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MICHAEL J. BLEE, P.J.Ch.

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Bella Development Group, LLC; Scannapieco
Development Corporation; Scannapieco Residential
Holdings, LLC; And SDC Realty Of Atlantic City,
Inc.*

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.: ATL-C-86-17
:
: CIVIL ACTION

ORDER

THIS MATTER having come before the Court upon the application of Ansell, Grimm & Aaron, P.C., attorneys for Plaintiffs, Mark W. Eichhorn and Linda Anne Eichhorn, husband and wife, and Kathleen Moore, Richard B. Linderman appearing, by way of a Verified Complaint and Order to Show Cause 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; and upon proper notice to

Defendants, Thomas Scannapieco; Bella Development Group, LLC; Scannapieco Development Corporation; Scannapieco Residential Holdings, LLC; And SDC Realty Of Atlantic City, Inc. represented by Fox Rothschild LLP, Peter M. Sarkos appearing, and Defendants Board of Directors of the Bella Condominium Association, Inc.; Thomas Trofe, and Individual Board of Directors Members 1-5, represented by Archer and Greiner, P.C., Benjamin D. Morgan appearing, and Defendant New Vistas Corporation, represented by John A. Ridgway; and the Court having considered all papers submitted on behalf of the parties; and a hearing having been held on December 22, 2017 with all counsel of record appearing, and Douglas A. Baker, Esquire, counsel to the Bella Condominium Association, Inc. being present in the courtroom; and the Court having set forth its findings of fact and conclusions of law on the record; and for other good cause showing:

IT IS ON THIS 8TH DAY OF JANUARY, 2018 ORDERED

AND ADJUDGED:

The Court HEREBY disposes of the relief sought in the Order to Show Cause entered by the Court on November 17, 2017 as follows:

- A. Plaintiffs' request that the Court adjourn the election scheduled for December 2, 2017 for at least 35 days is DENIED as moot. An election is scheduled for January 20, 2018 (the "2018 Election");
- B. Plaintiffs' request that the Court appoint David R. Dahan, Esq., a partner with the law firm of Hyland Levin, as the election official (the "Election Official") for the 2018 Election is DENIED for the reasons set forth on the record;
- C. Plaintiffs' request that the Court direct the Association to pay all attorney's fees and costs incurred by the Election Official while carrying out his Court appointed duties is DENIED for the reasons set forth on the record;

- D. Plaintiffs' request that the Court direct the Election Official to mail required notices of the 2018 Election meeting, proxies and ballots to all unit owners pursuant to PREDFDA is DENIED;
- E. Plaintiffs' request that the Court direct 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 in the 2018 Election is DENIED;
- F. Plaintiffs' request that the Court direct the Election Official to oversee the 2018 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 is DENIED for the reasons set forth on the record;
- G. Plaintiffs' request that the Court direct 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 2018 Election is DENIED for the reasons set forth on the record;
- H. Plaintiffs' request that the Court invalidate the 2016 election of the Bella Condominium Association, Inc.'s Board of Directors (the "Association")(the "Board")(the "2016 Election) is DENIED for the reasons set forth on the record;
- I. Plaintiffs' request that the Court remove Thomas Scannapieco from the Board is DENIED for the reasons set forth on the record;
- J. Plaintiffs' request that the Court invalidate the Election Resolution published by the Board is DENIED for the reasons set forth on the record;
- K. Plaintiffs' request that the Court invalidate the management and related contract between the Association and Defendant New Vistas Corporation ("New Vistas") is DENIED for the reasons set forth on the record;
- L. Plaintiffs' request that the Court prohibit New Vistas and Keith Silverman from collecting ballots, collecting proxies and/or interfering in any way with the election is DENIED for the reasons set forth on the record;
- M. Plaintiffs' request that the Court order Defendants provide all candidates with the names, unit numbers, mailing addresses and telephone numbers of all unit owners is DENIED for the reasons set forth on the record;


- N. Plaintiffs' request that the Court prohibit Thomas Scannapieco from running for election to the Board is DENIED for the reasons set forth on the record;
- O. Plaintiffs' request that the Court prohibit Thomas Trofe from running for election to the Board is DENIED for the reasons set forth on the record;
- P. Plaintiffs' request that the Court order Thomas Scannapieco to reimburse the Plaintiffs for their attorneys' fees and legal costs associated with filing this action is DENIED for the reasons set forth on the record;
- Q. Plaintiffs' request that the Court prohibit the Association from paying for, reimbursing or indemnifying any of the Defendants for their attorneys' fees and legal costs is DENIED for the reasons set forth on the record;
- R. Plaintiffs' request that the Court prohibit the Association's attorney, Douglas A. Baker, from representing Thomas Scannapieco, any of the Scannapieco entities, Thomas Trofe, and/or New Vistas in this action is DENIED for the reasons set forth on the record;

AND IT IS FURTHER ORDERED THAT:

1. On the consent of the parties, pending further order of the Court, all parties shall preserve all relevant documents, including digital records and emails, in their original form, including but not limited to all documents related to the Association, Association business, prior Association elections, and any other documents relevant to this litigation; and
2. All other requests for temporary injunctive relief contained in the November 17, 2017 Order to Show Cause are DENIED;
3. Defendants shall file responsive pleadings to the Verified Complaint by January 22, 2018;
4. The Court will conduct a case management conference on February 20, 2018 at 2:00 pm; and Plaintiffs counsel to coordinate

5. A copy of this Order shall be served on all counsel of record within five days of the date hereof.

Dated: 1/8/18



Hon. Michael J. Blee, P.J.Ch.