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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-3167-21

PAUL AMATO, JOYCE AMATO  
and CMM CONSTRUCTION,

Plaintiff-Appellants,

v.

BOROUGH OF AVON-BY-THE-  
SEA PLANNING BOARD,  
BOROUGH OF AVON-BY-THE-  
SEA and COUNTY OF MONMOUTH,

Defendants-Respondents,

and

ROBERT McGOVERN, CORINNE  
McGOVERN and HOWARD HARDIE,

Defendants/Interveners-Respondents.

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Argued March 14, 2023 – Decided August 1, 2024

Before Judges Summers and Susswein.

On appeal from an interlocutory order of the Superior  
Court of New Jersey, Law Division, Monmouth  
County, Docket No. L-3884-19.

Timothy B. Middleton and Jeff Thakker, attorneys for appellants (Jeff Thakker, of counsel; Timothy B. Middleton, on the briefs).

Mark Kitrick, attorney for respondents Avon-By-The-Sea (King, Kitrick, Jackson, McWeeney & Wells, attorneys; Mark Kitrick, of counsel and on the brief).

Craig M. Gianetti, attorney for respondent Howard Hardie (Day Pitney LLP, attorneys; Craig M. Gianetti, of counsel and on the brief; Amanda M. Kronemeyer, on the brief).

Gary T. Hall, attorney for respondents Robert & Corinne McGovern (McCarter & English, LLP, attorneys; Gary T. Hall, of counsel and on the brief).

#### PER CURIAM

The parties having resolved their differences, the within appeal is dismissed with prejudice and without costs.

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.



CLERK OF THE APPELLATE DIVISION