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June 14, 2016

Via Regular Mail

Clerk of the Court
Somerset County Chancery Division
Superior Court of New Jersey
P.O. Box 3000
40 North Bridge Street
Somerville, New Jersey 08876

Re: Freedom From Religion Foundation and David Steketee vs. Morris County Board
Of Chosen Freeholders; The Morris County Preservation Trust Fund Review Board, et al.
Superior Court of New Jersey, Somerset County, Chancery Division
Docket No. SOM-C-12089-15
Our File No. 22394-0039

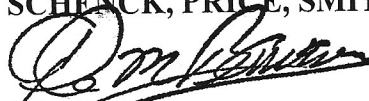
Dear Sir/Madam:

We represent defendants, Morris County Board of Chosen Freeholders; The Morris County Preservation Trust Fund Review Board and Joseph A. Kovalcik, Jr. in the above referenced matter. Enclosed please find an original and one copy of Defendants, Case Information Statement and Answer to Second Amended Verified Complaint for Declaratory and Injunctive Relief.

Also enclosed please find this firm's check in the sum of \$175.00 in satisfaction of the filing fee. Please forward a "filed" copy to the undersigned in the enclosed, self-addressed stamped envelope.

Thank you in advance for your attention to this matter.

Very truly yours,
SCHENCK, PRICE, SMITH & KING, LLP


John M. Bowens

JMB/mor

Encl.

cc: Paul S. Grosswald, Esq. (w/encl. - via regular mail)
Kenneth J. Wilbur, Esq. (w/encl. - via regular mail)

SCHENCK, PRICE, SMITH & KING, LLP

220 Park Avenue, P.O. Box 991
Florham Park, New Jersey 07932-0991
(973) 539-1000

Attorneys for Defendants

Morris County Board of Chosen Freeholders,
The Morris County Preservation Trust Fund Review Board,
and Joseph A. Kovalcik, Jr. (in his official capacity as Morris County Treasurer)

FREEDOM FROM RELIGION
FOUNDATION and DAVID STEKETEE

Plaintiff,

v.

MORRIS COUNTY BOARD OF CHOSEN
FREEHOLDERS; THE MORRIS COUNTY
PRESERVATION TRUST FUND REVIEW
BOARD; and JOSEPH A. KOVALCIK JR.
(in his official capacity as Morris County
Treasurer); THE PRESBYTERIAN
CHURCH IN MORRISTOWN; FIRST
PRESBYTERIAN CHURCH OF NEW
VERNON; ST. PETER'S EPISCOPAL
CHURCH; FIRST REFORMED CHURCH
OF POMPTON PLAINS; CHURCH OF
THE REDEEMER; COMMUNITY OF ST.
JOHN BAPTISH; STANHOPE UNITED
METHODIST CHURCH; CHURCH OF
THE ASSUMPTION OF THE BLESSED
VIRGIN MARY; FIRST PRESBYTERIAN
CHURCH OF BOONTON; ST. PETER'S
EPISCOPAL CHURCH IN MOUNTAIN
LEKS; LEDGEWOOD BAPTIST
CHURCH; AND COMMUNITY CHURCH
OF MOUNTAIN LAKES,

Defendants.

**SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION:
SOMERSET COUNTY**

Docket No. C-12089-15

**ANSWER TO SECOND AMENDED
VERIFIED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

Defendants, Morris county Board of Chosen Freeholders, The Morris County Preservation Trust Fund Review Board and Joseph A. Kovalcik, Jr. (in his official capacity as Morris County Treasurer) (hereinafter "Defendants") by way of Answer to Plaintiffs' Amended Complaint says:

INTRODUCTION

1. These Defendants deny that paragraph 1 of the Second Amended Complaint accurately reflects the grant history of the Preservation Trust Fund and these Defendants leave Plaintiffs to their proofs.

PARTIES

2. Defendants admit the allegations set forth in Paragraph 2 of the Second Amended Verified Complaint.

3. This paragraph fails to set forth facts demonstrating that the plaintiffs are entitled to relief and these Defendants leave plaintiffs to their proofs.

4. Defendants admit the allegations set forth in Paragraph 4 of the Second Amended Verified Complaint.

5. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

6. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

7. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

8. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

9. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

10. Defendants admit the allegations set forth in Paragraph 10 of the Second Amended Verified Complaint.

11. Defendants admit the allegations set forth in Paragraph 11 of the Second Amended Verified Complaint.

12. Defendants admit the allegations set forth in Paragraph 12 of the Second Amended Verified Complaint.

13. Defendants admit the allegations set forth in Paragraph 13 of the Second Amended Verified Complaint.

FACTUAL ALLEGATIONS

14. Defendants admit the allegations set forth in Paragraph 14 of the Second Amended Verified Complaint.

15. These defendants will rely upon the full text of all relevant resolutions and rules of the County of Morris and the Preservation Trust Fund.

16. These defendants will rely upon the full text of all relevant resolutions and rules of the County of Morris and the Preservation Trust Fund.

17. Defendants admit the allegations set forth in Paragraph 17 of the Second Amended Verified Complaint.

18. Defendants admit the allegations set forth in Paragraph 18 of the Second Amended Verified Complaint.

19. Defendants admit the allegations set forth in Paragraph 19 of the Second Amended Verified Complaint.

20. Defendants admit the allegations set forth in Paragraph 20 of the Second Amended Verified Complaint.

21. These defendants will rely upon the full text of all relevant resolutions and rules of the County of Morris and the Preservation Trust Fund.

22. Defendants admit the allegations set forth in Paragraph 22 of the Second Amended Verified Complaint.

23. The cited document speaks for itself.

24. The cited document speaks for itself.

25. Defendants admit that grants are made to “religious institutions”.

26. These Defendants deny that paragraph 26 of the Second Amended Complaint accurately reflects the grant history of the Preservation Trust Fund.

27. These Defendants deny that Paragraph 27 of the Second Amended Verified Complaint accurately sets forth the grant history of the Preservation Trust Fund.

28. These Defendants deny that Paragraph 28 of the Second Amended Verified Complaint accurately sets forth the grant history of the Preservation Trust Fund.

29. Defendants admit the allegations set forth in Paragraph 29 of the Second Amended Verified Complaint.

30. These Defendants deny that Paragraph 30 of the Second Amended Verified Complaint accurately sets forth the grant history of the Preservation Trust Fund.

31. The cited document speaks for itself.

32. The cited document speaks for itself.

33. Defendants admit the allegations set forth in Paragraph 33 of the Second Amended Verified Complaint.

34. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

35. The cited document speaks for itself.

36. These Defendants deny that Paragraph 36 of the Second Amended Verified Complaint accurately sets forth the grant history of the Preservation Trust Fund

37. The cited document speaks for itself.

38. The cited document speaks for itself.

39. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

40. These defendants have insufficient information upon which to admit or deny the facts asserted herein and leave plaintiffs to their proofs.

41. The cited document speaks for itself.

42. Defendants admit the allegations set forth in Paragraph 42 of the Second Amended Verified Complaint.

43. Defendants admit the allegations set forth in Paragraph 43 of the Second Amended Verified Complaint.

44. Defendants deny the allegations set forth in Paragraph 44 of the Second Amended Verified Complaint.

45. Defendants deny the allegations set forth in Paragraph 45 of the Second Amended Verified Complaint.

46. Defendants admit the allegations set forth in Paragraph 46 of the Second Amended Verified Complaint.

47. The cited document speaks for itself.

48. Defendants admit the allegations set forth in Paragraph 48 of the Second Amended Verified Complaint.

49. Defendants admit the allegations set forth in Paragraph 49 of the Second Amended Verified Complaint.

50. The allegations set forth in Paragraph 50 of the Second Amended Verified Complaint fail to set forth facts demonstrating that the plaintiffs are entitled to relief and these Defendants leave plaintiffs to their proofs.

CAUSE OF ACTION #1

VIOLATION OF NEW JERSEY CIVIL RIGHTS ACTS

51. These Defendants repeat each and every response to the previous paragraphs of the Second Amended Verified Complaint, as if set forth at length herein.

52. Defendants deny the allegations set forth in Paragraph 52 of the Second Amended Verified Complaint.

53. Defendants deny the allegations set forth in Paragraph 53 of the Second Amended Verified Complaint.

54. These defendants deny that they are in violation of the New Jersey Constitution.

55. Defendants admit the allegations set forth in Paragraph 55 of the Second Amended Verified Complaint.

56. Defendants deny the allegations set forth in Paragraph 56 of the Second Amended Verified Complaint.

CAUSE OF ACTION #2

CONSPIRACY

(Against Churches)

57. These Defendants repeat each and every response to the previous paragraphs of the complaint, as if set forth at length herein.

58. The allegations of this paragraph are not directed to these defendants and accordingly they make no response to them. To the extent said allegations are deemed to assert a claim against these defendants, they are denied.

59. The allegations of this paragraph are not directed to these defendants and accordingly they make no response to them. To the extent said allegations are deemed to assert a claim against these defendants, they are denied.

60. The allegations of this paragraph are not directed to these defendants and accordingly they make no response to them. To the extent said allegations are deemed to assert a claim against these defendants, they are denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The relief sought by Plaintiffs is a violation of the Equal Protection Clause of the Fourteenth Amendment to the United States' Constitution.

SECOND AFFIRMATIVE DEFENSE

The relief sought by Plaintiffs is contrary to 42 U.S.C.S. § 2000cc et seq.

THIRD AFFIRMATIVE DEFENSE

The provision of the New Jersey Constitution upon Plaintiffs rely does not apply to the activities of these Defendants.

FOURTH AFFIRMATIVE DEFENSE

The relief sought by Plaintiffs is contrary to *N.J.S.A.* 10:5-1, et Seq.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs lack standing to bring this complaint.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to establish the elements necessary to obtain an injunction.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' cause of action is barred by the doctrine of Laches.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' cause of action is barred by the doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' cause of action is barred by the doctrine of res judicata.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs' cause of action is barred by the doctrine of estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

The Defendants are entitled to immunity with respect to all of Plaintiffs' claims.

Dated: June 14, 2016

SCHENCK, PRICE, SMITH & KING, LLP

Attorneys for Defendants,

Morris County Board of Chosen Freeholders,
The Morris County Preservation Trust Fund Review
Board, and Joseph A. Kovalcik, Jr. (in his official
capacity as Morris County Treasurer)

By: 

John M. Bowens (ID 009711973)
220 Park Avenue, P.O. Box 991
Florham Park, New Jersey 07931-0991
Telephone (973) 539-1000
Facsimile (973) 540-7300

CERTIFICATION OF MAILING

Michele Odorizzi Roberts, of full age, hereby certifies and says:

1. I am a legal secretary employed by the law firm of Schenck, Price, Smith & King, LLP, attorneys for defendants in the within action.

2. On June 14, 2016, I forwarded the original and one copy of the within Answer for filing via Regular Mail to:

Superior Court Clerk
Somerset County Chancery Division
PO Box 3000
40 North Bridge Street
Somerville, New Jersey 08876

3. On June 14, 2016 I forwarded, Regular Mail copies of the above-described document to the following interested parties:

Paul S. Grosswald, Esq.
13 Irving Place, Suite 1
Summit, New Jersey 07901

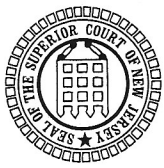

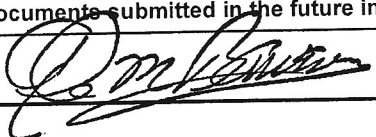
Kenneth J. Wilbur, Esq.
Drinker, Biddle & Reath, LLP
600 Campus Drive
Florham Park, New Jersey 07932

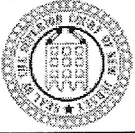
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.


Michele Odorizzi Roberts

Dated: June 14, 2016

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME John M. Bowens, Esq./		TELEPHONE NUMBER (973) 539-1000
	COUNTY OF VENUE Somerset		DOCKET NUMBER (when available) SOM-C-12089-15
	FIRM NAME (if applicable) Schenck, Price, Smith & King,LLP		DOCUMENT TYPE Answer
	OFFICE ADDRESS 220 Park Avenue PO Box 991 Florham Park, New Jersey 07932		JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
NAME OF PARTY (e.g., John Doe, Plaintiff) Morris County Board of Chosen Freeholders, et al., Defendants		CAPTION Freedom From Religion Foundation and David Steketee v. Morris County board of Chosen Freeholders; The Morris County Preservation Trust Fund Review Board; Joseph A. Kovalcik, Jr., et al.	
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT – OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|---|--|
| <ul style="list-style-type: none"> 271 ACCUTANE/ISOTRETINOIN 274 RISPERDAL/SEROQUEL/ZYPREXA 278 ZOMETA/AREIDIA 279 GADOLINIUM 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 288 PRUDENTIAL TORT LITIGATION 289 REGLAN | <ul style="list-style-type: none"> 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR 300 TALC-BASED BODY POWDERS 601 ASBESTOS 623 PROPECIA |
|---|--|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59