

JEFFREY R. SURENIAN AND ASSOCIATES, LLC

A Limited Liability Company

Counselors at Law

Brielle Galleria

707 Union Avenue, Suite 301

Brielle, New Jersey 08730

Phone: (732) 612-3100

Fax: (732) 612-3101

Jeffrey R. Surenian, Esq. - Member
Email - JRS@Surenian.com

Michael A. Jedziniak, Esq. - Counsel
Email - MAJ@Surenian.com

Erik C. Nolan, Esq. - Associate
Email - EN@Surenian.com

May 19, 2015

VIA Email

Jonathan E. Drill, Esq.
Stickel, Koenig & Sullivan
571 Pompton Avenue
Cedar Grove, NJ 07009

Re: Availability of Dr. Robert Burchell as Municipal Expert

Dear Jon,

I am pleased to inform you that COAH's long-time expert, Dr. Robert Burchell, a distinguished professor at Rutgers University, is now available to participate as an expert in determining municipal "fair share" numbers. As many of you are aware, Dr. Burchell was unavailable to participate due to contractual constraints with COAH but those constraints have been lifted. Therefore, municipalities facing the prospect of entering a Court proceeding where FSHC and the NJBA will have an expert report setting forth their views of your responsibility now have the prospect of having its own expert report for the Court to consider.

Dr. Burchell has agreed to prepare an expert report within 60 to 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation. Dr. Burchell estimates that the cost to do this will be between \$50,000 and \$100,000, Although I certainly can make no guarantees, I anticipate that *at least* 50 municipalities will sign up to retain Dr. Burchell so that the cost will be no more than \$1,000 to \$2,000 per municipality for the preparation of the report. The ultimate cost will depend upon who signs up and actually pays. At the end of the day, only those who sign up and pay will be able to call him as their expert in their case.

In addition to preparing an expert report, Dr. Burchell will need to prepare to testify, to be deposed and assist in deposing the FSHC/NJBA expert and possibly other witnesses and then to testify. The charges for these services will be on an hourly basis and will be in addition to those for the expert report. However, I would expect that many if not all of the fifteen trial judges assigned to hear Mount Laurel matters will want to hear from Dr. Burchell, Dr. Kinsey and any other witnesses on fair share issues only once. So, I anticipate that there will be an opportunity to conserve municipal resources in the hearings as well.

Finally, I am not contacting just the municipalities my firm represents. In addition, I am reaching out to planners and lawyers who have approached me about joining forces to retain an expert. They will also be asked to pool their resources to retain Dr. Burchell. If these non-client municipalities express an interest in participating, they will be given an opportunity to contribute their share of the costs. Only those municipalities that pay their full pro rata share of the cost of retaining Dr. Burchell will have the benefit of calling him as their expert in any future litigation. You should feel free to forward this letter to other Mayors and governing body members you know who you think could benefit from joining the municipal consortium.

At this juncture, I ask if you would be interested in retaining Dr. Burchell with the understanding that the costs for the initial report would be divided amongst all those who commit to pay and actually pay for his report. If you are willing to make this commitment, please confirm that you are authorizing me to bill you for your share of the total costs for the report in which case I will send a follow-up Common Defense agreement to be signed with the participating communities to address issues such as (i) confidentiality of information (ii) privilege issues, and (iii) the ability to retain Dr. Burchell on a priority basis (as compared to communities who do not participate in the payment of his study) as a primary witness pursuant to a separate agreement between such community and Dr. Burchell. In addition, participating municipalities will be able to secure the benefit of a preliminary indication of the number as his report is taking shape.

Thank you in advance and please feel free to email me should you have any questions. My email address is JRS@Surenian.com. Please copy LN@Surenian.com on all communications with me so that we can establish a master list of all municipalities who wish to participate. Also, please make sure that you identify the municipality, as well as the County in which the municipality is located and the contact information of who I can communicate with to facilitate organizing this process. I urge you to make sure there is an email address.

Finally, please get back to me by Wednesday, May 27th so that I can get a handle on where we are going with this as soon as possible. Finally, Rutgers will be looking for a guarantee of payment. So, once we identify the municipalities that commit to participate, I will need to collect payments so I can fulfill that guarantee.

Jeff Surenian