

Howard D. Geneslaw (Attorney No. 033331994)
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102-5310
(973) 596-4500
Attorneys for Plaintiff
The Stop & Shop Supermarket Company LLC

THE STOP & SHOP SUPERMARKET
COMPANY LLC,

Plaintiff,

v.

TOWNSHIP OF TEANECK; TOWNSHIP
COUNCIL OF THE TOWNSHIP OF
TEANECK; PLANNING BOARD OF THE
TOWNSHIP OF TEANECK; XYZ
CORPORATION 1-5; and JOHN DOES 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY: LAW DIVISION

DOCKET NO.: BER-L-003507-21

Civil Action

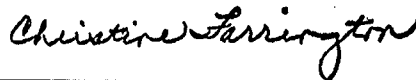
STIPULATION OF DISMISSAL
WITHOUT PREJUDICE

THIS MATTER having been opened to the Court upon the joint application of Plaintiff, The Stop & Shop Supermarket Company LLC, by its attorneys, Gibbons P.C. (Howard D. Geneslaw, Esq. appearing), and Defendants Township of Teaneck and Township Council of the Township of Teaneck, by and through their attorneys, Trenk Isabel Siddiqi & Shahdanian (Reginald Jenkins, Jr., Esq., appearing), and by Defendant Planning Board of the Township of Teaneck by its attorneys, Dario, Albert, Metz, Eyerman Canda, Concannon, Ortiz & Krouse, LLC (Kohar Boyadjian, Esq. appearing), and for good and sufficient cause shown,

IT IS on this 14th day of April, 2023:

STIPULATED AND AGREED that all claims, counterclaims, cross-claims, and defenses of all parties be and hereby are **DISMISSED** without prejudice and without costs as to any party;

IT IS FURTHER ORDERED that a copy of this stipulation shall be served upon all counsel of record via email within three (3) days of the date of Plaintiff's counsel's receipt of same.



Hon. Christine A. Farrington, J.S.C., ret'd, t/a

The undersigned consent to the form, entry, and substance of this Stipulation:

GIBBONS P.C.
Attorneys for Plaintiff
The Stop & Shop Supermarket Company LLC

TRENK ISABEL SIDDIQI & SHAHDANIAN
Attorney for Defendants
Township of Teaneck and Township Council of
Township of Teaneck

By: s/ Howard D. Geneslaw
Howard D. Geneslaw, Esq.

By: s/ Reginald Jenkins, Jr.
Reginald Jenkins, Jr., Esq.

Dated: March 31, 2023

Dated: March 31, 2023

DARIO, ALBERT, METZ, EYERMAN
CANDA, CONCANNON, ORTIZ & KROUSE, LLC
Attorneys for Defendant
Planning Board of the Township of Teaneck

By: s/ Kohar Boyadjian
Kohar Boyadjian, Esq.

Dated: March 31, 2023

Howard D. Geneslaw (Attorney No. 033331994)
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102-5310
(973) 596-4500
Attorneys for Plaintiff
The Stop & Shop Supermarket Company LLC

THE STOP & SHOP SUPERMARKET
COMPANY LLC,

Plaintiff,

v.

TOWNSHIP OF TEANECK; TOWNSHIP
COUNCIL OF THE TOWNSHIP OF
TEANECK; PLANNING BOARD OF THE
TOWNSHIP OF TEANECK; XYZ
CORPORATION 1-5; and JOHN DOES 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY: LAW DIVISION

DOCKET NO.: BER-L-003507-21

Civil Action

STIPULATION OF DISMISSAL
WITHOUT PREJUDICE

THIS MATTER having been opened to the Court upon the joint application of Plaintiff, The Stop & Shop Supermarket Company LLC, by its attorneys, Gibbons P.C. (Howard D. Geneslaw, Esq. appearing), and Defendants Township of Teaneck and Township Council of the Township of Teaneck, by and through their attorneys, Trenk Isabel Siddiqi & Shahdanian (Reginald Jenkins, Jr., Esq., appearing), and by Defendant Planning Board of the Township of Teaneck by its attorneys, Dario, Albert, Metz, Eyerman Canda, Concannon, Ortiz & Krouse, LLC (Kohar Boyadjian, Esq. appearing), and for good and sufficient cause shown,

IT IS on this ____ day of _____, 2023:

STIPULATED AND AGREED that all claims, counterclaims, cross-claims, and defenses of all parties be and hereby are **DISMISSED** without prejudice and without costs as to any party;

IT IS FURTHER ORDERED that a copy of this stipulation shall be served upon all counsel of record via email within three (3) days of the date of Plaintiff's counsel's receipt of same.

Hon. Christine A. Farrington, J.S.C., ret'd, t/a

The undersigned consent to the form, entry, and substance of this Stipulation:

GIBBONS P.C.
Attorneys for Plaintiff
The Stop & Shop Supermarket Company LLC

TRENK ISABEL SIDDIQI & SHAHDANIAN
Attorney for Defendants
Township of Teaneck and Township Council of
Township of Teaneck

By: s/ Howard D. Geneslaw
Howard D. Geneslaw, Esq.

By: s/ Reginald Jenkins, Jr.
Reginald Jenkins, Jr., Esq.

Dated: March 31, 2023

Dated: March 31, 2023

DARIO, ALBERT, METZ, EYERMAN
CANDA, CONCANNON, ORTIZ & KROUSE, LLC
Attorneys for Defendant
Planning Board of the Township of Teaneck

By: s/ Kohar Boyadjian
Kohar Boyadjian, Esq.

Dated: March 31, 2023

**DARIO ALBERT METZ EYERMAN
CANDA CONCANNON ORTIZ & KROUSE**

Kohar M. Boyadjian, Esq./048881988

345 Union Street

Hackensack, NJ 07601

Phone: (201) 968-5800

Fax: (201) 968-5801

Email: Kohar@damelegal.com

Attorney(s) for Defendant Township of Teaneck Planning Board

THE STOP & SHOP SUPERMARKET
COMPANY LLC,

Plaintiff,

v.

TOWNSHIP OF TEANECK; TOWNSHIP
COUNCIL OF THE TOWNSHIP OF
TEANECK; PLANNING BOARD OF THE
TOWNSHIP OF TEANECK; XYZ
CORPORATION 1-5; and JOHN DOES 1-5,

Defendants.

SUPERIOR COURT OF NEW JERSEY BERGEN
COUNTY: LAW DIVISION

DOCKET NO.: BER-L-003507-21

Civil Action

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that Kohar M. Boyadjian, Esq. of Dario, Albert, Metz, Eyerman, Canda, Concannon, Ortiz & Krouse hereby appears as counsel for Defendant, **Township of Teaneck Planning Board**, in this matter. The undersigned hereby requests that copies of all papers and notices filed in this action be served upon her. The undersigned requests that the Clerk add her appearance.

Dated: March 28, 2023

DARIO, ALBERT, METZ, & EYERMAN,
CANDA, CONCANNON, ORTIZ & KROUSE

Attorney(s) for Defendant Township of Teaneck Planning Board

Kohar M. Boyadjian

By: _____

Kohar M. Boyadjian

SUPERIOR COURT OF NEW JERSEY - eCOURTS CIVIL LAW

The following clerk notice is being sent from eCourts:

Plaintiff Name: THE STOP & SHOP SUPERMARKET COMPANY LLC
Defendant Name: TOWNSHIP OF TEANECK, TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK , PLANNING BOARD OF THE TOWNSHIP OF TEANECK , XYZ CORPORATION 1-5 JOHN DOES 1-5
Case Caption: THE STOP & SHOP SUPE RMARKET C VS TOWNSHIP OF TE
Case Number: BER L 003507-21
Docket Text: **CLERK NOTICE:** re: GENERAL CORRESPONDENCE LCV2023669522 -Please note that the Case Management Conference scheduled in this case for Monday, April 3rd has been canceled.
Transaction ID: LCV20231054215

Notice has been electronically mailed to:

Plaintiff Attorney HOWARD D GENESLAW HGENESLAW@GIBBONSLAW.COM
IREIBARKH@GIBBONSLAW.COM
Defendant Attorney BRIAN S EDMUND EYERMAN BRIAN@DAMELEGAL.COM
CAITLIN@DAMELEGAL.COM
JAHYNIS@DAMELEGAL.COM

Notice was not electronically mailed to:

Defendant REGINALD JENKINS NJ 00000
Defendant REGINALD JENKINS NJ 00000
Defendant XYZ CORPORATION 1-5 00000
Defendant JOHN DOES 1-5 00000

Login to eCourts to view the Case Jacket. You will need a valid user ID (Bar ID) to view the submitted documents.

For questions, please contact the Superior Court of New Jersey Civil Division in county of venue.

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SUPERIOR COURT OF NEW JERSEY - eCOURTS CIVIL LAW

The following clerk notice is being sent from eCourts:

Plaintiff Name: THE STOP & SHOP SUPERMARKET COMPANY LLC
Defendant Name: TOWNSHIP OF TEANECK, TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK, PLANNING BOARD OF THE TOWNSHIP OF TEANECK, XYZ CORPORATION 1-5, JOHN DOES 1-5
Case Caption: THE STOP & SHOP SUPE RMARKET C VS TOWNSHIP OF TEANECK
Case Number: BER L 003507-21
Docket Text: **CLERK NOTICE:** re: GENERAL CORRESPONDENCE LCV2023669522 -There is a scheduled CMC for this matter on April 3, 2023 at 1:30 PM. This hearing will be held remotely. Plaintiff counsel should upload a letter in eCourts with dial in / call in information for the parties.
Transaction ID: LCV2023988125

Notice has been electronically mailed to:

Plaintiff Attorney: HOWARD D GENESLAW
HGENESLAW@GIBBONSLAW.COM
IREIBARKH@GIBBONSLAW.COM
Defendant Attorney: BRIAN S EDMUND EYERMAN
BRIAN@DAMELEGAL.COM
CAITLIN@DAMELEGAL.COM
JAHYNIS@DAMELEGAL.COM

Notice was not electronically mailed to:

Defendant: REGINALD JENKINS NJ 00000
Defendant: REGINALD JENKINS NJ 00000
Defendant: XYZ CORPORATION 1-5 00000
Defendant: JOHN DOES 1-5 00000

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For questions, please contact the Superior Court of New Jersey Civil Division in county of venue.

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HOWARD D. GENESLAW
Director

Gibbons P.C.
One Gateway Center
Newark, New Jersey 07102-5310
Direct: (973) 596-4647 Fax: (973) 639-6256
hgeneslaw@gibbonslaw.com

February 22, 2023

VIA e-COURTS

Honorable Christine A. Farrington, J.S.C., ret'd t/a
Superior Court of New Jersey
Law Division, Bergen County
10 Main Street
Hackensack, New Jersey 07601

Re: The Stop & Shop Supermarket Company LLC v. Township of Teaneck, et als.
BER-L-003507-21

Dear Judge Farrington:

Recall that we represent The Stop & Shop Supermarket Company LLC, plaintiff in the above-referenced matter. This is in response to a request by counsel for defendant Township of Teaneck for a case management conference. For the reasons briefly set forth below, we believe a conference will be unnecessary and therefore propose that if the Court is inclined to schedule a conference, the date be set for approximately thirty (30) days from now in the expectation that the matter will have been dismissed by that date.

By way of background, the parties advised the Court on September 12, 2022, that the matter could be marked settled, subject to certain approvals being granted by the Township Council and the Planning Board. Accordingly, the parties requested that the case management conference which was then scheduled for September 14, 2022, be adjourned for at least thirty (30) days, and advised the Court of their intent to file a stipulation of dismissal upon approval of the settlement by all parties. See Trans ID: LCV20223301687. The case management conference was adjourned without date.

The Township Council approved the settlement on September 20, 2022, and the Planning Board did so on September 22, 2022. The Court may recall that this was a complex settlement involving not only the parties to this matter, but also a proposed redeveloper ("Redeveloper") and Stop & Shop's landlord ("Landlord"). A component of the settlement, and a condition precedent to dismissal of this action, is the execution of a Land Exchange Agreement between Redeveloper and Landlord whereby they would exchange certain real property within the redevelopment area, the designation of which is at issue in this matter. At the time the parties informed the Court that this matter could be marked settled, Redeveloper and Landlord had been negotiating the Land Exchange Agreement for a period of time and had reached agreement on the key business terms, such that Stop & Shop was comfortable the written agreement could be finalized as the Township and Planning Board undertook the process of approving the settlement.

Although as noted the Township Council approved the Settlement Agreement on September 20, 2022, certain resolutions which the Township Council adopted at the same time

GIBBONS P.C.

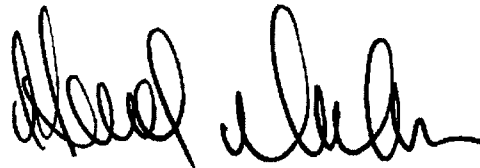
Honorable Christine Farrington, J.S.C., ret'd t/a
February 22, 2023
Page 2

contained provisions contrary to the Settlement Agreement and therefore had to be corrected. The resolutions themselves were revised in October, but a corresponding exhibit could not be revised in time to make the Township Council's October 25 agenda, and therefore the corrected resolutions were not adopted until November 22, 2022.

Meanwhile, Redeveloper and Landlord continued to refine and finalize the terms of the Land Exchange Agreement, which was completed on December 13, 2022. However, although the Settlement Agreement provides for the Land Exchange Agreement to be between Redeveloper and Landlord as the only parties, Landlord for the first time on December 13, 2022 informed Stop & Shop that Stop & Shop also would need to sign the Land Exchange Agreement. That gave rise to certain business issues between Landlord and Stop & Shop, which were negotiated once the parties returned after the holidays. I was informed by Stop & Shop that as of yesterday, those issues have now been resolved, and a lease amendment is being prepared in an expedited fashion to memorialize them. Once the lease amendment has been drafted and agreed upon as to form, both Stop & Shop and Landlord will be in a position to execute the Settlement Agreement, Land Exchange Agreement and lease amendment. The other parties to the Settlement Agreement (Township, Planning Board and Redeveloper) have already executed it, so once Stop & Shop and Landlord do so, the stipulation of dismissal concerning this matter can be promptly filed with the Court.

In summary, although some time has passed, the parties have been diligently working to conclude this matter. While we always welcome the opportunity to update the Court at a case management conference, the business issues that prevented Stop & Shop and Landlord from signing the Settlement Agreement – and which were the impetus for the Township to request a case management conference – have now been resolved. It is Stop & Shop's expectation that the lease amendment memorializing this resolution can be drafted and finalized quickly. We therefore do not believe there is a need for a case management conference at this time, but if the Court wishes to schedule one, we would request that it be scheduled approximately thirty (30) days from now (we propose the last week in March) to allow for the lease amendment to be completed, the documents executed, and the matter dismissed. Alternatively, the Court could direct the parties to report back to the Court in thirty (30) days to advise whether the need for a conference exists.

Respectfully yours,



Howard D. Geneslaw
Director

cc: All counsel of Record, via eCourts

290 West Mount Pleasant Avenue
Suite 2370
Livingston, NJ 07039

**TRENK ISABEL
SIDDIQI &
SHAHDANIAN**

45 Essex Street
Suite 106
Hackensack, NJ 07601

P: 973.533.1000 | F: 973.533.1111 | tisslaw.com

Reginald Jenkins, Jr., Esq.

rjenkins@tisslaw.com

Direct (973) 327-0248

Main (973) 533-1000

February 14, 2023

Via E-Courts

Hon. Christine A. Farrington, J.S.C.
Bergen County Courthouse
10 Main Street, Room 415
Hackensack, New Jersey 07601

**Re: The Stop and Shop Supermarket Company LLC v.
Twp. of Teaneck, et al.
Docket No. BER-L-003507-21**

Dear Judge Farrington:

This firm represents Defendant Township of Teaneck in the above-captioned matter.

The parties have negotiated and finalized settlement agreement in this matter. While the Township, the Township Planning Board and the Redeveloper have each signed the agreement, Plaintiff Stop & Shop has yet to do so.

We respectfully request the Court schedule a brief conference in order to resolve this issue and have this matter finally removed from the Court's docket.

Respectfully submitted,

/s/Reginald Jenkins, Jr.

Reginald Jenkins, Jr.

RJ/hf

cc: All Counsel of Record, via E-Courts

SUPERIOR COURT OF NEW JERSEY - eCOURTS CIVIL LAW

The following clerk notice is being sent from eCourts:

Plaintiff Name: THE STOP & SHOP SUPERMARKET COMPANY LLC
Defendant Name: TOWNSHIP OF TEANECK, TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK , PLANNING BOARD OF THE TOWNSHIP OF TEANECK , XYZ CORPORATION 1-5 JOHN DOES 1-5
Case Caption: THE STOP & SHOP SUPE RMARKET C VS TOWNSHIP OF TE
Case Number: BER L 003507-21
Docket Text: **CLERK NOTICE:** re: ADJOURNMENT REQUEST LCV20223301687 -Please note that the CMC scheduled for today has been adjourned due to the request.
Transaction ID: LCV20223317587

Notice has been electronically mailed to:

Plaintiff Attorney HOWARD D GENESLAW HGENESLAW@GIBBONSLAW.COM
IREIBARKH@GIBBONSLAW.COM

Defendant Attorney BRIAN S EDMUND EYERMAN BRIAN@DAMELEGAL.COM
CAITLIN@DAMELEGAL.COM
JAHYNIS@DAMELEGAL.COM

Notice was not electronically mailed to:

Defendant REGINALD JENKINS NJ 00000
Defendant REGINALD JENKINS NJ 00000
Defendant XYZ CORPORATION 1-5 00000
Defendant JOHN DOES 1-5 00000

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For questions, please contact the Superior Court of New Jersey Civil Division in county of venue.

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290 W. Mt. Pleasant Ave., Suite 2350, Livingston, NJ 07039

Reginald Jenkins, Jr., Esq.
rjenkins@trenkisabel.law
(973) 533-1000

September 12, 2022

Via E-Courts

Hon. Christine A. Farrington, J.S.C.
Bergen County Courthouse
10 Main Street, Room 415
Hackensack, New Jersey 07601

**Re: The Stop and Shop Supermarket Company LLC v.
Twp. of Teaneck, et al.
Docket No. BER-L-003507-21**

Dear Judge Farrington:

This firm represents Defendant Township of Teaneck in the above-captioned matter. On behalf of each of the parties to this action, we write to advise the Court that matter may be marked "settled".

The proposed settlement, however, remains subject to final and formal review of the respective parties. Particularly with respect to Township of Teaneck's governing body and the Township of Teaneck Planning Board, the determination of each of these respective government entities must be publicly memorialized. In light of the foregoing, we respectfully request that the case management conference currently scheduled for September 14, 2022 be adjourned for at least thirty (30) day. Upon the final approval of the settlement by the parties, they intend to file an appropriate stipulation with the Court.

Respectfully submitted,

/s/ Reginald Jenkins, Jr.
Reginald Jenkins, Jr.

RJJ/hf

cc: All Counsel of Record, via E-Courts