

Saiber Triumphs in Federal and State Court on Behalf of the NJSDA in Multiple Camden H.S. Project Lawsuits

January 2, 2018

Saiber attorneys Marc E. Wolin, John F. Finnegan III and Monvan Hu prevailed in successive lawsuits filed in Federal and State court on behalf of the New Jersey Schools Development Authority (“NJSDA”) and its Executive Director, Charles McKenna. The cases concerned the right of the NJSDA to proceed with a State-approved project to raze the existing Camden High School and construct a new state-of-the-art high school at no cost to the Camden taxpayers.

Plaintiffs, including the Camden High School PTO (“PTO”), filed a federal lawsuit alleging that the NJSDA, McKenna, and three co-defendants violated their due process rights in conjunction with 42 U.S.C. 1983, and sought to halt the demolition of the existing Camden High School. Plaintiffs claimed that the NJSDA was required by the New Jersey Register of Historic Places Act, N.J.S.A. 13A:1B-15.128, *et seq.*, to satisfy certain additional regulatory requirements before proceeding with the project.

On behalf of the NJSDA and McKenna, Saiber opposed Plaintiffs’ application for temporary restraints and filed a motion to dismiss, arguing, among other points, that Plaintiffs lacked Article III standing because they failed to plead an injury-in-fact. On November 16, 2017, after hearing oral argument, the Hon. Robert B. Kugler, U.S.D.J., agreed and dismissed the Complaint, finding a lack of subject matter jurisdiction.

Afterwards, the PTO filed an Order to Show Cause and verified Complaint in the Superior Court of New Jersey, Chancery Division, Camden County, claiming that Defendants had violated the Historic Places Act because the school was allegedly listed on the State Register of Historic Places, and thus, should be enjoined from demolishing Camden High School. Saiber opposed the application arguing, among other points, that Plaintiff had failed to establish a likelihood of success on the merits of its Complaint, and thus could not use that statute to halt the State-approved project.

On November 27, 2017, after hearing oral argument, the Hon. Nan S. Famular, P.J. Ch., denied the PTO’s application for injunctive relief and dismissed the Complaint, because Plaintiff could not demonstrate a likelihood of success on the merits that the NJSDA and other defendants had violated the Historic Places Act. Consequently, the NJSDA was permitted to proceed with the project.