

# HERRICK

NEW YORK  
NEWARK  
PRINCETON

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MAR 18 2013

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BY: .....

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March 14, 2013

BY FEDERAL EXPRESS

Clerk  
Superior Court of New Jersey  
Law Division, Hudson County  
Brennan Courthouse, 1<sup>st</sup> Floor  
583 Newark Avenue  
Jersey City, New Jersey 07306

Re: M&J Comprelli Realty, LLC, Joseph Comprelli, Joseph Supor III, J. Supor & Son  
Trucking & Rigging Co., Inc. and S&B Realty Co. v. Town of Harrison, et. al.  
Docket No.: HUD-L-1179-10

Dear Sir/Madam:

This firm represents plaintiffs M&J Comprelli Realty, LLC, Joseph Comprelli, Joseph Supor, III, J. Supor & Son Trucking & Rigging Co., Inc. and S&B Realty Co. (collectively, "Plaintiffs") in connection with the above-referenced matter. On behalf of Plaintiffs, please find enclosed an original and two (2) copies of a Writ of Execution, together with copies of the following Orders relating to the Writ:

1. Order dated August 26, 2010, by which the Court adjudged the Town of Harrison liable for legal fees totaling \$28,951.36 through July 31, 2010;
2. Order dated January 4, 2011, by which the Court adjudged the Town of Harrison liable for legal fees totaling \$14,457.00 during August, September, October and November 2010 and costs and disbursements totaling \$230.00, for the total amount of \$14,687.00 for August, September, October and November 2010; and
3. Order dated March 14, 2011, by which the Court adjudged the Town of Harrison liable for legal fees totaling \$9,859.00 during December 2012, January 2011 and February 2011, and costs and disbursements totaling \$30.00, for the total amount of \$9,889.00 for December 2012, January 2011 and February 2011.

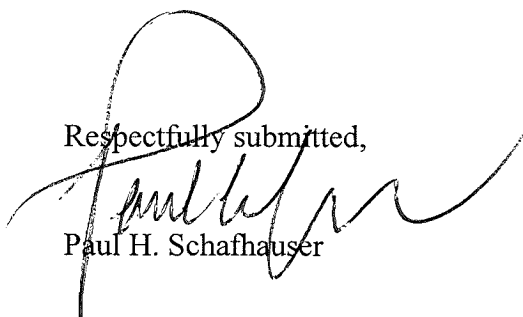
Please file the enclosed Writ and return a filed and sealed copy in the enclosed self-addressed stamped envelope. Please charge any associated filing fee to this firm's Superior Court Account No. 140814.

H E R R I C K

Clerk, Superior Court of New Jersey  
March 14, 2013  
Page 2

Thank you.

Respectfully submitted,

  
Paul H. Schafhauser

Enclosures

cc: Gregory J. Castano, Jr., Esq. (via first class mail)

Paul H. Schafhauser, Esq.  
HERRICK, FEINSTEIN LLP  
One Gateway Center  
Newark, New Jersey 07102  
(973) 274-2000  
Attorneys for Plaintiffs

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M&J COMPRELLI REALTY, LLC, JOSEPH : SUPERIOR COURT OF NEW JERSEY  
COMPRELLI, JOSEPH SUPOR III, J. SUPOR : LAW DIVISION  
& SON TRUCKING & RIGGING CO., INC. and: HUDSON COUNTY  
S&B REALTY CO., : DOCKET NO.: HUD-L-1179-10  
:  
Plaintiffs, : Civil Action  
:  
vs. : **WRIT OF EXECUTION**  
:  
TOWN OF HARRISON and JOHN DOES 1:  
THROUGH 5 (FICTITIOUS PERSONS), :  
:  
Defendants. :  
:  
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**THE STATE OF NEW JERSEY**  
**TO THE SHERIFF OF THE COUNTY OF HUDSON**

**GREETINGS:**

WHEREAS, by a certain Order entered in the Superior Court of New Jersey, Law Division, Hudson County in a certain cause therein pending wherein M&J Comprelli Realty, LLC, Joseph Comprelli, Joseph Supor III, J. Supor & Son Trucking & Rigging Co., Inc. and S&B Realty Co. are plaintiffs (hereinafter, collectively, "Plaintiffs") and the Town of Harrison is a defendant (hereinafter, the "Town"), it was ordered that the Town shall pay Plaintiffs' reasonable attorney's fees and costs of suit;

WHEREAS, on August 26, 2010, by a certain Order entered in the Superior Court of New Jersey, Law Division, Hudson County in the above-referenced cause, it was ordered and

adjudged that the Town is liable to Plaintiffs for legal fees, costs and disbursements totaling \$28,951.36 through July 31, 2010;

WHEREAS, on January 4, 2011, by a certain Order entered in the Superior Court of New Jersey, Law Division, Hudson County in the above-referenced cause, it was ordered and adjudged that the Town is liable to Plaintiffs for additional legal fees totaling \$14,457.00 and costs and disbursements totaling \$230.00, for the total amount of \$14,687.00, incurred during August, September, October and November 2010;

WHEREAS, on March 14, 2011, by a certain Order entered in the Superior Court of New Jersey, Law Division, Hudson County in the above-referenced cause, it was ordered and adjudged that the Town is liable to Plaintiffs for additional legal fees totaling \$9,859.00 and costs and disbursements totaling \$30.00, for the total amount of \$9,889.00 incurred during December 2010, January 2011 and February 2011;

WHEREAS, there remains due, on each of the aforementioned Orders, the full amount adjudged to be due and owing, together with lawful interest thereon;

THEREFORE, WE COMMAND YOU, that you satisfy the aforementioned Orders for the payment of money out of the personal property, including but not limited to cash, bank accounts, jewelry, stock or stock certificates, securities, notes, rents, accounts receivable, furniture, fixtures and other property (including but not limited to the items set forth on the attached Rider), in the possession of the Town within your county, and if sufficient personal property cannot be found, then out of the real property within your county belonging to the Town at the time when the aforementioned Orders were entered, or at any time thereafter, in whosoever hands the same may be. Any levy pursuant to this writ shall exclude (1) all funds in an account of the debtor with a bank or other financial institution, if all deposits into the account during the

90 days immediately prior to service of the writ were electronic deposits, made on a recurring basis, of funds identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law, and (2) all funds deposited electronically in an account of the debtor with a bank or other financial institution during two months immediately prior to the account review undertaken by the bank or other financial institution in response to the writ that are identifiable by the bank or other financial institution as exempt from execution, levy or attachment under New Jersey or federal law; and that you pay the moneys realized by you from such property to PAUL H. SCHAFHAUSER, ESQ., HERRICK, FEINSTEIN LLP, ONE GATEWAY CENTER, NEWARK, NEW JERSEY 07102, attorneys in this action; and that within twenty-four (24) months after the date of its issuance you return this execution and your proceedings thereon to the Clerk of the Superior Court of New Jersey, Law Division, Hudson County.

WE FURTHER COMMAND YOU, that in case of a sale, you make return of this Writ with your proceedings thereon, before this Court and pay to the Clerk thereof any surplus in your hands within thirty (30) days after the sale.

WITNESS, the Honorable \_\_\_\_\_, a Judge of the Superior Court of New Jersey, Law Division, Hudson County, this \_\_\_\_ day of March, 2013.

HERRICK, FEINSTEIN LLP  
Attorneys for Plaintiffs

By: \_\_\_\_\_

PAUL H. SCHAFHAUSER

/s/ Jennifer M. Perez

JENNIFER M. PEREZ, CLERK

## ENDORSEMENT

<b>Levy damages:</b>	<b>\$28,951.36 as of August 26, 2010</b>
Interest thereon from 8/27/10 through 12/31/10 @ 3.5%:	\$352.57
Interest from 1/1/11 through 12/31/11 @ 2.5%:	\$723.78
Interest from 1/1/12 through 12/31/12 @ 2.5%:	\$723.78
Interest from 1/1/13 through 3/14/13 @ 2.25:	\$128.49
<b>Levy damages:</b>	<b>\$14,687.00 as of January 4, 2011</b>
Interest from 1/5/11 through 12/31/11 @ .5%:	\$72.63
Interest from 1/1/12 through 12/31/12 @ .5%:	\$73.43
Interest from 1/1/13 through 3/14/13 @ .25:	\$7.24
<b>Levy damages:</b>	<b>\$9,889.00 as of March 14, 2011</b>
Interest from 3/15/11 through 12/31/11 @ 5%:	\$39.55
Interest from 1/1/12 through 12/31/12 @ .5%:	\$49.44
Interest from 1/1/13 through 3/14/13 @ .25:	\$4.87
<b>Total through March 14, 2013</b>	<b>\$55,702.88 as of March 14, 2013</b>

Additional Fees and Costs:

Additional Interest: \$

Sheriff's commission: \$

Total: \$

Delivered to me \_\_\_\_\_ 2013 at

o'clock in the \_\_\_\_\_ noon

\_\_\_\_\_  
Sheriff

## RIDER

The Town of Harrison's personalty upon which the Sheriff of Hudson County is directed to levy shall include, without limitation, all of the following items located within Hudson County, New Jersey:

1. All of the Town of Harrison's cash, accounts, jewelry, stock or stock certificates, securities, notes, rents, accounts receivable, chattel paper, and instruments (negotiable or otherwise), together with any books, records or documents pertaining to rights thereto or thereunder.

2. All of the Town of Harrison's checking accounts, depository accounts and/or any other accounts.

3. All of the Town of Harrison's goods, inventory, equipment, furniture, furnishings, fixtures and related materials.

4. All of the Town of Harrison's financial records, files, customer lists and other information related to their finances, businesses and/or customers.

5. Any and all other personal property of the Town of Harrison, known or unknown, on or after the entry of Plaintiff's judgment.



HERRICK, FEINSTEIN LLP  
One Gateway Center  
22<sup>nd</sup> Floor  
Newark, New Jersey 07102  
(973) 274-2000  
Attorneys for Plaintiffs  
M&J Comprelli Realty, LLC,  
Joseph Comprelli, Joseph Supor III,  
J. Supor & Son Trucking & Rigging Co., Inc.  
and S&B Realty Co.

**FILED**

MAR 14 2011

BERNADETTE N. DECASTRO, J.S.C.

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M&J COMPRELLI REALTY, LLC, AND : SUPERIOR COURT OF NEW JERSEY  
JOSEPH COMPRELLI, JOSEPH SUPOR, III, J. : LAW DIVISION  
SUPOR & SON TRUCKING & RIGGING CO., : HUDSON COUNTY  
INC. and S&B REALTY CO. : DOCKET NO.: HUD-L-1179-10  
:  
Plaintiffs, : Civil Action  
:  
vs. :  
:  
TOWN OF HARRISON and JOHN DOES 1 : **ORDER**  
THROUGH 5 (FICTITIOUS PERSONS), :  
:  
Defendants. :  
----- X

THIS MATTER having been brought before the Court by Herrick, Feinstein LLP, attorneys for plaintiffs M&J Comprelli Realty, LLC, Joseph Comprelli Joseph Supor III, J. Supor & Son Trucking & Rigging Co., Inc., and S&B Realty Co. (collectively "Plaintiffs") by way of application for fees and costs pursuant to the Court's Order in this matter dated February 4, 2011;

IT IS on this 14<sup>th</sup> day of March, 2011,

ORDERED that defendant, the Town of Harrison, shall be and hereby is adjudged liable to Plaintiffs for legal fees totaling \$9,859.00 and costs and disbursements totaling \$30.00 during

December 2010, January 2011 and February 2011, for a total amount of \$9,889.00, pursuant to the Court's Order dated February 4, 2011;

IT IS FURTHER ORDERED that the Town of Harrison shall pay the aforesaid sum(s) to Plaintiffs within 45 days of the date hereof;

IT IS FURTHER ORDERED that Plaintiffs shall be permitted to hereafter apply for additional attorneys fees and costs which may be incurred by Plaintiffs for all periods subsequent to February 28, 2011, and it is further ordered that insofar as the Court's Order dated February 4, 2011 is, for any reason, vacated or modified, the aforesaid award is without prejudice to Plaintiffs' right to also seek reimbursement of fees and costs for October and November 2010 under the provisions of the Court's Order dated February 4, 2011, and Plaintiffs may make such application by submitting one or more Supplemental Affidavits of Services pursuant to Rule 4:42-9(b), and such fees and costs shall thereupon be adjudged to also be due and owing to Plaintiffs;

IT IS FURTHER ORDERED that Plaintiffs' counsel shall serve a copy of this Order upon opposing counsel within 7 days of receipt hereof.



HON. BERNADETTE DECASTRO, J.S.C.

HERRICK, FEINSTEIN LLP  
 One Gateway Center  
 22<sup>nd</sup> Floor  
 Newark, New Jersey 07102  
 (973) 274-2000  
 Attorneys for Plaintiffs  
 M&J Comprelli Realty, LLC,  
 Joseph Comprelli, Joseph Supor III,  
 J. Supor & Son Trucking & Rigging Co., Inc.  
 and S&B Realty Co.

**FILED**

AUG 26 2010

BERNADETTE N. DECASTRO, J.S.C.

MAY 13 2011

**RECORDED AS A LIEN**

M&J COMPRELLI REALTY, LLC, AND  
 JOSEPH COMPRELLI, JOSEPH SUPOR, III, J.  
 SUPOR & SON TRUCKING & RIGGING CO.,  
 INC. and S&B REALTY CO.

Plaintiffs,

vs.

TOWN OF HARRISON and JOHN DOES 1:  
 THROUGH 5 (FICTITIOUS PERSONS),

Defendants.

SUPERIOR COURT OF NEW JERSEY  
 LAW DIVISION  
 HUDSON COUNTY  
 DOCKET NO.: HUD-L-1179-10

Civil Action

ORDER

**J** - 139559-11

THIS MATTER having been brought before the Court by Herrick, Feinstein LLP, attorneys for plaintiffs M&J Comprelli Realty, LLC, Joseph Comprelli Joseph Supor III, J. Supor & Son Trucking & Rigging Co., Inc., and S&B Realty Co. (collectively "Plaintiffs") by way of application for fees and costs pursuant to the Court's Order in this matter dated April 30, 2010 (the "Order"), together with the Court's Decision dated May 4, 2010 (the "Decision"), whereby the Court directed the Town of Harrison (the "Town") to respond to Plaintiffs' records requests within forty-five days and to reimburse Plaintiffs for their reasonable legal fees and costs upon the submission of an affidavit of services within 10 days thereafter;

IT IS on this 26<sup>th</sup> day of Aug., 2010,

ORDERED that defendant, the Town of Harrison, shall be and hereby is adjudged liable to Plaintiffs for legal fees totaling ~~\$67,365.50~~ <sup>\*28,951.36</sup> and costs and disbursements totaling ~~\$1,897.86~~ through ~~May 31, 2010~~ <sup>July 31, 2010</sup>; or the total amount of ~~\$69,363.36~~ through ~~May 31, 2010~~;

IT IS FURTHER ORDERED that the Town of Harrison shall pay the aforesaid sum(s) to Plaintiffs within 45 days of the date hereof;

IT IS FURTHER ORDERED that Plaintiffs shall be permitted to hereafter apply for additional attorneys fees and costs which may be incurred by Plaintiffs for all periods subsequent to ~~May 31, 2010~~ <sup>July 31, 2010</sup>, and Plaintiffs may make such application by submitting one or more Supplemental Affidavits of Services pursuant to Rule 4:42-9(b), and such fees and costs shall thereupon be adjudged to also be due and owing to Plaintiffs;

IT IS FURTHER ORDERED that Plaintiffs' counsel shall serve a copy of this Order upon opposing counsel within 10 days of receipt hereof.

*See attached decision.*

  
\_\_\_\_\_  
HON. BERNADETTE DECASTRO, J.S.C.

HERRICK, FEINSTEIN LLP  
One Gateway Center  
22<sup>nd</sup> Floor  
Newark, New Jersey 07102  
(973) 274-2000  
Attorneys for Plaintiffs  
M&J Comprelli Realty, LLC,  
Joseph Comprelli, Joseph Supor III,  
J. Supor & Son Trucking & Rigging Co., Inc.  
and S&B Realty Co.

**FILED**

JAN 04 2011

BERNADETTE N. DECASTRO, J.S.C.

**RECORDED AS A LIEN**

MAY 12 2011

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M&J COMPRELLI REALTY, LLC, AND : SUPERIOR COURT OF NEW JERSEY  
JOSEPH COMPRELLI, JOSEPH SUPOR, III, J. : LAW DIVISION  
SUPOR & SON TRUCKING & RIGGING CO., : HUDSON COUNTY  
INC. and S&B REALTY CO. : DOCKET NO.: HUD-L-1179-10

Plaintiffs,

vs.

**J**

Civil Action

138770-11

TOWN OF HARRISON and JOHN DOES 1 : **ORDER FOR SUPPLEMENTAL FEES**  
**THROUGH 5 (FICTITIOUS PERSONS)**

Defendants.

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THIS MATTER having been brought before the Court by Herrick, Feinstein LLP, attorneys for plaintiffs M&J Comprelli Realty, LLC, Joseph Comprelli Joseph Supor III, J. Supor & Son Trucking & Rigging Co., Inc., and S&B Realty Co. (collectively "Plaintiffs") by way of supplemental application for fees and costs pursuant to the Court's Orders in this matter dated April 30, 2010 (the "Order") and August 26, 2010 (the "Fee Order"), respectively, together with the Court's Decisions dated May 4, 2010 (the "Decision") and August 26, 2010 (the "Fee Decision"), respectively, whereby the Court directed the Town of Harrison (the "Town") to respond to Plaintiffs' records requests within forty-five days and to reimburse Plaintiffs for their reasonable legal fees and costs and wherein the Court held that "Plaintiffs shall be permitted to

hereafter apply for additional attorneys' fees and costs which may be incurred by Plaintiffs for all periods subsequent to July 31, 2010 and Plaintiffs may make such application pursuant by submitting one or more Supplemental Affidavits of Services pursuant to Rule 4:42-9(b)," and such fees and costs shall thereupon be adjudged to also be due and owing to Plaintiffs;

IT IS on this 4 day of ~~December~~ <sup>Jan.</sup> 2011, 2010,

ORDERED that defendant, the Town of Harrison, shall be and hereby is adjudged liable to Plaintiffs for additional legal fees totaling \$14,457.00 during August, September, October and November 2010 and costs and disbursements totaling \$230.00, for the total amount of \$14,687.00 for August, September, October and November 2010;

IT IS FURTHER ORDERED that the Town of Harrison shall pay the aforesaid sum(s) to Plaintiffs within 60 days of the date hereof;

IT IS FURTHER ORDERED that Plaintiffs shall be permitted to hereafter apply for additional attorneys fees and costs which may be incurred by Plaintiffs for all periods subsequent to November 30, 2010, and Plaintiffs may make such application by submitting one or more Supplemental Affidavits of Services pursuant to Rule 4:42-9(b), and such fees and costs shall thereupon be adjudged to also be due and owing to Plaintiffs;

IT IS FURTHER ORDERED that Plaintiffs' counsel shall serve a copy of this Order upon opposing counsel within 7 days of receipt hereof.

  
HON. BERNADETTE DECASTRO, J.S.C.