

BERGEN COUNTY REPUBLICAN ORGANIZATION and PERRIN T. MOSCA, CANDIDATE FOR ROCHELLE PARK TOWNSHIP COMMITTEE IN THE 2020 GENERAL ELECTION,

*Petitioner*

v.

PATRICIA DICONSTANZO, Bergen County Superintendent of Elections; JOHN S. Hogan, Bergen County Clerk; ELIZABETH KROLL, Township of Rochelle Park Municipal Clerk; and BERGEN COUNTY BOARD OF ELECTIONS,

*Respondents*

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, BERGEN COUNTY  
DOCKET NO. BER-L-7238-20

CIVIL Action

**CONSENT ORDER FOR  
RECOUNT AND RECHECK**

**THIS MATTER** having been opened to the Court by Richard Malagiere, Esq. of the Law Offices Richard Malagiere, P.C., attorneys for the Petitioners, Perrin T. Mosca and the Bergen County Republican Organization, and Eric A. Reid, Deputy Attorney General, attorney for the Bergen County Board of Elections and the Bergen County Superintendent of Elections; and the Court having considered the papers and arguments made by counsel, if any, for good cause shown;

**IT IS** on this 1<sup>st</sup> day of December 2020:

1.) **ORDERED**, that the Petitioner's application for a Recount and Recheck, as set forth in the Verified Petition, of all machines and emergency ballots, and a hand count of the mail-in ballots and provisional ballots accepted in all districts within the Township of Rochelle Park for the Election for Council At-Large for the Office of the Township of Rochelle Park Council held on November 3, 2020 (the "Election"), is hereby granted; and it is further

2.) **ORDERED**, that the petitioners shall deposit the sum of one-hundred dollars (\$100.00) with the Clerk of the County of Bergen, representing twenty-five dollars (\$25.00) for each of the four (4) voting districts in the Township of Rochelle, in accordance with N.J.S.A. 19:28-2, prior to the commencement of the recount and recheck; and it is further

3.) **ORDERED**, that the recount is to commence on Tuesday, December 8, 2020 at 9:30 a.m. and continue daily thereafter (Saturdays, Sundays and holidays excepted) until completed, unless otherwise agreed to by the parties and those officials responsible for the recount, and each machine in each district shall be done separately and in numerical order, and provisional and mail-in ballots thereafter; and it is further

4.) **ORDERED**, that pending such recount and recheck, the Bergen County Board of Elections shall be restrained and enjoined from unlocking, unsealing, opening, resetting, disposing of or otherwise interfering with voting machines, voting records,

emergency ballots, provisional ballots, absentee ballots, mail-in ballots, irregular ballots, and any and all paraphernalia associated therewith regarding the conduct or results of the Election except as otherwise required to comply with the state-wide election audit as required by N.J.S.A. 19:61-9, as modified by Executive Order 198 (Murphy 2020); and

5.) **ORDERED**, that the parties to the Petition or their representatives, and all other candidates in the Election shall now and after the conclusion of the physical recount and recheck be allowed to examine, copy and/or scan hereafter the registry books, voter authorizations, mail-in ballots and mail-in ballot applications, rejected and late arriving mail-in ballots, envelope flaps, outer envelopers, inner envelopes, provisional ballots, affirmations, messenger book, office orders, order lists, orders to vote, challenge lists, challenge sheets, peremptory order lists, District Board returns and canvases, repair records, voting machine audit trails and related records, complaint or inquiry records, irregular and emergency ballots, and any or all other papers, documents and records related to the Election, as may be requested by them, under the supervision of the officials in whose custody those items may be. All copies and scans of the above-referenced materials are subject to the signing of a protective order by the parties.



Hon. Estela M. De La Cruz, J.S.C.

The undersigned hereby consent to the form and entry of the forgoing Order.

The Law Offices of Richard Malagiere, P.C.  
Attorneys for Petitioners

/s/Richard Malagiere  
Richard Malagiere, Esq.

GURBIR S. GREWAL  
ATTORNEY GENERAL of NEW JERSEY  
Attorney for Respondent,

By: /s/Eric A. Reid  
Eric A. Reid  
Deputy Attorney General

John S. Hogan  
Bergen County Clerk

/s/ John S. Hogan  
John S. Hogan

Elizabeth Kroll  
Township of Rochelle Park Municipal Clerk

/s/Elizabeth Kroll  
Elizabeth Kroll