

**MALEY GIVENS**  
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April 26, 2019

**VIA ECOURTS:**

Honorable Thomas C. Miller  
Superior Court of New Jersey  
Somerset County – Civil Division  
20 North Bridge Street  
Somerville, New Jersey 08876

**Re: Union Hotel Litigation**  
**Friends of Historic Flemington v. Borough of Flemington**  
**Docket No. HNT-L-170-17**  
**HNT-L-290-17**  
**HNT-L-376-18**  
**HNT-L-13-19**  
**HNT-L-417-16**

Dear Judge Miller:

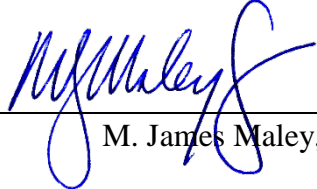
Further to our correspondence of April 12 (a copy which is attached), and as a result of additional conferences before Judge O'Neill, it is the consensus of the parties that settlement is not imminent. All parties are moving forward with litigation of the various matters.

For this reason, we respectfully request the settlement conference scheduled for Tuesday, April 30 at 1:30pm be cancelled.

Thank you for your consideration and efforts in attempting to resolve this matter.

Very truly yours,

**MALEY GIVENS**  
A Professional Corporation

By:   
M. James Maley, Jr.

MJM/mw

cc: **VIA ECOURTS:**  
Hon. Michael F. O'Neill

**VIA EMAIL:**  
William W. Northgrave, Esquire  
Franklin G. Whittlesey, Esquire  
Kara A. Kaczynski, Esquire  
Anthony E. Koester, Esquire

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April 12, 2019

**VIA FACSIMILE:**

The Honorable Michael F. O'Neill, J.S.C.  
Superior Court of New Jersey  
Hunterdon County  
65 Park Avenue  
Flemington, NJ 08822

Honorable Thomas C. Miller  
Superior Court of New Jersey  
Somerset County – Civil Division  
20 North Bridge Street  
Somerville, New Jersey 08876

**Re: Union Hotel Litigation**  
**Friends of Historic Flemington v. Borough of Flemington**  
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**HNT-L-376-18**  
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**HNT-L-417-16**

Dear Judge O'Neill and Judge Miller:

This will acknowledge receipt of Judge O'Neill's of April 5, instructing Plaintiffs to move forward with ordering all transcripts for adjudication of the pending matters. We note that in the conference with Judge O'Neill last Friday, developer's attorney urged that the transcript order move forward because settlement was not likely. Judge O'Neill has now confirmed that Judge Miller was not optimistic about the possibility of settlement.

Plaintiffs believe this double strategy of continuing litigation at full pace and putting “best efforts” into settlement is counter productive. Following two strategies at the same time never leads to a good result.

Plaintiffs are more than willing to move forward with ordering all transcripts and will file the appropriate brief with the Appellate Division and before this Honorable Court. However, given the status of this matter, Plaintiffs are making one last request that settlement be pursued without litigation. If the Court and the parties believe that serves no purpose, then regretfully we will need to devote Plaintiffs’ limited resources to litigation of the substance of this matter, rather than expend time, energy and money on settlement discussions when, based on the Court’s assessment and the indications from developer’s counsel, it is clear that no one expects a settlement in this case.

Finally, we circulated a proposed Case Management Order to all parties on Tuesday, April 9 and have received no comment from any party.

Thank you for your consideration and efforts in attempting to resolve this matter.

Very truly yours,

**MALEY GIVENS**

A Professional Corporation

By: \_\_\_\_\_

  
M. James Maley, Jr.

MJM/mw

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