

Renée Steinhagen, Esq.
Atty No. 3869189
NEW JERSEY APPLESEED
PUBLIC INTEREST LAW CENTER, INC
23 James Street
Newark, NJ 07102
(973) 735-0523
Attorney for Applicant Intervenors

Bruce Afran, Esq.
Atty. No.
48 Cuyler Road
Princeton, NJ 08540
(609)454-7435
Attorney for Applicant Intervenors

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: SUPERIOR COURT OF NEW JERSEY
JOSEPH G. COLACITTI, THE CITY : LAW DIVISION, MERCER COUNTY
CITY OF ELIZABETH, a Municipal : DOCKET NO. MER-L-000738-21
Corporation, PLAINSBORO :
TOWNSHIP, a Municipal :
Corporation, PETE CANTU, NEIL : Civil Action
J. LEWIS, EDYATES, NURAN NABI, :
CITY OF VINELAND, a Municipal :
Corporation, and LIVINGSTON. :
TOWNSHIP, a Municipal : NOTICE OF MOTION
Corporation, : TO INTERVENE AS OF RIGHT
Plaintiffs, : AND, ALTERNATIVELY,
: PERMISSIVELY
-vs.- :
:
PHILLIP D. MURPHY, in his :
official capacity as Governor :
of New Jersey, and the STATE. :
OF NEW JERSEY, :
Defendants :
:
and :
:
NEW JERSEY CITIZEN ACTION, :
MAURA COLLINSGRU, in her :
capacity as Healthcare Program :
Director, AMERICAN FEDERATION :
OF TEACHERS, NEW JERSEY, :
DONNA CHIERA, in her capacity :
as President of AFTNJ, and :
MARK and KATHERINE SMITH, :

Plaintiff Intervenors. :

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TO: Michelle M. Smith, Clerk
Hon. Maia Sundar, P.J.T.C
New Jersey Superior Court
Mercer County Vicinage
175 South Broad Street
Trenton, NJ 08650-0068

ON NOTICE TO:

KOLOGI & SIMITZ
Edward J. Kologi, Esq.
Michael S. Simitz, Esq
500 N. Wood Avenue
Linden, New Jersey 0703

PEARLMAN & MIRANDA, LLC
Michael J. Caccaveli, Esq.
Grace Chun, Esq.
110 Edison Place, Suite 301
Newark, New Jersey 07102

DiFRANCESCO, BATEMAN, KUNZMAN
DAVIS, LEHRER & FLAUM, P.C.
Martin Allen, Esq.
E. Buirkle, Esq.
15 Mountain Boulevard
Warren, New Jersey 07059

Andrew Bruck, Acting AG
Jamie Zug, DAG
Richard Hughes Justice
25 Market Street
Trenton, NJ 08625-0112

PLEASE TAKE NOTICE, that on August 27, 2021, at 9:00 a.m., or as soon thereafter as counsel may be heard, the applicant, plaintiff-intervenors, NEW JERSEY CITIZEN ACTION, MAURA COLLINSGRU, AMERICAN FEDERATION OF TEACHERS, DONNA CHIERA, and MARK and KATHERINE SMITH, will move, pursuant to Rule 4:33-1 and 33-2, the Superior Court of New Jersey, before the Hon. Maia Sundar, P.J.T.C., Robert Hughes Justice Complex, 25 Market Street, 7th Fl., Trenton, New Jersey 08625, to intervene in this matter and file a complaint challenging the validity of. P.L. 2021, Chapter 17 (the "Statute") because it violates several provisions of the New Jersey Constitution.

Applicant Plaintiff-Intervenors, NJCA and its Healthcare Program Director, AFTNJ and its President, and two individual property owners represent, collectively, thousands of New Jersey residents who own property in counties in which nonprofit hospitals are located and who would be harmed by the exemptions given to those institutions at issue in this complaint. By allowing nonprofit hospitals to shelter for profit partners tax free on their campuses, property tax payers in the communities surrounding such hospitals are disadvantaged. They are in effect subsidizing these for-profit health care entities through higher property taxes, while contributing to the increasing profitization of healthcare, which Plaintiff-Intervenors oppose due its negative impact on consumers in terms of access, affordability and quality of care. Such property tax exemptions also adversely impact the ability of local Boards of Education to fund the programs New Jersey students and educators in need.

In addition, Plaintiff-Intervenors seek intervention to challenge a provision of the Statute intended to bar individual taxpayers, such as their members and the Smiths, from making a challenge to the tax-exempt status of any large nonprofit institution, or other third-party taxpayer. Plaintiff municipalities in this lawsuit have declined to raise this claim, and indeed, may be in favor of avoiding taxpayer review of their tax assessment decisions.

As a result, Plaintiff-Intervenors have an interest in the subject-matter of the case that is not adequately represented by existing parties. The disposition of the case will no doubt impair the ability of Plaintiff-Intervenors to protect their interests; and because this matter is not scheduled for a hearing until October 4, 2021, Plaintiff-Intervenors application to intervene is timely.

PLEASE TAKE FURTHER NOTICE that in support of its motion, Plaintiff-Intervenors will rely upon the Certification of Counsel, Renée Steinhagen.

PLEASE TAKE FURTHER NOTICE that oral argument is not requested unless this motion is opposed.

Respectfully submitted,

NJ APPLESEED PILC

By: /s/Renée Steinhagen
Renée Steinhagen, Esq.

Dated: August 9, 2021