



**New Jersey Judiciary
Superior Court - Appellate Division
NOTICE OF APPEAL**

Type or clearly print all information. Attach additional sheets if necessary.

ATTORNEY / LAW FIRM / PRO SE LITIGANT (2)

TITLE IN FULL (AS CAPTIONED BELOW): (1)
 Thomas McKay, Mayor of Twp. of Lopatcong, County of Warren, State of NJ, Plaintiff, v. Joseph Pryor, Councilman; Louis Belcaro, Councilman; Maureen McCabe, Councilwoman; Margaret B. Dilts, Municipal Clerk; Michael Lavery B. Lavery, Esq., Lavery, Salvaggi, Abromitis & Cohen, and as Successors in Interest to Courter, Kobert and Cohen, P.C., Defendants

NAME
 William J. Caldwell

STREET ADDRESS
 1728 Route 31, P.O. Box 5185

CITY Clinton	STATE NJ	ZIP 08809	PHONE NUMBER 908-730-7900
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EMAIL ADDRESS
 wcaldwell@cvrc-esq.com

ON APPEAL FROM

TRIAL COURT JUDGE (3) Thomas C. Miller, Esq.	TRIAL COURT OR STATE AGENCY (4) Superior Court of New Jersey, Law Division	TRIAL COURT OR AGENCY NUMBER (5) WRN-L-39-16
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(7) Notice is hereby given that (6) Plaintiff, Thomas McKay _____ appeals to the Appellate Division from a Judgment or Order entered on March 11, 2016 in the Civil Criminal or Family Part of the Superior Court or from a State Agency decision entered on _____.

(8) If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

(9) Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.) Yes No
 If not, has the order been properly certified as final pursuant to R. 4:42-2? Yes No

For criminal, quasi-criminal and juvenile actions only:

(10A) Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

(10B) This appeal is from a conviction post judgment motion post-conviction relief.
 If post-conviction relief, is it the 1st 2nd other _____ specify

(10C) Is defendant incarcerated? Yes No
 Was bail granted or the sentence or disposition stayed? Yes No

(10D) If in custody, name the place of confinement:

Defendant was represented below by:

Public Defender self private counsel _____ specify

(11) Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge	Thomas C. Miller, J.S.C.	4/22/2016
Trial Court Division Manager		
Tax Court Administrator		
State Agency		
Attorney General or Attorney for other Governmental body pursuant to R. 2:5-1(a), (e) or (h)		
Other parties in this action:		

Name and Designation	Attorney Name, Address and Telephone No.	Date of Service
Joseph Pryor	Joseph J. Bell, Esq.	4/22/2016
Louis Belcaro	150 Mineral Springs Road	
Maureen McCabe	Rockaway, NJ 07866	
	973-442-7900	
Margaret B. Dilts	Michael L. Marcus, Esq.	4/22/2016
	15 Mountain Boulevard	
*	Warren, NJ 07059	
	908-757-7800	

(12) Attached transcript request form has been served where applicable on the following:

	Name	Date of Service	Amount of Deposit
Trial Court Transcript Office			
Court Reporter (if applicable)	Lauren Sexton	4/22/2016	
Supervisor of Court Reporters			
Clerk of the Tax Court			
State Agency			
*Michael Lavery	Lawrence P. Cohen, Esq.	4/22/2016	

(13) Exempt from submitting the transcript request form due to the following:

- No verbatim record.
- Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).
List the date(s) of the trial or hearing:
- Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

(14) April 22, 2016
DATE

(15) 
SIGNATURE OF ATTORNEY OR PRO SE LITIGANT



New Jersey Judiciary
Superior Court - Appellate Division
CIVIL CASE INFORMATION STATEMENT

Please type or clearly print all information.

TITLE IN FULL (1) THOMAS MCKAY, Mayor of Twp. of Lopatcong County of Warren, State of NJ, Plaintiff, v. JOSEPH PRYOR, Councilman; LOUIS BELCARO, Councilman; MAUREEN B. BILTS, Clerk; MICHAEL B. LAVERY, Esq., LAVERY, SELVAGGI, ABROMITIS & COHEN, and as Successors in Interest to COURTER, ROBERT and COHEN, PC., Defendants TRIAL COURT OR AGENCY DOCKET NUMBER (2) WRN-L-39-16

Attach additional sheets as necessary for any information below.

(3) APPELLANT'S ATTORNEY EMAIL ADDRESS: wcaldwell@cvrc-esq.

PLAINTIFF DEFENDANT OTHER (SPECIFY)

NAME <u>William J. Caldwell Carter, Van Rensselaer and Caldwell</u>		CLIENT <u>Thomas McKay</u>			
STREET ADDRESS <u>1728 Route 31, P.O. Box 5185</u>		CITY <u>Clinton</u>	STATE <u>NJ</u>	ZIP <u>08809</u>	TELEPHONE NUMBER <u>908-730-7900</u>

(4) RESPONDENT'S ATTORNEY * EMAIL ADDRESS: jbell@bsflawgroup.com

NAME <u>Joseph J. Bell</u>		CLIENT <u>Pryor, Belcaro and McCabe</u>			
STREET ADDRESS <u>150 Mineral Springs Drive See attached.</u>		CITY <u>Rockaway</u>	STATE <u>NJ</u>	ZIP <u>07866</u>	TELEPHONE NUMBER <u>973-442-7900</u>

* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

(5) GIVE DATE AND SUMMARY OF JUDGMENT, ORDER, OR DECISION BEING APPEALED AND ATTACH A COPY:

Order entered March 11, 2016 denying Order to Show Cause with restraints Interpreting N.J.S.A. 40A:9-139 allowing hold-over status of the Municipal Attorney.

(6) Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees? YES NO

If so, has the order been properly certified as final pursuant to R. 4:42-2? (If not, leave to appeal must be sought. R. 2:2-4,2:5-6) YES NO

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.)

Were any claims dismissed without prejudice? YES NO

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

(7) Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h)) YES NO

(8) GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:

Plaintiff sought an Order to Show Cause restraining the governing body from designating hold-over status to the Municipal Attorney

(9) TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THE APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(a)(5). (Appellant or cross-appellant only.):

Does the Faulkner Act allow for hold-over status of the Municipal Attorney?

(10) IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

- 1. Did the trial judge issue oral findings or an opinion? If so, on what date? March 11, 2016 YES NO
- 2. Did the trial judge issue written findings or an opinion? If so, on what date? March 11, 2016 YES NO
- 3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? YES NO

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

DATE OF YOUR INQUIRY: _____

1. IS THERE ANY APPEAL NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

(11) (A) Arises from substantially the same case or controversy as this appeal? YES NO

(12) (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? YES NO

(13) 2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY? YES NO

(14) IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:

Case Name: _____ Appellate Division Docket Number: _____

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

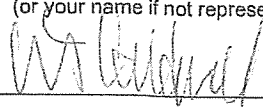
(15) State whether you think this case may benefit from a CASP conference. YES NO
Explain your answer:

(16) I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

(17) Thomas McKay
Name of Appellant or Respondent

(18) William J. Caldwell
Name of Counsel of Record
(or your name if not represented by counsel)

(19) April 22, 2016
Date

(20) 
Signature of Counsel of Record
(or your signature if not represented by counsel)

Respondents

Margaret B. Dilts, Municipal Clerk

Michael L. Marcus, Esq.
15 Mountain Boulevard
Warren, New Jersey 07059
908-757-7800
mmarcus@newjerseylaw.net

Michael B. Lavery, Esq.
Lavery, Salvaggi, Abromitis, and Cohen

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