersey Department of Community Affairs, Division of Local Government Services and REED GUSCIORA,

MAYOR of the City of Trenton, defendant(s) seeking relief by way of summary action based upon the facts set forth in the Verified COMPLAINT FOR INJUNCTION - VIOLATIONS OF NEW JERSEY STATE CONSTITUTION, THE FAULKNER ACT, STATE LAWS AND LOCAL ORDINANCES filed herewith; and the Court having determined that this matter may be commenced by order to show cause with temporary restraints and summary proceeding pursuant to R. 4:52 and R.4:67-1(a) to prevent immediate and irreparable damage plaintiff, will probably result before notice can be given and a hearing held, and for good cause shown.

IT IS on this ____ day of _____, 20__, ORDERED that the defendant's, LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services; and, MELANIE R. WALTER, Director, Division of Local Government Services and REED GUSCIORA, MAYOR of the City of Trenton

appear and show cause on the ____ day of _____, 20__ before the Superior Court, Mercer County 175 South Broad Street Courthouse - P.O. Box 8068 Trenton, NJ 08650-0068 at ____ o'clock in the ____ noon, why an order should not be issued preliminary enjoining and restraining defendants LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services; and, MELANIE R. WALTER, Director, New Jersey Department of Community Affairs, Division of Local Government Services and REED GUSCIORA, MAYOR of the City of Trenton; and

Why judgment should not be entered against defendants denying them:

From approving a USD 0.114 cents increase in taxes; and shutting down City Government;

AND it is further ORDERED and GRANTED that pending the return date herein. The defendants are temporarily enjoined and restrained from: approving a USD 0.114 cents increase in taxes; and from shutting down City Government;

1. A copy of this order to show cause, the Verified Complaint for COMPLAINT FOR INJUNCTION - VIOLATIONS OF NEW JERSEY STATE CONSTITUTION, THE FAULKNER ACT, STATE LAWS AND LOCAL ORDINANCES and all affidavits submitted in support of this application, all of which shall be certified thereon by plaintiff to be true copies, shall be served upon the parties in interest by certified mail, return receipt requested (or by registered mail, return receipt requested with respect to any party in interest who resides outside the United States) [and by regular mail] within _____ days of the date hereof, in accordance with R. 4:67-3, R. 4:4-3 and R. 4:4-4, this order to show cause being original process.

2. The plaintiff's shall file with the Court proof of service of the pleadings on the defendants, LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services at the office of the Lt. Governor for the State of New Jersey - State House - 495 West State Street, Trenton, New Jersey 08618 and, MELANIE R. WALTER, New Jersey Department of Community Affairs, Director, Division of Local Government Services - Department of Community Affairs - 101 South Broad Street, Trenton, New Jersey 08625-0803 and REED GUSCIORA, MAYOR of the City of Trenton - 319 East State Street - Trenton, New Jersey 08609, no later than 3 days before the return date.

3. Defendants, LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services at the office of the Lt. Governor for the State of New Jersey - State House - 495 West State Street, Trenton, New Jersey 08618 and, MELANIE R. WALTER, New Jersey Department of Community Affairs, Director, Division of Local Government Services - Department of Community Affairs - 101 South Broad Street, Trenton, New Jersey 08625-0803 and REED GUSCIORA, MAYOR of the City of Trenton - 319 East State Street - Trenton, New Jersey 08609, shall file and serve a written answer [an answering affidavit or a motion returnable on the return date][appearance or response] to this order to show cause and the relief requested in the verified complaint for an INJUNCTION and VIOLATIONS OF NEW JERSEY STATE

CONSTITUTION, THE FAULKNER ACT, STATE LAWS AND LOCAL ORDINANCES and proof of service of the same by _____, 20____. The answer, [answering affidavit or a motion returnable on the return date][appearance or response], as the case may be, must be filed with the Clerk of the Superior Court in the County listed above and a copy of the papers must be sent directly to the chambers of Judge _____,

4. The plaintiffs must file and serve any written reply to the defendant's order to the show cause opposition by _____, 20____. The reply papers must be filed with the Clerk of the Superior Court in the County listed above and a copy of the reply papers must be sent directly to the chambers of Judge _____,

5. If the defendants, LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services at the office of the Lt. Governor for the State of New Jersey - State House - 495 West State Street, Trenton, New Jersey 08618 and, MELANIE R. WALTER, Director, New Jersey Department of Community Affairs, Division of Local Government Services - Department of Community Affairs - 101 South Broad Street, Trenton, New Jersey 08625-0803 and REED GUSCIORA, MAYOR of the City of Trenton - 319 East State Street - Trenton, New Jersey 08609, does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiffs' files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the plaintiffs has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with the return address and postage) must be submitted to the court no later than three (3) days before the return date.

7. Defendants, LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services at the office of the Lt. Governor for the State of New Jersey - State House - 495 West

State Street, Trenton, New Jersey 08618 and, MELANIE R. WALTER, Director, New Jersey Department of Community Affairs, Division of Local Government Services – Department of Community Affairs – 101 South Broad Street, Trenton, New Jersey 08625-0803, take notice that the plaintiffs, KATHY McBRIDE, President, City Council – City of Trenton; MARGE CALDWELL-WILSON, Vice President – City Council – City of Trenton and ROBIN M. VAUGHN, Member, City Council – City of Trenton, City Hall - 319 E. State St - Trenton, New Jersey 08609 has filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint for an INJUNCTION and VIOLATIONS OF NEW JERSEY STATE CONSTITUTION, THE FAULKNER ACT, STATE LAWS AND LOCAL ORDINANCES attached to this show cause states the basis of the lawsuit. If you dispute this Verified Complaint for an INJUNCTION and VIOLATIONS OF NEW JERSEY STATE CONSTITUTION, THE FAULKNER ACT, STATE LAWS AND LOCAL ORDINANCES, you, or your attorney, must file a written answer [an answering affidavit or a motion returnable on the return date] [appearance or response] and a proof of service before the return date of the order to show cause.

These documents must be filed with the Clerk of the Superior Court in the County listed above. A list of these offices is provided. Include a \$_____ filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your answer, [an answering affidavit or a motion returnable on the return date: _____, [appearance or response], to the plaintiff's KATHY McBRIDE, President, City Council – City of Trenton; MARGE CALDWELL-WILSON, Vice President - City Council – City of Trenton an; ROBIN M. VAUGHN, Member, City Council – City of Trenton, 319 E. State St - City Hall - Trenton, New Jersey 08609.

A telephone call will not protect your rights; you must file and serve your answer [an answering affidavit or a motion returnable on the return date: _____, [appearance or response] (with fee) or judgment may be entered against you by default.

8. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these office numbers is also provided. If you do not have an attorney or are not eligible for free legal, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these office numbers is also provided.

9. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than _____ days before the return date.

J.S.C.

KATHY McBRIDE, President
City Council – City of Trenton
319 E. State St - City Hall
Trenton, New Jersey 08609
(609) 989-3006
Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY

KATHY McBRIDE, President, Trenton City
Council; MARGE CALDWELL-WILSON, Vice
President, Trenton City Council; and
ROBIN M. VAUGHN, Member, Trenton City
Council; – City of Trenton, 319 E. State St
- City Hall - Trenton, New Jersey 08609

DOCKET NO.

CIVIL ACTION

Plaintiff(s),

PROPOSED ORDER GRANTING THE SHOW
CAUSE

LT. GOVERNOR SHEILA Y. OLIVER,
Commissioner, New Jersey Department of
Community Affairs, Division of Local
Government Services; MELANIE R.
WALTER, Director, New Jersey
Department of Community Affairs, Division
of Local Government Services and REED
GUSCIORA, Mayor, City of Trenton;

Defendant(s)

The motion of KATHY McBRIDE, President, City Council – City of Trenton;
MARGE CALDWELL-WILSON, Vice President - City Council – City of Trenton and
ROBIN M. VAUGHN, Member, City Council – City of Trenton, 319 E. State St - City
Hall - Trenton, New Jersey 08609, plaintiffs, and in the presence of LT. GOVERNOR
SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs,
Division of Local Government Services; MELANIE R. WALTER, Director, New
Department of Community Affairs, Division of Local Government Services and
REED GUSCIORA, MAYOR of the City of Trenton defendants, for an

order/judgment that defendant(s) immediately halted approving a USD 0.114 cents increase in taxes; and from shutting down City Government

AND after full consideration of the evidence submitted by the parties, it appears and the court finds that the defendants are in VIOLATIONS OF THE NEW JERSEY STATE CONSTITUTION, THE FAULKNER ACT, STATE LAWS AND LOCAL ORDINANCES;

IT IS on this _____ day of _____, 20_____ that plaintiffs, KATHY McBRIDE, President, City Council – City of Trenton; MARGE CALDWELL-WILSON, Vice President - City Council – City of Trenton and ROBIN M. VAUGHN, Member, City Council – City of Trenton, 319 E. State St - City Hall - Trenton, New Jersey 08609, plaintiffs, and in the presence of LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services; MELANIE R. WALTER, Director, New Jersey Department of Community Affairs, Division of Local Government Services and REED GUSCIORA, MAYOR of the City of Trenton, defendants, request for an injunction is granted;

IT IS FURTHER ORDERED that within _____ days of this order that defendant(s) LT. GOVERNOR SHEILA Y. OLIVER, Commissioner, New Jersey Department of Community Affairs, Division of Local Government Services; MELANIE R. WALTER, Director, New Jersey Department of Community Affairs, Division of Local Government Services and REED GUSCIORA, MAYOR of the City of Trenton shall immediately halted from approving a USD 0.114 cents increase in taxes; and from shutting down City Government

DATED: _____

J.S.C.