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November 5, 2009

Honorable Mayor and Township Council
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Mr. William Sohl
Administrator, Mount Olive Township
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Ms. Lisa Lashway
Clerk, Mount Olive Township
204 Flanders-Drakestown Road
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Chief Mark Spitzer
Mount Olive Township Police Department
204 Flanders-Drakestown Rd
Box 450
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**Re: Public Intoxication Ordinance Litigation
Maple Shade -McMullen/Obchinetz v. Maple Shade Twp.
Docket No. 08-cv-2902-RBK-JS**

Dear Mount Olive Township Officials:

On August 24, 2009, I forwarded to you an "Interim Litigation Report" regarding the above captioned "Public Intoxication Ordinance" lawsuit pending in the Federal District Court, Camden. As I stated in that Report, we had filed a Motion in May, 2009, asking the Court to dismiss the litigation based upon the argument that even if the Alcohol Treatment & Rehabilitation Act ("ATRA"), N.J.S.A. 26:2B-6, prohibited municipal Ordinances which established the condition of public intoxication and public drunkenness as offenses, same did not present a constitutional issue to be determined by a Federal Court.

We urged that the arrest of the individuals under such Ordinances, even if the Ordinances were forbidden by State law, did not create a constitutional deprivation.

We also argued that despite ATRA, the New Jersey Home Rule Act, and specifically N.J.S.A. 40:48-1(6) & (7) did authorize such Ordinances; and that it was not appropriate for a Federal Court to decide a State law issues.

I am pleased to report that on October 28, 2009, the Honorable Robert B. Kugler, U.S.D.J., granted our Motion and dismissed the Plaintiffs' Complaint. The case has been closed in the Federal Court.

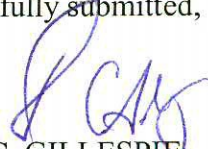
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The Plaintiffs have thirty (30) days within which they are permitted to re-file the lawsuit in State Court, and we will await the expiration of that timeframe to see if they pursue this litigation any further.

In the meantime, I wanted to share with you this good news that the Federal lawsuit has been dismissed. We will keep you posted regarding any further proceedings in State Court should Plaintiffs pursue that route.

Needless to say, should anyone have any questions in the meantime, please do not hesitate to contact me.

Respectfully submitted,



JOHN C. GILLESPIE

JCG/jth

cc: John H. Dorsey, Esquire/Morris JIF Solicitor