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HUDSON RIVER WATERFRONT CONSERVANCY
OF NEW JERSEY, INC.

HUDSON RIVER WATERFRONT
CONSERVANCY OF NEW JERSEY, INC.,

Plaintiff,

v.

THE ADMIRAL'S WALK CONDOMINIUM
ASSOCIATION, INC.

Defendant.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION:
BERGEN COUNTY

Docket No. _____

CIVIL ACTION

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

Plaintiff Hudson River Waterfront Conservancy of New Jersey, Inc. ("The Conservancy"), by and through its counsel, alleges as follows:

I. INTRODUCTION

1. New Jersey's Hudson River Waterfront is one of the defining features and fastest growing regions of our state. Residents and visitors are drawn to the region by beautiful views, plentiful mass transit, convenient amenities and community-building recreational features including the Hudson River Waterfront Walkway (Walkway).
2. The Conservancy is a non-profit organization created in 1988 by waterfront stakeholders to protect the public right to freely access and enjoy the Walkway. The Conservancy has worked to create a continuous, non-motorized transportation artery and recreational amenity that is a focal point of the region.
3. The Walkway is an extraordinary treasure which is valued by the community and visitors alike, providing an 18.5-mile recreation and transportation corridor along the Hudson River Waterfront between Bayonne and Fort Lee.
4. The Admiral's Walk Condominium Association, Inc., (the Association) operates two 11-story luxury condominium towers on 8.8 shoreline acres in Edgewater, New Jersey.

According to the Association's website, their property includes "900 feet of private riverfront shoreline."

5. The Association has blocked public access to and public passage along these "900 feet of private riverfront shoreline" by maintaining chain-link fences and security patrols and by prohibiting vertical access to the shoreline through their guarded front gate.
6. The Association has created a significant, unnecessary, and illegal obstacle to residents and visitors who wish to pass between the northern and central portions of the Walkway.
7. Since 1821, New Jersey courts have recognized the Public Trust Doctrine, the common law principle that lands below the mean high tide line are held in trust by the state for the people's perpetual use and enjoyment.
8. The Public Trust Doctrine applies equally to formerly flowed lands: those lands that were once below the mean high water line but were filled to create additional dry lands.
9. The State's trust responsibility is demonstrated, *inter alia*, by N.J. Stat. § 13:1D-150, and by N.J.A.C. § 7:7-16.9 and N.J.A.C. § 7:7-9.48, which define lands and waters subject to Public Trust rights as tidal waterways and their shores, including both lands now or formerly

below the mean high water line, and shores above the mean high water line.

10. On information and belief, the waterfront on the Association's property is entirely built on lands formerly below the mean high water line.

11. The Association has violated the Public Trust Doctrine by excluding the public from the Public Trust Lands that it occupies while preserving exclusive access for its residents.

II. JURISDICTION AND VENUE

12. Jurisdiction and Venue lies in this vicinage because the property at the heart of this dispute is located in Edgewater Borough in Bergen County.

III. PARTIES

A. The Plaintiff

13. The Conservancy is a registered New Jersey corporation, founded in 1988 and incorporated on December 23, 1998m whose legal name is Hudson River Waterfront Conservancy of New Jersey, Inc.

14. The Conservancy has sought to protect and enforce the public's right to free, unobstructed access to the Walkway since its founding in 1988.

15. The Conservancy supports public access to the Waterfront before the governmental, legislative,

regulatory, and commercial bodies whose actions impact Waterfront development.

16. The Conservancy works closely with area residents, governmental agencies, developers, and land owners to increase Walkway access and utilization.

17. The Conservancy responds to inquiries and educates the public on issues and events surrounding the Waterfront and the Walkway.

18. In the warmer months, the Conservancy conducts monthly guided walks along the Walkway.

B. The Defendant

19. The Admiral's Walk Condominium Association, Inc. is a New Jersey corporation incorporated on September 15, 1981. Its entity ID is 0100149418 and it is registered in Whippany, NJ.

20. On information and belief, Sheldon Buchman is the chairman of Admiral's Walk Condominium Association.

21. On information and belief, the Association has annual revenues of approximately \$1,800,000.00 and employs a staff of approximately 35.

22. On information and belief, the Association administers and makes decisions regarding the Admiral's Walk property, including whether to exclude the public from Public Trust

Lands including its "900 feet of private riverfront shoreline."

23. The Association's Public Trust Lands are those lands that were formerly below the mean high water line and are therefore governed by the Public Trust Doctrine under New Jersey law.

24. The Association has violated the Public Trust Doctrine because the relevant portion of their land is Public Trust property, and prohibiting public access to such property violates New Jersey law under the Doctrine.

IV. STANDING

25. The Conservancy brings this action on its own behalf, and on behalf of its members, some of whom regularly enjoy the Hudson River Waterfront and the Walkway and adjacent areas.

26. Conservancy members use and enjoy the Hudson River Waterfront and the Walkway for transportation and for recreational, educational, scientific, aesthetic, spiritual, and other purposes.

27. The Association's continuing failure to comply with the Public Trust Doctrine has harmed, and will continue to directly and substantially harm, the interests of the Conservancy's members', New Jerseyans and visitors from outside the state.

28. The Conservancy has one or more members who use the Hudson River Waterfront and the Walkway, would traverse the "900 feet of private riverfront shoreline," were they permitted to, and could sue in their own right.
29. Some of the Conservancy's members suffer recreational, aesthetic, or other environmental injuries due to the Association's unlawful behavior.
30. The Conservancy's members' injuries-in-fact are fairly traceable to the Association's conduct and would be redressed by the requested relief.
31. Because the remedy the Conservancy seeks is injunctive and declaratory, neither the claim nor the relief requested requires the Conservancy's individual members to participate in this action.
32. Because the Association's actions frustrate the Conservancy's mission to protect and enforce the public's right to free, unobstructed access to the Walkway, the subject of this litigation is germane to the Conservancy's purpose.
33. A decree declaring the Association to have violated the Public Trust Doctrine, and granting the various other remedies sought herein, will redress the Conservancy's harms.

V. **REGULATORY BACKGROUND**

A. *The Public Access Problem in New Jersey*

34. New Jersey features approximately 1,800 miles of tidal coastline.

35. The Public Trust Doctrine requires the state legislature to hold these lands and waters in trust for the public.

36. New Jersey is the fourth smallest state in the country yet, with 1,134.5 people per square mile, it has the highest population density of any of the 50 states.

37. With the vast majority of the population living within 50 miles of coastline, the need for adequate public access to Public Trust Lands is a necessity, a legal right and profoundly important in our state.

38. New Jersey's coastline is a core aspect of our state identity and shore-based tourism is a vital economic driver in our state.

39. Access to New Jersey's coast, bays, rivers and lakes adds greatly to most New Jerseyans' standard of living.

40. New Jersey's tidal waterways and their shores are popular for a variety of recreational activities including boating, fishing, swimming and sunbathing.

41. As of 2006, many millions of people visit the ocean shore between Memorial Day and Labor Day. Annually, more than 800,000 anglers tried their luck on New Jersey's ocean, bays and rivers.
42. Increased access to tidal waterways and shores allows more people to appreciate the coast as a natural resource. This appreciation instills a sense of stewardship leading to greater environmental appreciation and protection.
43. From an economic standpoint alone, public access to the coast is a major boon to the tourism industry, which helps to generate more than \$36 billion annually for the state and its coastal communities.
44. The NJDEP's publication, *Public Access in New Jersey: The Public Trust Doctrine and Practical Steps to Enhance Public Access*, divides the New Jersey Coastal Zone into three distinct regions, the Northern Waterfront, the Bay and Ocean Shore Area and the Delaware River Area.
45. Historically, the Northern Waterfront region was occupied by industrial or transportation facilities. While many have been abandoned, active tanker and container ports still exist today.
46. The industrial development that characterized this area impeded public access to the tidal rivers and waterways and generated pollution that made access less

desirable. Over the years, there have been various redevelopment projects, many of which are still underway.

47. The advent of the Clean Water Act in 1972 led to dramatic water quality improvements in the Northern Waterfront, which made access to its shoreline more desirable.

48. Redevelopment projects in the area began to look at public access as a desirable amenity, and various stakeholders including the Conservancy worked to improve water quality, access, and bring about a new future for this region.

49. The Hudson River Waterfront Walkway is a signature regional effort to expand public access in the Northern Waterfront and is enjoyed residents and visitors.

B. The Public Trust Doctrine in New Jersey Courts

50. Public Trust Doctrine applies to this controversy because the Association has barred public access to lands that were formerly covered by tidal waters.

51. The Public Trust Doctrine in New Jersey acknowledges that the ownership, dominion and sovereignty over land flowed by tidal waters, which extend to the mean high water line, is vested in the State in trust for the people.

52. Public trust lands in New Jersey are those lands below the mean high tide line of tidal waters.
53. Lands that were originally below the mean high water line remain Public Trust Lands if they are raised above the line through human action or by a sudden avulsion.
54. New Jersey courts trace creation of the Public Trust Doctrine to the Justinian Code, making the principle over 1,450 years old.
55. The United States Supreme Court has recognized states' inalienable obligations to the public in submerged and shore lands as a trust.
56. The New Jersey Supreme Court acknowledged the trust explicitly nearly 200 years ago in Arnold v. Mundy: The New Jersey Legislature inherited the right to convey, regulate, improve and secure the tidelands for the common benefit of every individual citizen, but neither the State nor the purchaser nor licensee of tidelands may impair the public's common rights of fishing and navigation in tidal waters.
57. The Public Trust Doctrine, like all common law principles, is not fixed or static, but is molded and extended to meet changing conditions and needs of the public it was created to benefit.
58. The people have rights to access and use Public Trust Lands for traditional purposes such as recreation, fishing,

navigation and bathing, and may use the foreshore for purposes attendant to those uses such as hauling nets, walking and resting, as well as bathing, swimming and other shore activities consonant with the general welfare.

59. Adjacent landowners may not limit public passage across Public Trust Lands.

60. In many circumstances, landowners must provide access to Public Trust Lands, even if such access can only be achieved by allowing the public to cross adjacent private lands.

61. Landowners may not charge a fee to the public to access Public Trust Lands, though in limited circumstances they may charge a fee to members of the public who remain upon and use private uplands for an extended period, provided such fee is reasonable.

62. The public must be afforded reasonable access to the foreshore as well as a suitable area for recreation on the dry sand.

63. The exclusion of the public from lands below the mean high water line, including formerly flowed lands such as those at issue here, is inimical to long-standing New Jersey law

C. Statutory and Regulatory Implementation of the Doctrine

64. While the Public Trust Doctrine is a common law principle, New Jersey's legislature has recognized the Doctrine in statute.

- i. Pursuant to N.J.S.A. § 13:1D-150: Findings and declarations relative to public access

65. The New Jersey Legislature has declared that the public has longstanding and inviolable rights under the Public Trust Doctrine to use and enjoy the State's tidal waters and adjacent shorelines for navigation, commerce, and recreational uses, including, but not limited to, bathing, swimming, fishing, and other shore-related activities.

66. Public access includes visual and physical access to, and use of, tidal waters and adjacent shorelines, sufficient perpendicular access from upland areas to tidal waters and adjacent shorelines, and the necessary support amenities to facilitate public access for all.

67. The NJDEP has the authority and the duty to protect the public's right of access to tidally flowed waters and their adjacent shorelines under the Public Trust Doctrine and statutory law.

68. Through the authority delegated to it by the Legislature, and subject to notice and comment rulemaking,

the NJDEP has adopted rules explaining and implementing the Public Trust Doctrine.

- ii. Pursuant to N.J.A.C. § 7:7-9.48: Lands and waters subject to public trust rights

69. Lands and waters subject to public trust rights are tidal waterways and their shores, including both lands now or formerly below the mean high water line, and shores above the mean high water line.

70. Tidal waterways and their shores are subject to the Public Trust Doctrine and are held in trust by the State for the benefit of all the people, allowing the public to fully enjoy these lands and waters for a variety of public uses.

71. Public trust rights include public access, which is the ability of the public to pass physically and visually to, from and along the ocean shore and other waterfronts subject to public trust rights and to use these lands and waters for activities such as navigation, fishing and recreational activities including, but not limited to, swimming, sunbathing, surfing, sport diving, bird watching, walking, and boating.

72. Public trust rights also include the right to perpendicular and linear access.

73. Public access to lands and waters subject to public trust rights shall be provided in accordance with the public access rule, N.J.A.C. 7:7-16.9.

iii. Pursuant to N.J.A.C. § 7:7-16.9: Public Access

74. Public access to the waterfront is the ability of the public to pass physically and visually to, from, and along tidal waterways and their shores and to use such shores, waterfronts and waters for activities such as navigation, fishing, and recreational activities including, but not limited to, swimming, sunbathing, surfing, sport diving, bird watching, walking, and boating.

75. Public accessways and public access areas include streets, paths, trails, walkways, easements, paper streets, dune walkovers/walkways, piers and other rights-of way.

76. No authorization or approval under this chapter shall be deemed to relinquish public rights of access to and use of lands and waters subject to public trust rights in accordance with N.J.A.C. 7:7-9.48.

VI. FACTUAL ALLEGATIONS

77. The Association's 8.8-acre property is closed to the public and presents a significant barrier to passage along Public Trust lands on the Waterfront.

78. Admiral's Walk Condominiums are located on the Hudson River shoreline in Edgewater, New Jersey. They are bordered

by River Road to the west, Waterside Condominiums and Veteran's Field Park to the north, the Hudson River to the east, and Grand Cove Marina to the south.

79. Admiral's Walk owns a large parking lot immediately east of their buildings and immediately west of the River.

80. Admiral's Walk also owns the strip of land along the waterfront, on which it has built a "recreation pathway" for its residents' use only.

81. The Association's property is described on its website.¹

a. Admiral's Walk consists of two 11-story luxury condominium towers, offering 297 units ranging from 1,075 to 1,715 square feet within 8.8 magnificently landscaped acres inside of a fenced perimeter guarded by an attended gatehouse and 24-hour doormen.

b. Admiral's Walk features views of the mighty Hudson River, the elegant span of the George Washington Bridge and the towers of Manhattan, as well as 900 feet of private riverfront shoreline.

c. Comprehensive amenities include a recreation deck with swimming pool, hot tub and tennis courts, the riverfront Pavilion with health club and resident

¹ < <https://www.admiralswalk.net>>, last accessed February 26, 2020

party room featuring 180-degree Hudson River views, and a scenic shoreline walking path.

82. Admiral's Walk maintains its "900 feet of private riverfront shoreline" for the exclusive benefit of its residents.
83. The "900 feet of private riverfront shoreline" is one of the last remaining segments of the 18.5 miles of New Jersey's Hudson River Waterfront that is not accessible to the public.
84. The Walkway traverses the waterfront area along the adjacent properties, but comes to an abrupt end at the complex.
85. The Association has constructed a fence lined with barbed wire around the perimeter of its property which prevents the public from walking along the adjacent waterfront. In addition, the Association hires security guards to prevent members of the public from accessing the shoreline at their front entrance on River Road.
86. The public, seeking to traverse the gap formed by Admiral's Walk's 8.8 magnificently landscaped fenced acres, must leave the 30' wide walkway, move to the sidewalk along River Road, or, if biking, move to River Road itself, pass by Admiral's Walk's 24-hour manned gatehouse, and have their views of the mighty Hudson River, the elegant span of

the George Washington Bridge and the towers of Manhattan, obscured by the complex's two eleven-story luxury condominium towers.

87. River Road is narrow in this area and there are commercial properties on both sides of the street. This layout tends to force pedestrians, bicyclists and motorists into a condensed area where there is a propensity for cars and trucks to cross bicyclist and pedestrian paths unexpectedly.

88. While there are sidewalks in front of Admiral's Walk, they are narrow. The sidewalk in front of Admiral's Walk is only 4.5 feet wide, and there are a number of impediments which make passage more challenging.

89. At various points, fixtures such as a fire hydrant, lamp post and road signage impinge on the width of the sidewalk.

90. Pedestrians forced from the Walkway to River Road must pass both Admiral's Walk and the neighboring Waterside Condominium's wide entrance driveways that intersect the sidewalks and make walking on the sidewalks more treacherous.

91. The Admiral's Walk entrance is approximately 95 feet wide with an island in the middle that is over 30 feet

wide. To pass, one must divert over 25 feet to navigate around the island.

92. While there are handicap ramps at both points of the sidewalk adjacent to the facility's entrance, there are no crosswalks.

93. River Road is a heavily travelled corridor with many attractions on both the northbound and southbound sides of the roadway; however, crossing River Road on foot is difficult due to missing sidewalks, the width of the road, substandard curb ramps and sidewalks, short crossing signals and a lack of safe crossings. A 2013 Study found that much of the sidewalk on River Road was either missing or in poor condition.

94. Despite the interruption, the Waterfront Walkway on both sides of Admiral's Walk is a popular spot for joggers, cyclists and pedestrians seeking to admire the view of the river and the Manhattan skyline.

95. The properties on either side of the condominium complex, Veterans Field Park and Edgewater Marina, are public facilities and are extensively used by the public.

96. Edgewater Marina is a docking location for NY Waterway Ferry Service to 39th Street Terminal in Manhattan, with ferries arriving and departing sixteen times per day, Monday to Friday.

97. Veterans Field Park is one of the best recreational facilities in Bergen County; it features ballfields, basketball courts, a playground, a spray park, restrooms, a walking track, exercise equipment, a picnic area, barbeque grills, and the Borough's community center.
98. The Association blocks easy and safe passage between Veterans Field Park and the Edgewater Ferry Landing.
99. The Walkway is both a transportation amenity and a destination in itself; People are drawn to the Walkway and engage in a variety of recreational activities including walking, running, biking, sightseeing, and fishing.
100. When complete, the Walkway will be an urban waterfront corridor connecting the George Washington Bridge in Fort Lee with the Bayonne Bridge in Bayonne.
101. The Walkway offers residents and visitors spectacular views of the Statue of Liberty, the New York City skyline, Ellis Island, and the Hudson River through Bayonne, Jersey City, Hoboken, Weehawken, West New York, Guttenberg, North Bergen, Edgewater, and Fort Lee.
102. The Walkway is the primary means that New Jersey relies upon to provide Public Trust access in the Northern Waterfront Region.
103. The Walkway directly connects to the Palisades Interstate Park, Hudson County's Hudson River Waterfront

Walkway, the George Washington Bridge, and New York City's Westside Greenway,

104. The Walkway provides a sustainable transportation alternative to move about Bergen County and the greater New York/New Jersey Metropolitan Area, and facilitate access to a wealth of cultural, natural, and scenic resources.

105. As many New Jerseyans seek to reduce their carbon impact, the Walkway is an important transportation corridor that allows an opportunity for carbon free transport that is safe from the threats posed by motorized vehicles.

106. Gaps in the Walkway frustrate these uses, endanger Walkway users and frustrate New Jersey's public policy favoring public access.

107. Between Bayonne and the Colony Apartment Complex, which connects the Walkway to The Palisades Interstate Park near the George Washington Bridge, there remain only seven gaps in the Walkway.

108. Three gaps are undeveloped parcels that will connect the Walkway when they are developed per NJDEP rules, one municipal park, one federal Superfund site and one industrial dry-dock.

109. The seventh is Admiral's Walk.

110. Admiral's Walk's "900 feet of private riverfront shoreline" is the only residential gap in the Walkway

between Bayonne and the George Washington Bridge; every other residential property has satisfied its Public Trust obligations.

111. While the Walkway benefits everyone, Admiral's Walk's "900 feet of private riverfront shoreline" benefits only its residents and their invited guests.

112. Edgewater Borough requires that any proposal for development fronting on the Hudson River provide a public access easement along the Hudson River with suitable access to the Walkway, and one perpendicular access between River Road and the Walkway every 300 feet, though any development shall not be required to provide more than two access points.

113. Admiral's Walk's "900 feet of private riverfront shoreline" offers no perpendicular access at all.

114. 88.7% of the shoreline between the George Washington Bridge and the Bayonne Bridge is artificially filled land that was once submerged, and 96% of this land is subject to State tidelands grants.

115. Title to such public trust property is subject to the public's right to use and enjoy the property, even if such property is alienated to private owners.

116. The Hudson River is a tidal water at all localities relevant to this action.

117. On information and belief, the entirety of Admiral's Walk's "900 feet of private riverfront shoreline" is, in fact, human constructed fill on lands formerly flowed by the tidal Hudson River.

118. The public's right to use and enjoy Public Trust Lands does not disappear simply because the land that was once submerged is filled in. The Association may not legally exclude the public from this portion of the property.

119. An incomplete Walkway presents a safety risk to its users, as it requires users to utilize alternate routes that lack adequate pedestrian facilities and provide minimal protection from vehicular traffic.

120. The Conservancy has sought to engage the Association in dialogue for years to resolve this issue, but to date the Association has taken no concrete steps to remedy its violations.

121. On November 8, 2017, the president of the Conservancy sent an email to Angus McCamy, then the president of Admiral's Walk Condominium Association, requesting a meeting to explain the Conservancy's activities and gain the Association's input on the Waterfront.

122. While Mr. McCamy acknowledged receipt of the email on December 31, 2017, he never responded further despite

follow-up emails from the Conservancy on December 31, 2017, January 21, 2018 and February 5, 2018.

123. On or about December 21, 2018 the President of the Conservancy sent a letter to Mr. McCamy informing him of the Conservancy's concerns and seeking "to start the dialogue."

124. In addition to these emails and letter, Conservancy representatives have sought to make contact with the Association through several visits to the property and by phone.

VII. CLAIMS FOR RELIEF

COUNT I

The Association's Wrongful Exclusion of the Public from Its Formerly Flowed Lands Violates the Public Trust Doctrine

125. Plaintiffs repeat and reallege all of the allegations set forth in the foregoing paragraphs and incorporate the same herein as if set forth in full below.

126. The courts of New Jersey have long recognized that the Public Trust Doctrine requires owners of property abutting tidal waters to provide access to public trust properties including formerly flowed lands.

127. The Association violates this requirement by prohibiting the public from accessing Public Trust Lands by

placing fencing and other obstacles in the public's way and through the use of its security to keep the public away.

WHEREFORE, Plaintiff seeks judgment against Defendants as set forth hereafter.

COUNT II

The Association's Wrongful Favoring of Its Own Residents' Access Over the Public's Access Violates the Public Trust Doctrine

128. Plaintiffs repeat and reallege all of the allegations set forth in the foregoing paragraphs and incorporate the same herein as if set forth in full below.

129. New Jersey courts have long recognized that the Public Trust Doctrine forbids owners of property abutting tidal waters from conferring special advantages or preferential treatments at the expense of the broader public.

130. The Association violates this requirement by favoring access by its own residents to Public Trust Lands while it prohibits the general public from accessing these same lands.

WHEREFORE, Plaintiff seeks judgment against Defendants as set forth hereafter.

VIII. RELIEF REQUESTED

Wherefore, Plaintiff respectfully requests that this Court grant the following relief:

- a. Declare that since 1981, the Association has engaged in a pattern and practice of violating the Public Trust Doctrine by knowingly and intentionally barring the public from formerly flowed lands occupied by the Association;
- b. Declare that since 1981, the Association has engaged in a pattern and practice of violating the Public Trust Doctrine by knowingly and intentionally providing access to formerly flowed lands that favored the rights of its residents over the general public;
- c. Order the Association to remove all barriers to the public's access to formerly flowed lands on the Association occupies;
- d. Order the Association to remove any impediments, including vegetation, stones, or other obstacles that have the intent or practical effect of blocking the public from passage along the waterfront;
- e. Order the Association to provide a direct and safe physical connection between the Walkway and its waterfront path;
- f. Order the Association to provide public access to the formerly flowed lands it occupies to the same extent and to the same manner as it provides access to its residents;
- g. Enjoin the Association from erecting similar barriers in the future or otherwise preventing or discouraging the public from accessing these lands;

- h. Enjoin the Association from further violations of the Public Trust Doctrine;
- i. Grant such other relief as the Court shall seem equitable and just, including relief reasonably designed to prevent future violations of the Public Trust Doctrine.

Dated: March 2, 2020

Respectfully Submitted,

CHRISTOPHER L. LEN
CLEAN WATER ADVOCACY
CENTER, INC.
Attorney for Plaintiff
Hudson River Waterfront
Conservancy, Inc.

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: _____

Signature: _____