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MICHAEL J. BLEE, P.J.Ch.

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Attorneys for Plaintiffs.

MARK W. EICHHORN and LINDA
ANN EICHHORN, husband and wife;
and KATHLEEN MOORE.

Plaintiffs,

v.

THOMAS SCANNAPIECO,
BELLA DEVELOPMENT GROUP,
LLC., SCANNAPIECO
DEVELOPMENT CORPORATION,
SCANNAPIECO RESIDENTIAL
HOLDINGS, LLC.,
SDC REALTY OF ATLANTIC CITY,
INC.,
NEW VISTAS CORPORATION,
THOMAS TROFE, BOARD OF
DIRECTORS OF THE BELLA
CONDOMINIUM ASSOCIATION,
INC., INDIVIDUAL BOARD OF
DIRECTORS MEMBERS 1-5
(fictitious parties), John Does, 1-10
(fictitious parties), and ABC
Corporations 1-10 (fictitious parties).

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
ATLANTIC COUNTY

Docket No.: C- *86-17*

Civil Action

**ORDER TO SHOW CAUSE WITH
TEMPORARY INJUNCTIONS AND
OTHER RELIEF**

THIS matter coming before the Court upon the application of Ansell, Grimm & Aaron, P.C.,

attorneys for the Plaintiffs, Mark W. Eichhorn and Linda Ann Eichhorn, husband and wife, and Kathleen Moore (the "Plaintiffs") seeking relief by way of summary action pursuant to R. 4:67-2(a) and N.J.S.A. 45:22A-51 and temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Verified Complaint included herewith; upon notice to the Defendants, and the Court having determined that this matter may be commenced by order to show cause; and for good cause showing:

IT IS ON THIS 17th DAY OF November, 2017 ORDERED, that the Defendants appear and show cause before this Court on December 22, 2017 at 2:00 pm at the Atlantic County Courthouse, as to why judgment should not be entered granting the Association relief:

- A. Adjourning the election presently scheduled for December 2, 2017, at least 35 days;
- B. Appointing David R. Dahan, Esq., a partner with the law firm of Hyland Levin, as the election official (the "Election Official");
- C. Directing the Association to pay all attorney's fees and costs incurred by the Election Official while carrying out his Court appointed duties. The Election Official shall submit an attorney fee certification to the Court for the Court's review and approval;
- D. Directing the Election Official to mail required notices of the election meeting, proxies and ballots to all unit owners pursuant to the Planned Real Estate

Development Full Disclosure Act, N.J.S.A 45:22A-22, et seq. (“PREDFDA”);

- E. Directing the Election Official to set forth procedures to address the two ballot/two stage requirements of the Association’s By-Laws due to the number of candidates;
- F. Directing the Election Official to oversee the election, collect the ballots and proxies, appoint the election judges, oversee the tabulation of the ballots by the election judges, confirm quorum, and certify the election results;
- G. Directing the Election Official to notify all delinquent unit owners and inform them that they are not in “Good Standing” and advise them of the amounts due and owing to bring their account into Good Standing prior to the election;
- H. Invalidating the 2016 election of the Bella Condominium Association, Inc.’s Board of Directors (the “Association”)(the “Board”)(the “2016 Election);
- I. Removing Thomas Scannapieco from the Board;
- J. Invalidating the Election Resolution published by the Board;
- K. Invalidating the management and related contract between the Association and defendant New Vistas Corporation (“New Vistas”);
- L. Prohibiting New Vistas and Keith Silverman from collecting ballots, collecting proxies and/or interfering in any way with the election;
- M. Providing all candidates with the names, unit numbers, mailing addresses and telephone numbers of all unit owners;

- N. Prohibiting Thomas Scannapieco from running for election to the Board due to his malfeasance, self-dealing and breach of fiduciary duty;
- O. Prohibiting Thomas Trofe from running for election to the Board due to his malfeasance, self-dealing and breach of fiduciary duty;
- P. Requiring Thomas Scannapieco to reimburse the Plaintiffs for their attorneys' fees and legal costs associated with filing this action;
- Q. Prohibiting the Association from paying for, reimbursing or indemnifying any of the Defendants for their attorneys' fees and legal costs;
- R. Prohibiting the Association's attorney from representing Thomas Scannapieco, any of the Scannapieco entities, Thomas Trofe, and/or New Vistas in this action.;
and
- S. Granting other relief as the Court deems reasonable and just.

And it is further ORDERED that pending the return date herein, and throughout the duration of this action as well as any related action that the Defendants are temporarily enjoined and restrained from:

1. Enjoined and restrained from destroying, converting or moving any documents (including digital documents and emails) that are the property of or related to the Association, Association business and/or any prior elections, ~~except to produce those documents to counsel for the Plaintiffs.~~

2. ~~Enjoined and restrained from depositing, utilizing, investing, paying out, otherwise converting any funds in Defendants' possession collected for or on behalf of the Association.~~ *MJB*

3. ~~Enjoined and restrained from entering into any contract or agreement on behalf of the Association without prior approval of the Court.~~ *MJB*

4. ~~Directing the Defendants to immediately produce to the Plaintiffs' counsel, a list of all unit owners and their current mailing addresses, email addresses and telephone numbers.~~ *MJB*

5. ~~Directing the Defendants to immediately produce all ballots, proxy forms, notices, tabulation/tally sheets, and computer records related to the December 10, 2016 election.~~ *MJB*

6. ~~Collecting any funds whatsoever from any member, resident, representative or agent of the Association without Court approval.~~ *MJB*

7. ~~Conducting any repairs or altering any common property, component and/or part of the Association and appurtenant real property without Court approval.~~ *MJB*

8. ~~Prohibiting the Association's attorney from representing Thomas Scannapieco, any of the Scannapieco entities, Thomas Trofe, and/or New Vistas in this action.~~ *MJB*

9. A copy of this Order to Show Cause, related Verified Complaint, and any supporting affidavits or certifications in support of this application be served upon Defendants or their designated agent personally within 7 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4; this being original process.

10. Plaintiffs must file with the Court their proof of service of the pleadings on the Defendants no later than three (3) days before the return date.

11. The Defendants 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 December 8, 2017. 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 Blee whose address is 1201 Bacharach Blvd, Atlantic City New Jersey. You must also send a copy of your opposition papers to the Plaintiffs' attorney whose name and address appears above. A telephone call will not protect your rights; you must file your opposition and pay the required fee and serve your opposition on your adversary, if you want the Court to hear your opposition to the injunctive relief the Plaintiffs are seeking.

12. The Plaintiffs must file and serve any written reply to the Defendants' Order to Show Cause opposition by December 15, 2017. 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 Blee.

13. If the Defendants do 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 Plaintiffs file a proof of service and a proposed form of Order at least three days prior to the return date.

14. If the Plaintiffs have 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.

15. The Defendants take notice that the Plaintiffs have 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 Verified Complaint, you, or your attorney, must file a written Answer to the Verified Complaint and proof of service within thirty-five (35) days from the date of service of this Order to Show Cause; not counting the day you received it.

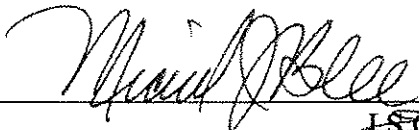
16. These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

17. Include the appropriate filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to Plaintiffs' attorney whose name and address appears above. A telephone call will not protect your rights; you must file and serve your Answer and pay the required 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 Plaintiffs' demand.

18. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJLAW (1-888-576-5529). 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 directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

19. 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 ___ days before the return date.



MICHAEL J. BLEE, P.J.Ch.

Dated: