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Attorneys for Plaintiff/Petitioner, Borough of Dumont and Mayor
and Council of the Borough of Dumont

IN THE MATTER OF THE
APPLICATION OF THE
BOROUGH OF DUMONT,
a municipal corporation of
the State of New Jersey,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION -
BERGEN COUNTY
DOCKET NO.

CIVIL ACTION
(Mount Laurel)

**COMPLAINT FOR DECLARATORY
JUDGMENT**

Plaintiff/Petitioner, the Borough of Dumont ("Dumont"), a municipal corporation and body politic organized under the laws of the State of New Jersey, with offices located at 80 West Madison Avenue, Dumont, New Jersey 07628, by way of Complaint for Declaratory Judgment says:

Jurisdiction

1. Jurisdiction is established pursuant to the New Jersey Declaratory Act, N.J.S.A. 2A:16-50, et seq.

2. Jurisdiction is further established as a result of the Supreme Court Decision, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "2015 Case").

Background and Prior Round Obligations

3. In 1975 the Supreme Court of New Jersey in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low and moderate income housing needs.

4. In 1983, the Supreme Court refined that constitutional obligation in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan.

5. In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act ("FHA") N.J.S.A. 52:2D-301 et seq. which transformed the judicial doctrine which became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it.

6. COAH proceeded to adopt regulations for first round obligations applicable from 1987 to 1993 and second round obligations that created a cumulative obligation from 1987 to 1999.

7. While never formally petitioning for Substantive Certification, Dumont fulfilled all obligations of COAH First Round rules covering the period 1987 to 1993, as appears by its reporting in connection with its petition for Third Round certification, as appears by the Certification of Darlene A. Green, P.P., AICP, in support hereof.

8. While never formally petitioning for Substantive Certification, Dumont fulfilled its 34 unit prior round obligation for COAH Second Round rules covering the period 1987 through 1999, cumulatively, as appears by its reporting in connection with its petition for Third Round certification, as appears by the Certification of Darlene A. Green, P.P., AICP, in support hereof.

Third Round Obligation

9. COAH first proposed third round substantive and procedural rules in October, 2003. 35 N.J.R. 4636(a); 35 N.J.R. 4700(a).

10. Those rules remained un-adopted and COAH re-proposed both the substantive and procedural third round rules (N.J.A.C. 5:94 and 5:95) in August of 2004 and adopted the same effective

on December 20, 2004. (the "2004 Regulations")

11. The 2004 Regulations were challenged and on January 25, 2007, the Appellate Division invalidated various aspects of those regulations and remanded considerable portions of the rules to COAH with direction to adopt revised rules. In the Matter of the Adoption of N.J.A.C. 5:94 and 5:95 by the New Jersey Council on Affordable Housing, 390 N.J. Super. 1 (App. Div.), certif. denied, 192 N.J. 72 (2007) (the "2007 Case").

12. On January 22, 2008, COAH proposed and published revised third round regulations in the New Jersey Register. 40 N.J.R. 237.

13. On May 6, 2008, COAH adopted the revised third round regulations and advised that the new regulations would be published in the June 2, 2008 New Jersey Register, thereby becoming effective.

14. On May 6, 2008, COAH simultaneously proposed amendments to the revised third round rules it had just adopted. Those amendments were published in the June 16, 2008 New Jersey Register, 40 N.J.R. 3373 (Procedural N.J.A.C. 5:96); 40 N.J.R. 3374 (Substantive N.J.A.C. 5:97). The amendments were adopted on September 22, 2008 and made effective on October 20, 2008.

15. On December 17, 2013, Dumont Joint Land Use Board (Planning Board) adopted, via Resolution #13-12-01, the 2013 HEFSP. On the same date, the Borough of Dumont Governing Body endorsed the HEFSP and petitioned COAH for Substantive

Certification via resolution #13-238. The petition was received by COAH on December 19, 2013. A development fee ordinance was submitted for review and comment to COAH on or about December 19, 2013. The petition was deemed complete by COAH by letter dated June 18, 2014, however no further action was taken, to the Borough's knowledge, to process the Petition for Substantive Certification or approve the development fee ordinance, notwithstanding numerous follow up requests by the Borough.

16. On February 4, 2014, Landmark Dumont, LLC, contract purchaser of two (2) non-contiguous parcels of undeveloped property previously used as a family farm, filed suit bearing Docket number BER-L-1297-14 against the Borough of Dumont, seeking relief under the Mount Laurel doctrine. The suit contained four counts, the first two of which were dismissed without prejudice by the Honorable William C. Meehan, J.S.C. by order dated June 23, 2014.

The Transfer of Jurisdiction to the Courts

17. N.J.A.C. 5:96 and 5:97 as adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J.Super. 462 (App. Div. 2010) (the "2010 Case"). In its October 8, 2010 decision, the Appellate Division determined, among other things, that the growth share methodology was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the

first and second rounds, i.e. 1987-1999.

18. On September 26, 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the third round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the first and second rounds. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2013) (the "2013 Case").

19. COAH proceeded to propose such regulations in accordance with the schedule and amended schedule established by the New Jersey Supreme Court in the 2013 Case.

20. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised third round regulations.

21. Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center ("FSHC"), a party in the 2010 Case and the 2013 Case, filed a motion with the New Jersey Supreme Court to enforce litigant's rights.

22. On March 10, 2015 the New Jersey Supreme Court issued its decision on FSHC's motion to enforce litigant's rights. The Supreme Court in the 2015 Case found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In the Matter of the Adoption of

N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015) (the "2015 Case").

23. In doing so, the Supreme Court established a transitional process for municipalities, like the Borough of Dumont, that participated in the administrative process before COAH to file a declaratory judgment action with the trial courts seeking to declare their HEFSPs as being constitutionally compliant and seeking similar protections to those that the participating municipalities would have received if they had continued to proceed before COAH.

24. In explaining the transitional process contemplated, the Supreme Court equated these "Participating" Municipalities to those municipalities in 1985 that had sought to transfer jurisdiction from the Court to the newly created COAH and switch the forum from a judicial one to an administrative one under N.J.S.A. 52:27D-316.

25. While the Supreme Court in the 2015 Case declined to adopt a specific methodology or formula to calculate the third round affordable housing obligations of the municipalities and instead left that determination to the 15 Mount Laurel Judges (one in each vicinage), it did provide some guidance by reiterating its endorsement of the previous methodologies employed in the First and Second Round Rules as the template to establish third round affordable housing obligations, and as abovementioned, by treating Participating Municipalities filing

Declaratory Judgment actions, in the same way that the 1985 FHA when originally enacted on July 2, 1985 treated municipalities transitioning from the judicial to the administrative process.

26. In light of the decisions in the 2013 Case and the 2015 Case, the Borough of Dumont and its Planner will shortly commenced preparation a revised HEFSP that will verify full compliance of the Borough of Dumont with its constitutional affordable housing obligations.

COUNT ONE

(DECLARATORY RELIEF, CONSTITUTIONAL COMPLIANCE)

27. The Borough of Dumont repeats and realleges each and every allegation set forth in Paragraphs 1-26 of this Complaint as if set forth herein at length.

28. Pursuant to the Declaratory Judgments Act, N.J.S.A. 2A:16-50 et seq., and the 2015 Case, the Borough of Dumont has a right to a declaratory judgment verifying and confirming the Borough's full compliance with its constitutional affordable housing obligations.

WHEREFORE, Plaintiff/Petitioner, the Borough of Dumont, respectfully seeks that the Court grant the following relief:

a. An Order exercising jurisdiction over the compliance by the Borough of Dumont with its constitutional affordable housing obligations; and

b. An Order declaring that the Borough of Dumont has

fully discharged its constitutional affordable housing obligations and is granted protection and repose against exclusionary zoning litigation.

c. A Judgment of Compliance and Repose for a period of ten (10) years from its date of entry.

d. An Order granting such additional relief as the Court deems equitable and just.

COUNT TWO

(FIVE MONTHS TO PREPARE HEFSP)

29. The Borough of Dumont repeats and realleges each and every allegation as set forth in Paragraphs 1-28 as if set forth herein at length.

30. In the 2015 Case, the Supreme Court equated participating municipalities who file Declaratory Judgment actions such as the instant one to those municipalities who were involved in litigated matters in 1985 when the Fair Housing Act was adopted and successfully transferred their litigated cases to COAH and were entitled under N.J.S.A. 52:27D-316 to a five month period from the date of transfer or the date of the promulgation of criteria and guidelines by COAH, **whichever occurred later** to prepare its HEFSP.

31. The Supreme Court in the 2013 Case and in the 2015 Case declined to establish a specific methodology or formula to calculate third round affordable housing obligations of the municipalities and instead left that determination to the 15

Mount Laurel Judges (one in each vicinage), directing that the methodology or formula established should be similar to that employed in the first and second round rules.

32. As a result of the Supreme Court's actions in the 2013 Case and the 2015 Case, there are insufficient criteria and guidelines established by the Court at this time for the Borough of Dumont to prepare a compliant HEFSP which this Court could evaluate to determine its constitutional compliance.

33. In the 2015 Case, the Supreme Court afforded wide discretion to the 15 Mount Laurel Judges in addressing these Declaratory Judgment actions and enabled the trial judges specifically to grant municipalities a five month period within which to prepare a compliant HEFSP in accordance with the approved methodology and formula established by said trial judges.

34. By equating these Participating Municipalities to those municipalities who in 1985 transferred their litigated cases from the Court to COAH, and then had a five (5) month period from the date of transfer or the date that guidelines and regulations were adopted by COAH, whichever was later, the Borough of Dumont is entitled to the opportunity to prepare and adopt a HEFSP within five (5) months from the date that the Court establishes the methodology and formula which will quantify the affordable housing obligation of the Borough of Dumont and allow for the preparation and adoption of a

constitutionally compliant HEFSP.

WHEREFORE, Plaintiff/Petitioner, the Borough of Dumont respectfully seeks that the Court grant the following relief:

a. An Order granting the Borough of Dumont a five month period from the date that a methodology or formula is established by this Court, or otherwise, to prepare a constitutionally compliant HEFSP that incorporates the formula and methodology approved by this trial court or otherwise.

b. An Order granting such additional relief as the Court deems equitable and just.

COUNT THREE

(REQUEST FOR IMMUNITY)

35. The Borough of Dumont repeats and realleges each and every allegation as set forth in Paragraphs 1-34 as if set forth herein at length

36. In the 2015 Case, the Supreme Court afforded Participating Municipalities who filed Declaratory Judgment actions seeking to verify and confirm their constitutional compliance with their affordable housing obligations, the right to seek temporary immunity from third party lawsuits while pursuing these Declaratory Judgment actions and the development of compliant HEFSP's.

37. The Borough of Dumont by virtue of the filing of the within action is eligible to seek and obtain immunity from third party lawsuits, including the 'Landmark' suit referenced in

paragraph 16, supra, while pursuing their Declaratory Judgment action pursuant to the 2015 Case.

WHEREFORE, Plaintiff/Petitioner, the Borough of Dumont respectfully seeks that the Court grant the following relief:

a. An Order granting temporary immunity from third party lawsuits against the Borough of Dumont from the date of the filing of the instant Declaratory Judgment action until this Court issues a Final Judgment of Compliance and Repose to the Borough of Dumont for its HEFSP formulated, adopted and approved in accordance with the applicable formula and methodology established by this Court.

b. An Order granting such additional relief as the Court deems equitable and just.

COUNT FOUR

(JURISDICTION OVER UNAPPROVED SPENDING PLAN)

38. The Borough of Dumont repeats and realleges each and every allegation as set forth in Paragraphs 1-37 as if set forth herein at length.

39. On April 9, 2015 the Appellate Division issued a Decision divesting COAH of jurisdiction to administratively effect a forfeiture of Affordable Housing Trust Funds not spent or committed in accordance with the requirements of the FHA and enjoining COAH from taking any such administrative action. In re Failure of Council on Affordable Housing to Adopt Trust Fund Commitment Regulations, 2015 WL 1582908 (App. Div. 2015) (the

"Trust Fund Case").

40. In the Trust Fund Case the Appellate Division further transferred jurisdiction over such actions and matters to the 15 Mount Laurel Judges designated to hear the Declaratory Judgment Actions regarding compliance with affordable housing obligations as set forth in the 2015 Case.

41. On information and belief, COAH has taken the position that it no longer has jurisdiction to approve Spending Plans that are pending before it.

42. The Borough of Dumont submitted a Spending Plan to COAH for review and approval on March 20, 2014. COAH has not approved or denied the Spending Plan. Without COAH's approval and authorization Dumont is prevented from expending Affordable Housing Trust Funds to advance the purposes of affordable housing in the municipality.

43. In light of COAH's inaction on its Spending Plan, the Borough of Dumont seeks to have this Court, in conjunction with processing the instant Declaratory Judgment action, approve the Spending Plan of the Borough of Dumont that has been pending before COAH and further, to assume jurisdiction over any amendment to said Spending Plan once approved in order to give the Borough of Dumont the ability to properly utilize and expend Affordable Housing Trust Funds collected for the purposes of advancing and satisfying its affordable housing obligation.

WHEREFORE, Plaintiff/Petitioner, the Borough of Dumont

respectfully seeks that the Court grant the following relief:

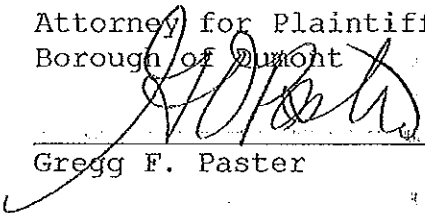
a. An Order approving the Spending Plan of the Borough of Dumont heretofore pending before COAH.

b. An Order continuing the jurisdiction of this Court to consider and approve any amendments to the Approved Spending Plan.

c. An Order granting such additional relief as the Court deems equitable and just.

GREGG F. PASTER & ASSOCIATES
Attorney for Plaintiff/Petitioner,
Borough of Dumont

Dated: June 30, 2015



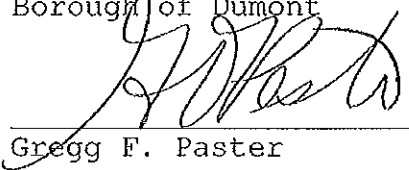
Gregg F. Paster

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Gregg F. Paster Esq., Attorney for the Plaintiff/Petitioner, the Borough of Dumont, is designated as trial counsel in the above captioned matter.

GREGG F. PASTER & ASSOCIATES
Attorney for Plaintiff/Petitioner,
Borough of Dumont

Dated: June 30, 2015



Gregg F. Paster

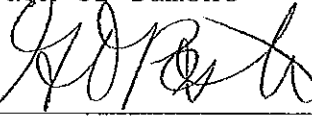
CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to R.4:5-1, I hereby certify that the matter in controversy is not the subject matter of any other action pending in any Court, except as set forth in paragraph 16, supra., or of a pending arbitration or administrative proceeding, and that no other action or arbitration or administrative proceeding is contemplated, except that Plaintiff has previously submitted a Petition for Substantive Certification to the New Jersey Council on Affordable House, who, as a result of the 2015 Case, has been divested of jurisdiction which has been assumed by this Court as a result of the filing of the within Declaratory Judgment action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



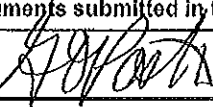
GREGG F. PASTER & ASSOCIATES
Attorney for Plaintiff/Petitioner
Borough of Dumont

Dated: *June 30, 2015*



Gregg F. Paster

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY		
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA		
			CHG/CK NO.		
			AMOUNT:		
			OVERPAYMENT:		
		BATCH NUMBER:			
ATTORNEY / PRO SE NAME Gregg F. Paster, Esq.		TELEPHONE NUMBER (201) 489-0078		COUNTY OF VENUE Bergen	
FIRM NAME (if applicable) Gregg F. Paster & Associates			DOCKET NUMBER (when available)		
OFFICE ADDRESS 18 Railroad Avenue - Suite 104 Rochelle Park, New Jersey 07662			DOCUMENT TYPE Complaint/Declaratory Judgment		
			JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Borough of Dumont, Plaintiff/Petitioner		CAPTION In the Matter of the Application of the Borough of Dumont			
CASE TYPE NUMBER (See reverse side for listing) 303	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
RELATED CASES PENDING? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS BER-L-1297-14			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input checked="" type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN			
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION Declaratory Judgment action by a municipality pursuant to the Supreme Court's March 10, 2015 decision In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing					
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?			
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 <i>Rule 1:38-7(b)</i> .					
ATTORNEY SIGNATURE: 					



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE -- PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE -- PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE -- PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT -- OTHER

Track III - 450 days' discovery

- 605 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUELIZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETHA/ARELIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 285 STRYKER TRIDENT HIP IMPLANTS | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 286 LEVAQUIN | 297 MIRENA CONTRACEPTIVE DEVICE |
| 287 YAZ/YASMIN/OCELLA | 601 ASBESTOS |
| 288 PRUDENTIAL TORT LITIGATION | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

