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Our File No.: 120

SUPREME COURT OF NEW JERSEY

RAYMOND ARTHUR ABBOTT, et al., :

DOCKET NO.: 42,170

Plaintiffs,

v.

CIVIL ACTION

: NOTICE OF MOTION

FRED G. BURKE, et al.,

Defendants.

TO: David G. Sciarra, Esq.
Education Law Center
60 Park Place, Suite 300
Newark, New Jersey 07102

Paula T. Dow, Esq.
Attorney General of New Jersey
Office of the Attorney General
Department of Law and Public Safety
Hughes Justice Complex
25 West Market Street
Trenton, New Jersey 08625
Attn: Nancy Kaplen, DAG

Lawrence S. Lustberg, Esq. Gibbons, P.C. One Gateway Center Newark, New Jersey 07102-5310

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PLEASE TAKE NOTICE that the Montgomery Township Board of Education hereby moves, pursuant to Rule 1:13-9, before the Supreme Court of New Jersey for an Order granting leave to appear as amicus curiae and to file a Brief in the abovecaptioned matter together with factual certifications in support thereof, and to argue the cause before the Court.

In support of this motion, the undersigned shall rely upon the Certifications of Stephen R. Fogarty and Thomas M. Venanzi, dated July 2, 2010.

FOGARTY & HARA, ESQS.

Attorneys for Montgomery Township

Board of Education

BY

STEPHEN R. FOGARTY

Dated: July 2, 2010