
Michael C. Gaus, J.S.C.
Superior Court Judge

43-47 High Street, Newton, New Jersey 07860

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September 14, 2020

Via e-mail and e-courts

Thomas Prol, Esq.
Sills, Cummis & Gross, P.C.
One Riverfront Plaza
Newark, NJ 07102

**Re: In the Matter of the Application of the Township of Chatham
MRS-L-1659-15**

Dear Mr. Prol,

Your letter brief in support of your recently filed motion to intervene on behalf of Kronos Holdings LLC (Kronos) also requests the court adjourn the long scheduled and publicly noticed Amended Fairness and Preliminary Compliance Hearing (Hearing) set to commence via the Zoom virtual platform on Thursday, September 17, 2020 at 1:30 P.M. The court is also in receipt of objections to any such adjournment submitted by counsel for Chatham Township (Township) and the Fair Share Housing Center (FSHC). The request on behalf of Kronos for an adjournment of the Hearing will be denied. The Hearing will proceed as currently scheduled.

As the court is sure you are aware a letter was sent to another attorney in your firm on July 21, 2020 indicating that if Kronos desired to participate in this action – except for the same ability to participate as any other member of the public in legally noticed public court hearings – a motion to intervene would need to be pursued. It appears Kronos has been aware since at least late June or early July 2020 that its property was being considered for designation as an affordable housing site in ongoing negotiations between the Township and the FSHC. Surely your client became immediately aware when the Amended Settlement Agreement (Agreement) was finalized on July 23, 2020. For reasons not explained in your submission the motion to intervene was not filed until September 3, 2020, over six weeks after notification from the court and the signing of the Agreement, causing the need to make the motion returnable after the scheduled Hearing date. Any

other legal actions that are filed will be evaluated on their own merits.¹ Nothing presupposes the outcome of any action. This case is over five years old despite direction from the New Jersey Supreme Court that these cases should proceed without delay.

Please be guided accordingly.

Sincerely,

/s Michael C. Gaus

Michael C. Gaus, J.S.C.

MCG/ks

cc: Albert Cruz, Esq. via e-courts
Bassam Gergi, Esq., via e-courts
Peter Flannery, Esq., via e-courts
Brian Slauch, Special Master, via e-mail

¹ It is not uncommon for Judge Minkowitz to designate this court to handle prerogative writ actions that relate to pending Mount Laurel declaratory judgment actions. Other actions counsel may file on behalf of Kronos may end up being assigned to the court, although such decisions rests solely with the Assignment Judge.