

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 1

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
LAW DIVISION, CIVIL PART
DOCKET NO. BER-L-7376-18
APP. DIV. NO.

NORTH ARLINGTON)
REPUBLICAN MUNICIPAL)
COMMITTEE, ET ALS.,)

Plaintiff,)

vs.)

JOHN HOGAN, BERGEN)
COUNTY CLERK,)

Defendant.)

) TRANSCRIPT
) of
) DECISION

Place: Bergen Co. Courthouse
10 Main Street
Hackensack, NJ 07601

Date: October 22, 2018

BEFORE:

HONORABLE ESTELA M. DE A CRUZ, J.S.C.

TRANSCRIPT ORDERED BY:

JUSTIN D. SANTAGATA, ESQ. (Kaufman, Semeraro, &
Leibman, LLP., Fort Lee Executive Park, Two
Executive Drive, Suite 530, Fort Lee, New Jersey
07024)

Transcriber Brandy Winow
ELITE TRANSCRIPTS, INC.
14 Boonton Avenue
Butler, New Jersey 07405
(973) 283-0196
Audio Recorded
Operator, _____

Elite Transcripts, Inc.
14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 2

APPEARANCES:

LEONARD SEAMEN, ESQ. (The Law Offices of Richard Malagiere)

Attorney for the Plaintiff

MATTHEW GILSON, ESQ. (The Law Offices of Richard Malagiere)

Attorney for the Defendant

JAMIE R. PLACEK, ESQ.

(Kaufman, Semeraro, & Leibman, LLP.)

Attorney for the Defendant

JUSTIN D. SANTAGATA, ESQ.

(Kaufman, Semeraro, & Leibman, LLP.)

Attorney for the Defendant

:

:

:

:

I N D E X

3

Page

DECISION
THE COURT
Decision

4

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 3

4

1 NORTH ARLINGTON V. HOGAN
2 THE COURT: You can all be seated. Thank you
3 very much. This is now the decision pursuant to plenary
4 hearing on Appellate Division remand dated October 19,
5 2018. For the record today is October 22, 2018 the
6 time now is 7:30 in the evening.
7 I have held the plenary hearing as directed
8 by the Appellate Division, essentially, all day and
9 this is a decision pursuant to that hearing.
10 Factual background is as follows. Joseph
11 Bianchi (phonetic) filed to run and had been duly
12 nominated to run as a rep-- on the republican ticket for
13 the mayor of North Arlington on June -- on June 5, 2018
14 primary election. He was certified as a candidate and
15 did appear on the ballot of the June 5 primary.
16 Unfortunately, he passed away suddenly and unexpectedly
17 on October 10, 2018.
18 The very -- the very next day October 11,
19 2018 the plaintiffs, including the North Arlington
20 Republican Municipal Committee, filed an order to show
21 cause in Superior Court under this docket number naming
22 the Bergen County Clerk John Hogan as the defendant to
23 have the Superior Court direct the county clerk to
24 remove Joseph Bianchi's name as a republican candidate
25 for North Arlington in the 2018 general election and to

5

1 remove his name on any and all ballots.
2 The Honorable Robert C. Wilson entered an
3 order the very next day Friday October 12 granting that
4 relief. And it is also inserted by hand in that
5 October 12 order that the Court noted that, "a
6 replacement candidate has already been selected".
7 Instead of permitting the language to remain as was
8 proposed in the plaintiff's proposed order that
9 would've permitted the plaintiff republican committee
10 to choose a replacement.
11 The very next day or the -- the -- the next
12 Monday October 15 the defendant Bergen County Clerk
13 filed an order -- its own order to show cause again
14 under the same docket number seeking a stay of the
15 October 12th order and requested that that report order
16 the plaintiffs to show cause why the complaint should
17 not be dismissed for two reasons.
18 One, for lack of standing. And, two, to
19 vacate the vacancy certification filed by Daniel Pronti
20 (phonetic) for having made false statements in the
21 plaintiff's original order to show cause and for the
22 committee's failure to comply with the statutes
23 requirements on moving forward to replace a vacancy.
24 The Court issued an order to show cause
25 return date scheduling that return date on the county

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 4

6

NORTH ARLINGTON V. HOGAN

1 clerk's application for the very next day Tuesday
2 October 16 at 4 p.m. That order also struck out the
3 language that the county clerk proposed for the Court
4 to hold a hearing and directed the plaintiff to address
5 the issue of lack of standing and to address a
6 substantive defense objection of the -- concerning the
7 vacancy certification that had been filed with the
8 county clerk on October 12.

9 On Tuesday October 16 the Court entered an
10 order upholding the October 12 order and directed the
11 county clerk to show what steps had -- it had taken to
12 replace the republican mayor -- may-- mayoral candidate
13 for the borough and to advise how and when the county
14 clerk had complied or would comply with the Court's
15 October 12th order.

16 Given this response from the trial court of
17 October 16, 2018 the defendant county clerk appealed to
18 the Appellate Division on Thursday October 18 on two
19 grounds.

20 Number one, again, standing. Arguing to the
21 Appellate Division that the Republican Committee had
22 not even authorized a complaint in its names to be
23 filed to replace the deceased candidate.

24 And the second point, present it to the
25 Appellate Division was for the Appellate Division to

7

NORTH ARLINGTON V. HOGAN

1 hold that the vacancy certification was fraudulent and
2 as such that the time had passed for the plaintiff
3 republican committee to seek a replacement on the
4 ballot.

5 Just three days ago the next day after the
6 county clerk filed its order to -- its appeal on
7 October 18 the very next day on Friday October 19 three
8 days ago from today the Appellate Division issued a
9 five-page decision vacated the portion of the trial
10 court's October 16 oral decision where the trial court
11 noted -- noted partially -- noted that it was partially
12 memorializing in its order that the committee had duly
13 chosen a candidate to replace the pri-- the prior
14 republican candidate mayor.

15 The Appellate Division remanded to the trial
16 court for an evidentiary hearing specifically directing
17 the trial court to hold the evidentiary hearing today
18 Monday October 22 and specifically directing the Court
19 to issue a decision immediately.

20 In essence, the Appellate Division on Friday
21 October 19 directed an evidentiary hearing to review
22 whether the North Arlington Republican Committee had
23 duly chosen -- chosen a candidate to replace the prior
24 republican candidate for mayor who is now deceased.

25 That is -- this is a decision pursuant to

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 5

8

1 plenary hearing and this decision is in satisfaction of
2 Rule 1:7-4(a). And this decision is now based on all
3 of the credible evidence presented.
4 The evidence presented before me today
5 includes plaintiff's exhibits P-19, P-20, and D-5. And
6 defense presented also jointly, I supposed jointly, D-
7 5, but defendant presented in evidence Exhibits D-1
8 through D-11.
9 All purported on the plaintiff's side to show
10 that it had duly appointed -- I'm sorry, duly chosen a
11 candidate to replace the deceased mayor. And all
12 purported to show on the defense side that the
13 plaintiffs have no standing and that the matter, in
14 fact, was presented to the county clerk under
15 fraudulent basis and that the replacement should not be
16 allowed at this point.
17 The relevant statute under review as included
18 in the Appellate Division's October 19 decision is NJSA
19 19:13-20(a)(4), which provides in pertinent part that
20 in the event of a vacancy however -- howsoever caused
21 among candidates nominated at a primary election for
22 the general election which vacancy shall occur not
23 later than the 56th day before the general election or
24 in the event of inability to select a candidate the
25 cause of a tie vote at such primary a candidate shall

9

1 NORTH ARLINGTON V. HOGAN
2 be selected in the following manner so that Subsection
3 A4 involves in the case of a municipal vacancy in the
4 case of an office to be filled by the voters of a
5 portion of a single county the candidate shall be
6 selected by the those members of the county committee
7 of the party wherein the vacancy has occurred who
8 represent those portions of the county which are
9 comprised in the district from which the candidate is
10 to be selected.
11 And the statute goes on to describe the
12 mechanism for holding a meeting pursuant to the
13 statute, including the subsection involved pertinent in
14 this case Subsection A4.
15 My review of all of the evidence presented is
16 that the county clerk is correct that the plaintiffs
17 have not presented evidence of a duly chosen republican
18 candidate for the mayor of North Arlington because
19 there is no consistency in the witnesses testimonies
20 who -- as to who was where and when.
21 Not even the attempt to correct the problem
22 by having a meeting just yesterday Sunday October 21
23 did not correct the deficiency because the resolution
24 from that meeting Sunday October 21 is undated. It
25 shows that ten voted in favor and that one was present,
but did not vote. Another individual Barbara Octubray

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 6

10

NORTH ARLINGTON V. HOGAN

1 (phonetic) called in, but did not vote and that is not
2 mentioned anywhere in the resolution as to her
3 involvement, if any, at all during the meeting.

4 The committee's secretary Leonard Alludo
5 (phonetic) and its chairman John Bratowitz (phonetic)
6 both testified unconvincingly to this Court that proper
7 protocol was followed notwithstanding the fact that
8 this emergency meeting took place just yesterday
9 presumably to fend off this hearing and presumably to
10 render the efforts, the plaintiff's efforts moot.

11 The Court notes that the comit-- the
12 committee's the plaintiff committee's secretary who
13 appeared in this court and gave testimony did not bring
14 to court the med-- the minutes of the meeting that he
15 was required to take as the committee's secretary. And
16 based on the premise that he was not aware that the
17 minutes or the meeting notes would be needed at this
18 hearing.

19 Indeed, the committee chairman testified as
20 this -- at this plenary hearing and could not see the
21 records, could not read the records and someone from
22 the audience had to loan the committee chairman a set
23 of reading glasses so that the committee chairman could
24 review documents on the record. Again, the committee
25 chairman testified that he was not aware that he was

11

NORTH ARLINGTON V. HOGAN

1 expected to read any records when he testified in court
2 today.

3 The resolution that supposedly reflects the
4 committee's efforts, effective efforts, to replace the
5 candidate the deceased candidate is Exhibit P-19 in
6 evidence, that resolution is also undated, no date. A
7 point that raised Appellate eyebrows as to when the
8 necessary meeting had even taken place.

9 On its face the plaintiff's resolution does
10 not satisfy the statutory mandate. However, what is
11 evident is the intention to replace a candidate that,
12 unfortunately, and without any cause or effect by any
13 of these plaintiffs caused this to occur. Mayor
14 Bianchi's unfortunate and untimely death set this
15 entire set of events into motion. And from the very
16 day of his death on October 10, 2018 the pl-- it is
17 evident to this Court that the plaintiffs have been
18 mobilizing to effectuate several things.

19 The plaintiffs have been mobilizing since his
20 date of death on the very date of death mobilizing to
21 handle the enormous grief and shock of the death of
22 their candidate. Mobilized to prepare to ceremoniously
23 bid him a proper farewell. And also have been
24 mobilizing to remove his name from the ballot and
25 present the voters of North Arlington with a choice of

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 7

12

NORTH ARLINGTON V. HOGAN

1 a republican candidate. It is clear that the
2 motivation to remove Mayor Bianchi's name or Joseph
3 Bianchi's name from the ballot and replace it was
4 immediate. Plaintiffs have not delayed, plaintiffs did
5 not delay or waive any opportunity to do so.

6 However, their initial attempts to remove and
7 replace the candidate was deficient, was messy at a
8 very minimum. And their efforts yesterday during the
9 Sunday emergent meeting that took place in their camp--
10 campaign headquarters was also mired with deficiencies,
11 which were not corrected even through today at court.

12 The voters of North Arlington deserve a
13 choice and the voters should not be penalized by the
14 republican committee's deficiencies.

15 I am required to review the statute in
16 accordance with the legislature's intent just like
17 Judge Yannotti did on October 9, 2018 when he issued
18 his decision. In this Court's case -- election case
19 involving JOEL GRIZZY VS. JOHN HOGAN (phonetic) and
20 involving the East Rutherford election Judge Yannotti
21 spoke -- held the decision and indicated the supporting
22 law for the -- for his court as well as my court to
23 interpret -- properly interpret the st-- the
24 legislature's intent and statutory language.

25 Clearly I am required to interpret the statute

13

NORTH ARLINGTON V. HOGAN

1 in accordance with the legislature's intent. And the
2 Court has noted that statutes such as this that the
3 Appellate Division on October 19 cited NJSA 19:13-20
4 should be interpreted so as to allow a vacancy to be
5 filled if there is sufficient time in which to attend
6 to the mechanics of preparing for the general election
7 citing the case of the NEW JERSEY DEMOCRATIC PARTY
8 INCORPORATED VS. SAMSON, 175 New Jersey reports, 178,
9 specifically, at Page 194 a 2002 State Supreme Court
10 decision, which at -- in that decision quoted KILMURRAY
11 VS. GILFERT at 10 NJ reports 435, specifically, at Page
12 440 a 1952 State Supreme Court decision.

13 This Court recognizes that the legislature
14 did thus not intend -- did not intend to limit the
15 voters' choice if there is sufficient time to place a
16 new name, a new candidate on the ballot and to conduct
17 the elections in an or-- orderly manner.

18 Clearly the Appellate Division just three
19 days ago on October 19 thought that to be the case
20 because it directed this court to hold a plenary
21 hearing to decide if, in fact, the candidate had been
22 duly chosen.

23 What the Appellate Division on October 19,
24 2018 ramanding -- remanding this case did not do was to
25 find that the plaintiffs had no standing. The issue

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 8

14

NORTH ARLINGTON V. HOGAN

1 raised by defendant John Hogan in this matter arguing
2 that the plaintiffs have no standing to proceed with
3 this litigation and, indeed, to receive any relief from
4 the Court is without merit.

5 Given the Appellate Division's remand that
6 issue was raised by the defendants, the issue of lack
7 of standing was raised by the defendants to the
8 Appellate Division and the Appellate Division on
9 October 19 completely discounted it, did not rule on,
10 and, in fact, directed this court to hold a plenary
11 hearing with the involvement of both sides.

12 If standing had been an issue, the Appellate
13 Division presumably could have and would have dismissed
14 and stricken the plaintiff's position in this matter
15 and, perhaps, ended the litigation at that point on
16 appeal, but it did not. It gave the plaintiffs an
17 opportunity to present and show the Court that it had
18 duly chosen a replacement candidate and for this Court
19 to decide whether that occurred or not and what
20 remedies should be properly afforded.

21 So, under the circumstances presented in the
22 October 19, 2018 Appellate Division remanded this
23 matter back to this court to hold an evidentiary
24 hearing I completely reject the defendant's position
25 and argument that the plaintiffs have no standing.

15

NORTH ARLINGTON V. HOGAN

1 However, since the plaintiffs have not
2 presented evidence in this hearing that they have duly
3 elect-- voted on a replacement candidate and given the
4 import of the statute the -- I am permitting the
5 plaintiff, North Arlington Municipal Committee, to --
6 to have an opportunity, one last opportunity, to hold
7 a meeting and duly appoint a replacement candidate
8 instead of Bi-- Mr. Bianchi.

9 I am ordering the North Arlington Municipal
10 Committee to duly hold a meeting similar -- with
11 similar protocol that was observed in its June 11, 2018
12 meeting, reorganization meeting, and to have a
13 replacement candidate nominated and duly voted in open
14 meeting.

15 That meeting should have the appropriate
16 notes and minutes taken, and the meeting should have
17 the members sign in, and the meeting should have
18 attendance taken in open forum, a proposal to fill the
19 vacancy should be made if that is what the committee
20 intends, and thereafter an open vote be taken with the
21 minutes reflecting all of the activity.

22 So, finally the plaintiff, North Arlington
23 Municipal Committee, is thereafter, if this meeting
24 does take place, to file the necessary papers with the
25 county clerk John Hogan. I'm directing the North

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 9

16

NORTH ARLINGTON V. HOGAN

1 Arlington Municipal Committee to hold a meeting by no
2 later than 11 a.m. tomorrow morning. It could be
3 tonight, the meeting could be held tonight or the
4 meeting could be held by 11 a.m. tomorrow morning. And
5 to file the necessary paperwork with the county clerk
6 John Hogan by 3 p.m tomorrow Tuesday October 23, 2018.

7 Failure to properly file the necessary papers
8 will result in the republican slot for mayor without a
9 viable living candidate and the vacancy will not be
10 filled.

11 Again, I recognize that the voters of North
12 Arlington deserve the confidence in the process. The
13 hearing was held today to preserve the integrity of the
14 electoral pr-- process. And a meeting should be duly
15 held so that the process of electing a replacement
16 candidate could be preserved in a meaningful way.

17 The Court recognizes that this is all last-
18 minute, but no one planned for Mr. Bianchi's death,
19 unfortunately. And the cycle of events and activities
20 began immediately upon his death as the evidence shows.

21 So, bottom line is that the North Arlington
22 Municipal Committee is permitted to have a meeting.
23 I'm directing it, if it's going to have a replacement
24 candidate and file a vacancy cert-- certification, that
25 it must duly hold a meeting similar to -- with similar

17

NORTH ARLINGTON V. HOGAN

1 protocol that was observed in the June 11, 2018
2 reorganization meeting. And then file the necessary
3 papers with the county clerk John Hogan by 3 p.m.
4 tomorrow October 23, 2018. Any questions?

5 MR. SEAMAN: Yes, Your Honor. Just want to
6 clarify as to the protocol the Court expects for the
7 meeting. Obviously, some of the protocol for a meeting
8 deals with notice. I would presume that the Court
9 would waive -- would allow the committee to waive any
10 requirements for a time period of notice that would be
11 longer than it's allowed or anything -- getting more
12 formal notice than telephone notice to the committee
13 members as to when the meeting will be held. Is that -
14 - is that -- so we can engage in a protocol.

15 THE COURT: Defense counsel.

16 MR. SANTAGATA: I'm not going to comment on
17 the protocol that has to be undertaken by the committee
18 other than -- than it has to satisfy statute, Your
19 Honor. I don't think it's the business of the Court to
20 talk about the internal procedures.

21 THE COURT: Because of the time constraints
22 the protocol for timely notice that involves mailing of
23 letters or -- or the -- or notice in writing has to be
24 --

25 MR. SANTAGATA: I'm not even sure what their

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 10

18

NORTH ARLINGTON V. HOGAN

1 process is.
2 THE COURT: -- has to be waived. So, by --
3 within two hours all of the committee members, all 20
4 that are on the list which is one of the exhibits in
5 evidence, should be duly noticed for whatever time the
6 committee decides to meet. I'm giving --
7 MR. SEAMEN: I understand, Your Honor.
8 THE COURT: -- more ample opportunity because
9 of the time. It's now 7:53. So, I'm giving the
10 committee until 11 o'clock tomorrow morning. And the
11 paperwork after the voting has taken place shall be
12 sent to the county clerk for filing.
13 MR. SEAMEN: Your Honor, --
14 THE COURT: I -- I'm not going to give
15 additional time because of the time perimeters and the
16 undeniable tension that the county clerk has in
17 properly printing these ballots. And these will be
18 prob-- probably supplemental ballots at this point,
19 correct?
20 MR. SANTAGATA: Yes, Your Honor, and that
21 brings up my -- I have two questions.
22 MR. SEAMEN: If I -- if I may --
23 MR. SANTAGATA: Sure. Sure.
24 MR. SEAMEN: Your Honor, and I -- and I --
25 THE COURT: Mr. Seamen, one second. So, the

19

NORTH ARLINGTON V. HOGAN

1 record is clear. Mr. Semen, what?
2 MR. SEAMEN: Yes.
3 THE COURT: I did ask counsel if there are
4 any questions because I want counsel to walk out with --
5 -- with as least doubt as possible. Go ahead, Mr.
6 Seamen.
7 MR. SEAMEN: And, yes, again, Your Honor, I
8 appreciate the Court's ruling and I appreciate all the
9 time the Court took with this matter not only in
10 hearing the matter, but, obviously, with the decision
11 that was reached and I -- and I am not questioning any
12 part of it. I just want to make sure that we
13 understand the protocol that we're expected to follow
14 so we don't come back here again because there was any
15 misunderstanding.
16 So, I understand we can provide telephone
17 notice to the members of the committee by 11 p.m.
18 tonight of when the meeting will be held.
19 THE COURT: By 10 p.m. Two hours from now.
20 MR. SEMEN: By 10 -- 10 p.m. I apologize,
21 Your Honor.
22 THE COURT: Yes.
23 MR. SEAMEN: By 10 p.m. tonight. And Your
24 Honor has indicated that the meeting should be held by
25 11 p.m. I just want to understand the Court's --

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 11

20

NORTH ARLINGTON V. HOGAN

1 THE COURT: Be held by tomorrow 11 a.m.
2 MR. SEAMEN: I understand.
3 THE COURT: You can hold the meeting at 7
4 a.m.
5 MR. SEAMEN: I understand.
6 THE COURT: You can hold the meeting at 6
7 a.m.
8 MR. SEAMEN: Yes.
9 THE COURT: You can hold the meeting at
10 midnight. I you know, it's not --
11 MR. SEAMEN: I understand, Your Honor.
12 THE COURT: Whatever you all can do.
13 MR. SEAMEN: Is it the Court's ruling that
14 the meeting must be concluded by 11 a.m. tomorrow?
15 THE COURT: No, it has to be called and
16 started by then.
17 MR. SEAMEN: Okay.
18 THE COURT: But what has to be done is the
19 paperwork, the necessary paperwork has to be filed by
20 the county clerk by 3 o'clock.
21 MR. SEAMEN: Understood, Your Honor. Thank
22 you for your -- for the clarifications. No further
23 questions, Your Honor.
24 THE COURT: Thank you. And defense counsel.
25 MR. SANTAGATA: You -- you answered one of my

21

NORTH ARLINGTON V. HOGAN

1 questions, Your Honor. And just for preservation of
2 the record. We initially had requested Judge Wilson
3 that the committee be required to pay for the cost of
4 ballots, which was denied. If the, I'm just preserving
5 the record, if the committee chooses someone other than
6 the individual Mr. Pronti for whom we have already
7 printed ballots, we renew that request.
8 THE COURT: And that'll be in the future if
9 you -- if -- if necessary. And I --
10 MR. SEAMEN: I don't have a crystal ball,
11 Your Honor. And I will --
12 THE COURT: Exactly.
13 MR. SEAMEN: And I will take that up when we
14 need to.
15 THE COURT: All right.
16 MR. SEAMEN: Thank you, Your Honor.
17 THE COURT: All right.
18 MR. SEAMEN: Your Honor, if I -- if I may
19 just another bit of housekeeping. The -- the -- the
20 Appellate Division's stay of the ruling was through the
21 -- the rendering of your Court's -- Your Honor's
22 decision. I believe counsel and I can agree that the
23 ruling will continue to be stayed. So, there's no
24 indication that Mr. Hogan has to mail out ballots that
25 he has right now, obviously, until 3 p.m. tomorrow. I

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 12

22

1 just want to clarify that.
2 MR. SANTAGATA: I agree, Your Honor.
3 THE COURT: You agree, correct?
4 MR. SANTAGATA: Yes.
5 THE COURT: And the Appellate Division did --
6 did note that. And for consistency the stay should
7 remain into -- in effect until tomorrow at 3 p.m.
8 MR. SANTAGATA: Understood.
9 THE COURT: All right. Thank you defense
10 counsel. All right. Every one is excused. Thank you
11 very much.
12 MR. SEAMEN: Thank you, Your Honor.
13 MR. SANTAGATA: Your Honor, would you like me
14 to submit an order?
15 THE COURT: No.
16 MR. SANTAGATA: Okay.
17 THE COURT: I will do that and have it
18 uploaded on eCourts so that it will be transmitted to
19 every one. You'll all receive it as soon as I upload
20 it.
21 MR. SANTAGATA: Thank you for your patience,
22 Your Honor.
23 THE COURT: All right. And I have the
24 exhibits back to counsel defense exhibits and then the
25 --

23

1

NORTH ARLINGTON V. HOGAN
(Proceedings concluded)

Elite Transcripts, Inc.

14 Boonton Avenue, Butler, New Jersey 07405
(973) 283-0196 FAX (973) 492-2927

**NORTH ARLINGTON REPUBLICAN MUNICIPAL COMMITTEE, et al. v.
JOHN HOGAN, BERGEN COUNTY CLERK -- October 22, 2018**

Sheet 13

24

CERTIFICATION

I, Brandy Winow, the assigned transcriber, do hereby certify the foregoing transcript of proceedings in the Bergen County Superior Court on October 22, 2018, digitally recorded, Time Index from 7:28:26 p.m. to 7:55:27 p.m., is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded to the best of my knowledge and ability.

/s/ Brandy Winow

Brandy Winow T#654
ELITE TRANSCRIPTS, INC.
Butler, New Jersey 07405

October 25, 2018