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January 25, 2019

VIA ECF & REGULAR MAIL

Honorable Madeline Cox Arleo, U.S.M.J.
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street, Room 2060
Newark, New Jersey 07102

Re: Lee Kenworthy v. Lyndhurst Police Department, et als.;
Civil Action No. 2:18-cv-12822 (MCA)(JAD)

Dear Judge Cox Arleo:

This firm represents defendant Housing Authority of Bergen County (“HABC”) in connection with the above-referenced matter. I write in response to Plaintiff’s latest submission (see ECF No. 30), liberally characterized as a motion for leave to file an amended complaint (“Plaintiff’s submission”).

As a preliminary matter, HABC joins in all objections and points raised by Harry Norton, Esq., on behalf of the Township of Lyndhurst defendants, in his January 23, 2019 correspondence to the Court regarding Plaintiff’s submission (see ECF No. 31). HABC similarly respectfully requests guidance from the Court as to how all defendants – who each have pending motions to dismiss to which Plaintiff failed to file any opposition – should be required to appropriately respond given the obvious frivolousness and disingenuous nature of Plaintiff’s tactics. Simply put, Plaintiff’s submission as well as his prior request for a continuance, collectively exhibit an improper “11th hour” attempt to submit what Plaintiff likely surmises to be “opposition” to the pending motions to dismiss and save his defectively pled Complaint. Notwithstanding that attempting to file an amended complaint during the pendency of a motion to dismiss the original complaint is procedurally improper without leave of court (which Plaintiff never obtained), Plaintiff’s actions reflect the blatant bad faith of what he represented as the basis for his prior request for a continuance – that he was seeking to retain counsel or file opposition to the motions to dismiss. Plaintiff has done neither, and based on his actions, it is obvious he never had any real intent to do so.



Accordingly, HABC respectfully requests that Plaintiff submission be rejected out of hand and disregarded by the Court, or in the alternative, HABC respectfully requests guidance from this Court on how defendants should be required to respond to Plaintiff's submission (i.e., whether formal "opposition" is actually necessary). Should the Court have any questions, or require anything further, please do not hesitate to ask and I will be happy to provide the same.

Respectfully submitted,

DeCOTIIS, FITZPATRICK, COLE & GIBLIN, LLP

By: /s/ Christopher J. Turano, Esq.
CHRISTOPHER J. TURANO, ESQ.

CJT/jp

cc: Lee Kenworthy – Plaintiff *Pro Se* (via ECF filing, regular mail & certified mail, RRR)
Gregory J. Irwin, Esq. (via ECF filing and regular mail)
Harry D. Norton, Esq. (via ECF filing and regular mail)
Beth S. Rose, Esq. (via ECF filing and regular mail)