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 Attorney for Defendants,
 Township of Montville and the Planning Board
 Of the Township of Montville

**SOUTH SALEM STREET
 ASSOCIATES LLC and DELAWARE
 HUDSON MANAGEMENT, INC.,
 RONALD SOUSSA and DELAWARE
 HUDSON REALTY, INC.**

Plaintiffs

vs.

**THE PLANNING BOARD OF THE
 TOWNSHIP OF MONTVILLE and
 THE TOWNSHIP OF MONTVILLE**

Defendants.

**: SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION - MORRIS COUNTY
 DOCKET NO: L-3369-04**

CIVIL ACTION

**: CERTIFICATION OF
 SETH DAVENPORT, J.M.C.**

I, Seth Davenport, of full age, certifies as follows:

1. I am the Municipal Court Judge for the Township of Montville.
2. This Certification is made to clarify certain misstatements made by the Plaintiffs in their opposition brief.
3. When I was appointed Municipal Court Judge on January 1, 2003, I completely ceased my representation of John Rosellini.
4. Mr. Rosellini subsequently hired Ronald Shaljian, Esq. to represent him.
5. I transferred all of my files to Mr. Shaljian, who took over the representation of same.
6. If I received a letter from any company subsequent to January 1, 2003 related to Mr. Rosellini, it was in error, and I would have forwarded that letter to Ronald Shaljian and/or Mr. Rosellini.

7. After Summons 092 was remanded from the Superior Court, I received a motion to Dismiss from Defendant Delaware Hudson.
8. After I reviewed all briefs and performing my own research, I made repeated attempts to schedule the rendering of my decision with all counsel present.
9. I received a voice mail message, which I did not return, from the town manager indicating that Mr. Soussa had complained to him that the matter was taking too long.
10. I therefore, to accommodate my schedule and that of all counsel, I render my decision using a service that creates conference calls and allegedly records same.
11. Both attorneys agreed to that process and the decision was rendered finding the Defendant not guilty.
12. When I recently received a letter from Mr. Winter requesting a copy of the original transcript, I checked with the conference call company I used and they indicated that there was no recording available. They could not provide me a reason.
13. I left a message with Mr. Winter's secretary to that effect. When I received a Subpoena from his office, I wrote to counsel and explained why the recording of my decision could not be obtained and offered to re-render my decision. I did so in Court on May 22, 2006.
15. In order to re-render my decision, since it was oral, I had to go back and review my notes and re-research the case law since I could no longer find my previous research. I rendered my decision accordingly.

16. I believe my re-rendered decision accurately depicts my decision from the original decision.
17. I had no knowledge of a pending matter before the Superior Court between the Defendant and the Municipality until I received communication, subsequent to my original decision, from Mr. Winter. Even when I re-rendered my decision, I had no idea, nor was I concerned, what the basis of that matter was. I never spoke to anyone about that matter, nor did anyone ever try to contact me regarding that matter.
18. I never had any conversations with John Rosellini or any member of the Township Committee, at any time, regarding the trial of the defendant Delaware Hudson Realty, Inc., my original decision or re-rendered decision.
19. I never personally amended Summons 092 to add Ronald Soussa personally as a defendant. His name was simply listed on the Top of the Summons.
20. I believe the only defendant related to Summons 092 was Delaware Hudson Realty, Inc.
21. I believe that Ronald Soussa became listed as a defendant in the municipal court matter as a result of an administrative mistake by Sherry Pressman, the Court Administrator since his name was listed at the top of the summons.
22. I believe that the only defendant that I ever sentenced and fined related to Summons 092 was Delaware Hudson Realty Group, Inc.
24. There was absolutely no purposeful act on my part in not having a recording of the original decision. I tried to accommodate counsel the best way I knew how. I will never do that again in the future.

25. I did not purposefully convict Plaintiff Soussa regarding Summons 092.
27. Any insinuation that I did not act proper at all times related to Summons 092 is false, outrageous and preposterous.
28. The implication by Plaintiffs' Counsel, Mark Winter, that I intentionally found Delaware Hudson guilty of Summons 092 because of my prior attorney-client relationship with John Rosellini is, at best, unprofessional.

I 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.

TOWNSHIP OF MONTVILLE



SETH DAVENPORT, J.M.C.
Judge Municipal Court

Dated: October 27, 2006