

RESOLUTION

WHEREAS, on August 1, 2023, the Council adopted Resolution 266-23 authorizing the retention of Genova Burns LLC with regard to certain litigation captioned In re Township of West Orange, ESX-L-4687-23 pending before the Superior Court of New Jersey (the “Litigation”) up to a cap not to exceed \$17,499 “without further approval by the Council”; and

WHEREAS, on January 24, 2024, the Council passed an additional Resolution raising the Genova Burns LLC cap by \$24,994.50 bringing the total to \$42,493.50; and

WHEREAS, on May 21, 2024, it appears the Council again raised the not to exceed by \$25,000 bringing the total to \$67,493.50; and

WHEREAS, Genova Burns LLC has been paid a total of \$66,774.75 to date with regard to the Litigation; and

WHEREAS, on March 19, 2024, the Honorable Annette Scoca, Judge of the Superior Court, issued a thirty-three (33) page ruling wherein the Court preliminarily enjoined the Township Council from taking any action with regard to the legal services being performed by Richard D. Trenk, Esq., Township Attorney, and his law firm; and

WHEREAS, on March 26, 2024, the Township Council declined to adopt a Resolution to end the litigation in the matter captioned and make the preliminary injunction a permanent injunction; and

WHEREAS, the Township Council appealed the preliminary injunction; and

WHEREAS, the Appellate Division denied the Township Council’s appeal of the preliminary injunction; and

WHEREAS, on May 7, 2024, in new business, the Township Council voted 3-2 to continue the Litigation; and

WHEREAS, the following invoices have been submitted by the Genova Burns LLC firm which remain unpaid:

<u>DATE OF INVOICE</u>	<u>AMOUNT OF HOURS</u>	<u>TOTAL SOUGHT</u>
1/29/2025	19.10	\$2,865
2/28/2025	176.30	\$26,055.00
2/28/2025	Expenses ¹	\$907.85
3/26/2025	108.80	\$16,320.00
4/23/2025	121.40	\$18,210.00
4/23/2025	Expenses	\$292.92
TOTAL		\$64,650.77

WHEREAS, on January 15, 2025 and March 31, 2025, the Court issued additional restraints and a preliminary injunction which continues in full force and effect; and

WHEREAS, the Township Council desires to continue to retain Genova Burns to continue the Litigation at the hourly rate of \$150 per attorney up to a maximum of \$ subject to the Township Billing Guidelines; and

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange authorizes the continued retention of Genova Burns to continue the Litigation; and it is further

RESOLVED, that Genova Burns shall represent the Township Council subject to the Township Billing Guidelines at the rate of \$150 per hour per attorney; and be it further;

¹ The Township notes that this seeks legal research in the amount of \$712.90 which was not approved in advance as required by the Billing Guidelines.

RESOLVED, the Municipal Clerk shall provide a copy of this Resolution via e-mail to the Angelo J. Genova, Esq. as soon as possible.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Joe Krakoviak,
Council President

Adopted: May 6, 2025

I hereby certify funds are available from: _____
Account No.

John C. Ditinyak, Chief Financial Officer