

BRIAN D. ASARNOW
55 Community Place
Long Branch, NJ 07740
732-870-2570

BRIAN D. ASARNOW,
Plaintiff,

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, MONMOUTH COUNTY

Docket No. CH C-209-21

vs.

Civil Action

Edward Bruno and E&L Paving, Inc.;
63 Community Place, LLC;
Ray Grieco & Atlantic Paving (& Coating), LLC;
Jose A. Rosario, Jr. & Rosario Contracting Corp.,
Custom Lawn Sprinkler Co., LLC.;
R. Brothers Concrete, LLC

**ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52**

Defendants,

THIS MATTER being brought before the court by Plaintiff Brian D. Asarnow seeking relief by way of temporary restraints pursuant to Rule 4:52 based upon the facts set forth in the verified complaint and order to show cause brief and certification filed herewith, and it appearing that immediate and irreparable damage will probably result before notice can be given and a hearing held, and for good cause shown.

It is on this day of December, 2021 ORDERED that Defendants Edward Bruno and E&L Paving, Inc, Ray Grieco and Atlantic Paving & Coating, LLC, Jose A. Rosario, Jr. and Rosario Contracting Corp. and Custom Lawn Sprinkler Co., LLC and R. Brothers Concrete, LLC appear and show cause before the Superior Court Chancery General Equity Div. at the Hall of Records, 1 East Main Street, 2nd Floor, in Freehold, New Jersey at

2 o'clock in the forenoon or as soon thereafter as counsel may be heard, on the 21 day of January, 2022 why an order should not be issued preliminarily enjoining and restraining Defendants Edward Bruno and E&L Paving, Inc, Ray Grieco and Atlantic Paving & Coating, LLC, Jose A. Rosario, Jr. and Rosario Contracting Corp. and Custom Lawn Sprinkler Co., LLC and R. Brothers Concrete, LLC. from
A. Using Block 237 Lot 19.01 in the City of Long Branch, NJ as an outdoor construction yard and removing all equipment, materials and items placed thereon under supervision of the sheriff, and if necessary, the cost of removal to be recovered by the sheriff thru a lien on the equipment, property and businesses.

B. Using Lot 19.01 and Community Place unless and until site plan approval is obtained before a disinterested zoning board or planning board for any change in use.

C. In any way restricting access to Plaintiff's property or damaging or interfering with Plaintiff's use of his property or otherwise retaliating against Plaintiff or violating this order, as evidenced by photos and certification submitted by Plaintiff which shall constitute a contempt of this court subject to further disposition upon notice and hearing.

D. Granting such other relief as the court deems equitable and just including declaratory relief and why these orders shall not be made final pending any appeals thereof.

And it is further *ORDERED* that pending the return date herein, the Defendants are enjoined and restrained from:

~~A. Doing any of the following: community place or in any way: restricting access to Plaintiff's property or damaging or interfering with Plaintiff's use of his property or otherwise retaliating against Plaintiff, as evidenced by photos and certification submitted by Plaintiff which shall constitute a contempt of this court subject to further disposition upon notice and hearing.~~

And it is further *ORDERED* that:

1. The defendants may move to dissolve or modify the temporary restraints herein contained on two (2) days notice to plaintiff or his attorney.

2. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendants or their attorney of record by the Sheriff within days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.

3. The plaintiff must file with the court his proof of service of the pleadings on the defendant no later than three (3) days before the return date.

4. Defendant shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by January 7, 2022. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. You must send a copy of

your opposition papers directly to Judge Joseph P Quinn, P.J.Ch. whose address is Superior Court of New Jersey, Chancery Division, General Equity, Hall of Records, 1 East Main Street, 2nd Floor, Freehold, NJ 07728. You must also send a copy of your opposition papers to the plaintiff's attorney whose name and address appears above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$175. and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiff is seeking.

5. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by January 14, 2022. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge Joseph P. Quinn, P.J.Ch.

6. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer to the complaint and proof of service within 35 days from the date of service of this order to show cause; not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. Include a \$175 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the plaintiffs attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note: Opposition to the order to show cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within 35 days of this Order, the Court may enter a default against you for the relief plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

10. The court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than 3 days before the return date.


Hon. Kathleen A. Sheedy, J.S.C.

MONMOUTH COUNTY

Deputy Clerk of the Superior Court
Court House
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL

(732) 431-5544

LEGAL SERVICES

(732) 866-0020