



News Release

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For immediate release:
Feb. 12, 2014

MEDIA ALERT

Attached is an Order to Show Cause in the matter of St. of NJ v. Tony Mack. Some of the handwritten notes are difficult to read, so we have transcribed them below for your convenience:

P1, 1st paragraph – “and the court having granted plaintiff’s request for expedited review in light of the public interest;”

P1, 2nd paragraph – It is on this 12th day of February

P2, top – Mercer County Criminal Courthouse, in Trenton, New Jersey at 11:30 a.m. o’clock in the forenoon,

P3, end of para 1 – A courtesy copy of the papers shall be served upon Mark Davis, Esq., counsel for Mr. Mack in the federal criminal matter, but not retained as of this time to represent Mr. Mack in the forfeiture proceeding. (per response of Mr. Davis to Court staff)

P3, para. 3 – written answer, “in opposition to the Order to Show Cause” by “the expedited date of February 24, 2014.

Answering “opposition”

P4, para 4 end – “by February 24, 2014.”

P4, para 5 “February 25, 2014”

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CLERK OF SUPERIOR COURT
SUPERIOR COURT OF N.J.
MERCER COUNTY
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FEB 12 2014

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DEPUTY CLERK OF SUPERIOR COURT

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. MER-L-250-14

CIVIL ACTION

STATE OF NEW JERSEY,	:	ORDER TO SHOW CAUSE
Plaintiff,	:	SUMMARY ACTION
v.	:	(Seeking Forfeiture of Public
TONY F. MACK,	:	Office and Position, Permanent
Defendant.	:	Disqualification from any Position
	:	of Public Honor, Trust, or Profit,
	:	and Forfeiture of Pension and
	:	Retirement Benefits)

THIS MATTER being brought before the court by John J. Hoffman, Acting Attorney General of New Jersey, attorney for plaintiff, State of New Jersey (Steven A. Yomtov, Deputy Attorney General, appearing), seeking relief by way of summary action pursuant to R. 4:67-1(a), based upon the facts set forth in the verified complaint filed herewith; and the court having determined that this matter may be commenced by order to show cause as a summary proceeding pursuant to N.J.S.A. 2C:51-2 and N.J.S.A. 43:1-3.1, and for good cause shown: *and the court having granted Plaintiff's request for expedited review in light of the public interest;*

IT IS on this 12th day of February, 2014, ORDERED that the defendant, Tony F. Mack, appear and show cause on the 26th day of February, 2014 before the Superior Court at the

Merger County ^{criminal} Courthouse in Trenton, New Jersey at 11:30 ^{A.M.} o'clock
in the fore noon, or as soon thereafter as counsel can be
heard, why summary judgment:

A. Granting the relief sought in the Verified Complaint in this action should not be entered, declaring that pursuant to N.J.S.A. 2C:51-2 defendant has forfeited any public office, position or employment held by him by reason of a jury verdict in the United States District Court for the District of New Jersey on February 7, 2014 for violating 18 U.S.C. § 1951(a) and (b) (2), 18 U.S.C. § 666(a) (1) (B) and Section 2, and 18 U.S.C. §§ 1341, 1343 and 1346, that he may no longer exercise the powers and privileges of any public position he holds, that he may no longer receive compensation or payment of any kind in connection with that position, and that because such offenses involved or touched upon his former position as Mayor for the City of Trenton, he is forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions and that he has forfeited all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which defendant participated at the time of the commission of his crimes and which covered his position as Mayor, pursuant to N.J.S.A. 43:1-3.1a;

B. Granting such other relief as the court deems equitable and just.

And it is further ORDERED that:

1. A copy of this order to show cause, verified complaint and all supporting affidavits or certifications submitted in support of this application be served upon the defendant, either personally or by certified mail, within 3 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being

original process. *A courtesy copy of the papers shall be served upon ~~Mark~~ Mark Davis, Esq., counsel for Mr. Mack in the federal custody*

2. The plaintiff must file with the court its proof of service of the pleadings on the defendant no later than three (3) days before the return date. *but not retained as of this time to represent Mr. Mack in the forfeiture proceeding (per response of Mr. Davis to court 4/10/14)*

3. Defendant shall file and serve a written answer, an answering affidavit or a motion returnable on the return date to this order to show cause and the relief requested in the verified complaint and proof of service of the same by the specified date of February 24, 2014, 2014. *opposition*

The answer, answering affidavit or a motion, as the case may be, must be filed with the Clerk of the Superior Court in the county listed above and a copy of the papers must be sent directly to the chambers of Judge Jacobson.

4. In addition, defendant shall file with the Clerk of the Superior Court, along with his Answer to the Verified Complaint, a sworn and signed statement setting forth each and every public office, position and employment, elective and appointive, under the government of this State and any administrative and political subdivision thereof, held by defendant and any membership in any State and locally-administered pension fund(s) or retirement

system(s) in which defendant participated at the time of the commission of his crimes and which covered defendant's position as Mayor or any other public position(s) for which his crimes involved or touched, and shall serve copies thereof upon John J. Hoffman, Acting Attorney General of New Jersey, Attorney for the State of New Jersey, Richard J. Hughes Justice Complex, P.O. Box 086, Trenton, New Jersey 08625 (Attention: Steven A. Yomtov, Deputy Attorney General) ^{by February 24, 2014} ~~at least _____ days before the return date of this order.~~

5. The plaintiff must file and serve any written reply to defendant's opposition to the order to show cause by February 25 2014. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the chambers of Judge Jacobson.

6. If the defendant does not file and serve opposition to this order to show cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.

7. If the plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

8. Defendant take notice that the plaintiff has filed a lawsuit against you in the Superior Court of New Jersey. The verified complaint attached to this order to show cause states the basis of the lawsuit. If you dispute this complaint, you, or your attorney, must file a written answer, an answering affidavit or a motion returnable on the return date to the order to show cause and proof of service before the return date of the order to show cause.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at:

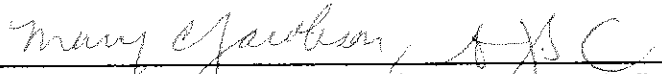
http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Include a \$ 135.00 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your answer, answering affidavit or motion to the plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve your answer, answering affidavit or motion with the fee or judgment may be entered against you by default.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to

an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at: http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

10. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties, are advised to the contrary no later than 3 days before the return date.


Honorable Mary C. Jacobson, A.J.S.C.