

July 19, 2023

DECLARATORY JUDGMENT TIMELINE

**IN THE MATTER OF THE APPLICATION OF THE CITY OF ENGLEWOOD, a
municipal corporation in the State of New Jersey
BER-L-4069-19**

- 5/30/2019 Complaint and Motion for Immunity filed – City of Englewood.
- 6/21/2019 Granted -Order Appointing Commissioner- Frank Banish
Granted-Order for Immunity.
- 9/25/2019 City of Englewood submits Letter and Order to extend immunity to December 31,
2019 and to schedule Case Management Conference.
- 10/16/2019 City of Englewood submits letter asking for the Order to be entered, no objections
filed.
- 11/6/2019 Order Granting Immunity *nunc pro tunc* to September 27, 2019, scheduled CMC
for December 6, 2019.
- 12/16/2019 City of Englewood submits Proposed Order to Judge Farrington pursuant to the
CMC on 12/6/19-designates FSHC as interested party and Kevin Walsh counsel
for FSHC; extends immunity to 3/6/2020; CMC scheduled for 3-6-2020.
- 1/5/2020 Court grants Order- designates FSHC as interested party and Kevin Walsh
counsel for FSHC; extends immunity to 3/6/2020; CMC scheduled for 3/6/2020.
- 3/13/2020 City of Englewood submits Proposed Order to Judge Farrington pursuant to the
CMC on 3/6/2020-Immunity granted to 5/12/2020 and CMC on 5/8/2020.
- 3/13/2020 Court Grants Order- Immunity granted to 5/12/2020 and CMC on 5/8/2020.
- 5/8/2020 Court enters Case Management Order extends immunity to 8/5/2020; CMC on
6/26/2020.
- 6/27/2020 City of Englewood submits Proposed Order to Judge Farrington pursuant to the
CMC on 5/8/2020-immunity to 10/5/2020, CMC on 9/2/2020.
- 8/5/2020 Court grants Order- immunity to 10/5/2020, CMC on 9/2/2020.
- 9/3/2020 Court enters Order Extending Immunity to 11/18/2020; CMC on 10/29/2020.
- 10/30/2020 City of Englewood submits Proposed Order to Judge Farrington pursuant to the
CMC on 10/29/2020-immunity to 12/18/2020, CMC on 12/15/2020 with
mediation prior to the 12/15/2020 CMC.

11/5/2020 Court grants Order- immunity to 12/18/2020, CMC on 12/15/2020.

12/18/2020 Court grants Order- immunity to 2/19/2021, CMC on 2/5/2021.

2/5/2021 NOM to Intervene – 431 E Palisade Avenue Real Estate LLC and 7 North Woodland Street LLC, Intervenors (**Care One**).

2/8/2021 Court grants Order- immunity to 3/31/2021, CMC on 3/19/2021.

3/29/2021 Intervenors letter brief in support of NOM filed.

4/1/2021 Court grants Motion to Intervene enters Order (**Care One**).

4/12/2021 Intervenors file Answer.

4/14/2021 Court schedules CMC for 4/30/2021.

5/10/2021 Court grants Order- immunity to 6/17/2021, CMC on 6/11/2021.

5/21/2021 Consent Order entered to establish income limits, sale and rent for AHU's.

6/14/2021 Court grants Order- immunity to 8/9/2021, CMC on 7/9/2021, Mediation on 6/23,24 or 25 2021.

7/20/2021 Court grants Order- immunity to 10/15/2021, CMC on 9/9/2021, Intervenors provide plans by 7/27/2021; Mediation 10/11/2021.

9/22/2021 Court grants Order- immunity to 12/8/2021, CMC on 11/19/2021.

11/29/2021 Court grants Order- immunity to 1/4/2022, CMC on 12/10/2021, Intervenors to provide information about Care One by 11/29/2021.

12/21/2021 Court grants Order- immunity to 2/25/2022, CMC on 2/18/2022, Burgis Assoc review Intervenors project and review VLA by 1/28/2022.

2/24/2022 Court grants Order- immunity to 3/31/2022, CMC on 3/23/2022, Burgis to complete revised VLA by 3/10/2022 and written comments for intervenors project by 2/15/2022, Mediation for project on 2/25/2022 and for VLA on 3/17/2022.

4/1/2022 Court grants Order- immunity to 5/31/2022, CMC on 5/11/2022.

5/25/2022 Court grants Order- immunity to 6/30/2022, CMC on 6/15/2022, trial set for 10/17/2022.

7/5/2022 Court grants Order- immunity to 8/7/2022, CMC to be scheduled after receipt of Special Master status report.

8/20/2022 Care One reverts to an assisted living facility proposal in lieu of a 240 unit inclusionary project.

8/26/2022 Court grants Order- immunity to 10/17/2022.

10/12/2022 City of Englewood letter to Court requesting adjournment of trial with details of the mediation efforts and negotiation information.

10/13/2022 Intervenors response to adjournment request; Court denies adjournment request.

10/17/2022 Parties appear for trial. Court conducts in person mediation at courthouse. Mediation is unsuccessful and Court reluctantly extends immunity to 10/25/2022 and sets trial for that date at 10:00 a.m.

10/19/2022 City Council conducts closed session to discuss settlement options.

10/24/2022 Continued discussions regarding the Care One site and various overlay zones.

10/25/2022 Continued discussions take place in lieu of trial. Court sets 11/1/2022 as the date by which settlement shall be effective or the case tried.

10/31/2022 Special meeting with Council takes place. Settlement terms continued to be refined and tentative approval was granted.

11/1/2022 Council adopts Resolution #277-11-01-22 approving the terms and conditions of the Settlement Agreement with FSHC.

11/1/2022 City of Englewood files NOM to extend immunity.

11/2/2022 FSHC letter to Court with Settlement Agreement.

11/4/2022 Court grants Motion and enters order to extend immunity and adjourn trial.

11/10/2022 Court enters Order establishing Fairness hearing for 1/10/2023.

12/6/2022 Intervenors objections to the FSHC Settlement Agreement.

12/14/2022 Certification of Yancy Wazirmas for Notice of Hearing.

12/16/2022 Certification of Justine Visconti for Notice of hearing.

12/22/2022 City of Englewood objections to FSHC Settlement Agreement.

1/5/2023 City of Englewood exhibits for Fairness Hearing.

1/16/2023 City of Englewood Proposed Order for JOR and approve Settlement Agreement.

1/18/2023 Intervenors objection to Paragraph 8 of proposed Order.

1/20/2023 Court enters the Order approving settlement and JOR, Compliance hearing scheduled 5/10/2023.

3-17-23 HEFSP sent to Planning Board for consideration.

5/3/2023 City of Englewood letter to Court requesting adjournment of May 10 Compliance hearing.

5/5/2023 Court Notice to reschedule Compliance hearing to 8/23/2023.