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Maritza Berdote Byrne, P.J.Ch.

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Trenton, New Jersey 08625
Attorney for Plaintiff State of New Jersey
Department of Environmental Protection

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Matthew D. Knoblauch (201692016)
Deputy Attorneys General
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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - SUSSEX COUNTY
DOCKET NO. SSX C-7-19

STATE OF NEW JERSEY, DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

v.

JOSEPH WALLACE, and LAURA
WALLACE,

Defendants.

Civil Action

Order to Show Cause

by Consent

THIS MATTER being brought before the Court by Gurbir S. Grewal, Attorney General of New Jersey, attorney for the Plaintiff, State of New Jersey, Department of Environmental Protection (the "Department" or "NJDEP"), (Kevin J. Fleming and Matthew D. Knoblauch, Deputy Attorneys General, appearing), seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the verified complaint filed herewith; and the Court having determined that this matter may be commenced by order

to show cause as a summary proceeding pursuant to the Solid Waste Management Act ("SWMA"), N.J.S.A. 13:1E-9(d), and for good cause shown:

IT IS on this 1 day of March, 2019, ORDERED that the Defendants, Joseph Wallace and Laura Wallace, appear and show cause on the 30 day of May, 2019 before the Superior Court at the Morris County Courthouse in Morristown, New Jersey at 1:30 or as soon thereafter as counsel can be heard, why judgment should not be entered for the Plaintiff by way of:

1. An Order finding that Defendants Joseph Wallace and Laura Wallace are in violation of the SWMA, N.J.S.A. 13:1E-1 et seq., and the regulations promulgated pursuant thereto, specifically N.J.A.C. 7:26-2.8(f), by operating a solid waste facility without a permit and specifically N.J.S.A. 13:1D-9d., by failure to allow access to inspect the Wallace Property; and that

2. An Order finding that Defendants Joseph Wallace and Laura Wallace shall:

a. Immediately cease receiving any and all fill material and/or solid waste onto the property at Block 130, Lot 1.05, also known as 3 Silver Spruce Drive, Vernon, New Jersey (the "site"); by consent

b. Immediately provide access by NJDEP and/or individuals on behalf of the Department to delineate the area of disturbance and extent of the fill material brought onto the site, to perform any sampling of the material on site, and/or perform

any other inspections of the property as the Department deems necessary to determine compliance with the SWMA, the Water Pollution Control Act, and the Highlands Water Protection and Planning Act; *by consent*

Denied
c. ~~Within thirty days of this order, characterize all fill material to determine if it meets the definition of solid waste as defined at N.J.A.C. 7:26-1.6 and provide NJDEP an estimate for the cost of removal of the solid waste;~~

Denied
d. ~~Within ninety days of this order, remove and properly dispose (in accordance with applicable New Jersey laws) of all fill material which meets the definition of solid waste on the site;~~

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e. ~~Within 10 days of this order, provide NJDEP with full and complete documentation setting forth the source and nature of the material brought onto the site since 2009, including but not limited to all analytical results, receipts, bills of lading, and identification of all transporting haulers;~~

Denied
f. ~~Within 45 days of this order, place sufficient funds into escrow or an attorney trust account, to be identified by this Court, to guarantee adequate funds for removal of the solid waste on-site.~~

3. An order granting such other relief as the Court deems just and proper.

And it is further ORDERED that:

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1. A copy of this Order to Show Cause, Verified Complaint and all supporting affidavits or certifications submitted in support

of this application be served upon the Defendants, Joseph Wallace and Laura Wallace, by personal service, certified mail or other means allowed by the Rules of Court, within ___ days before the return date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

2. The Plaintiff must file with the court its proof of service of the pleadings on Defendants, no later than three (3) days before the return date.

3. Defendants Joseph Wallace and Laura Wallace shall file and serve a written answer to this Order to Show Cause and the relief requested in the Verified Complaint and proof of service of the same by May 10, 2019. The answer must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of Judge

Berdote Byrne

4. The Plaintiff must file and serve any written reply to the Defendants' order to show cause opposition by May 24, 2019. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of

Judge Berdote Byrne.

5. If Defendants Joseph Wallace and Laura Wallace do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be

granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

6. If the Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with the self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

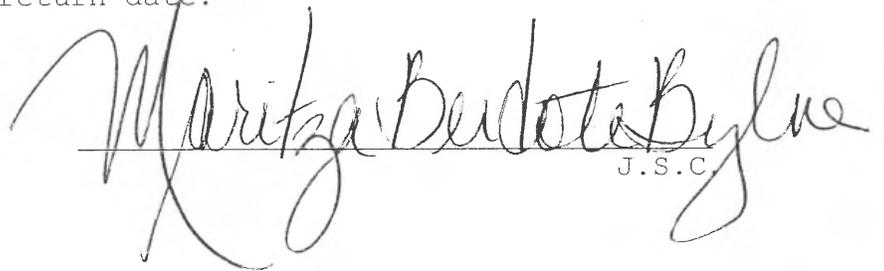
7. Defendants Joseph Wallace and Laura Wallace must take notice that the Plaintiff has filed a Verified Complaint against you in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this Complaint, you, or your attorneys, must file a written answer and proof of service before the return date of the Order to Show Cause.

8. These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include the appropriate filing fee payable to the "Treasurer, State of New Jersey." You must also send a copy of your answer to the Plaintiff's attorneys whose name and address appear above. A telephone call will not protect your rights; you must file and serve your answer (with the fee) or judgment may be entered against you by default.

9. If you cannot afford an attorney, you may call the Legal

Services office in the county in which you live. A list of such an office is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

10. The Court will entertain oral argument, but not testimony, on the return date of the Order to Show Cause, unless the court and all parties are advised to the contrary no later than 3 days before the return date.


J.S.C

ATLANTIC COUNTY
Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY
Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 20 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY
Deputy Clerk of the Superior Court
Central Processing Unit
Attn: Judicial Intake
First Fl. Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:
Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:
Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House-- 1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY
Deputy Clerk of the Superior Court
Administration Building
Third Floor

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

1 Kennedy Sq. P.O. Box 2633
New Brunswick, NJ 08903-2633

MONMOUTH COUNTY
Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY
Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl, P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY
Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY
Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY
Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY
Deputy Clerk of the Superior Court
Sussex County Justice Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY
Deputy Clerk of the Superior Court
1st Fl. Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY
Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010