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July 9, 2024

Via eCourts Supreme

Honorable Chief Justice Rabner and Associate Justices of the Supreme Court
Supreme Court of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, New Jersey 08625

**Re: Borough of Englewood Cliffs v. Thomas J. Trautner, et al
Supreme Court Docket No. 089406
Defendant-Respondent 800 Sylvan Avenue, LLC's Reply
Letter Brief to Petition for Certification**

Dear Chief Justice Rabner and Associate Justices of the Supreme Court:

Defendant-Respondent 800 Sylvan Avenue, LLC ("800 Sylvan") relies upon and fully supports the arguments against certification set forth in the respondent's brief filed by Defendants-Respondents Thomas J. Trautner and Chiesa Shahinian & Giantomasi, P.C., dated June 13, 2024.

There is no statutory or policy justification to permit municipal corporations, such as Englewood Cliffs, to engage in punitive and frivolous

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litigation against affordable housing developers designed to interfere with the production of affordable housing. The Borough's officials, elected weeks after 800 Sylvan settled with the Borough, and which the Borough later breached, *see In the Matter of the Borough of Englewood Cliffs*, 473 N.J. Super. 189 (App. Div. 2022), targeted 800 Sylvan for inclusion in this lawsuit simply because it reached a settlement with the Borough that those officials disagreed with politically. This intolerable behavior of local politicians is entirely contrary to the legislative intent designed to exempt the State of New Jersey from liability under the Frivolous Litigation Statute, N.J.S.A. 2A:15-59.1, demonstrates why municipal corporations must be liable thereunder, and why there is no need for this Court to review the April 22, 2024 decision of the Appellate Division. 800 Sylvan respectfully requests the petition for certification be denied.

Respectfully submitted,

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