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FILED

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HON. ALBERTO RIVAS, A.J.S.C.

ALBERT J. ALVAREZ,
Plaintiff

v.

MIDDLESEX COUNTY PROSECUTOR'S
OFFICE,
Defendant.

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
CASE NO. _____

MID-L-2007-19

APPLICATION FOR ORDER
TO SHOW CAUSE

THIS MATTER having come before the Court upon the application of the Interested Party, Albert J. Alvarez (by and through counsel, Stacy Ann Biancamano, Esq.) seeking relief by way of summary action pursuant to R. 4:67-1(a), based on the facts set forth in the Verified Complaint and supporting papers filed herewith; and the Court, having determined that this matter may be commenced by order to show cause as a summary proceeding and for good cause shown

IT IS on this 8th day of March, 2019;

HEREBY ORDERED that the Middlesex County Prosecutor's Office shall immediately release the full contents of its investigative case file (which shall include the entire contents of the HCPO investigative file previously sent to MCPO for review) regarding the above-referenced allegations to counsel for the Interested Party, which shall include, but not be limited to, the following:

- 1.) Any/all witness statements, including audio/video recordings of such statements, and corresponding written investigative reports outlining such statements.
- 2.) Any/all audio/video recordings, including any surveillance recordings from the night of the alleged incident;

- 3.) Any/all hospital records;
- 4.) Any/all DNA evidence, and corresponding lab reports/analyses;
- 5.) Any/all investigative reports and corresponding case notes;
- 6.) Any/all bank records;
- 7.) Any/all phone records; and
- 8.) Any/all documents/materials obtained during the investigation including but not limited to email messages, text messages, and/or photographic images.

AND IT IS FURTHER ORDERED that:

1. A copy of this order to show cause, verified complaint, legal memorandum and any supporting affidavits or certifications submitted in support of this application be served upon the defendants within ____ days of the date hereof, in accordance with R. 4:4- 3 and R. 4:4-4, this being original process.

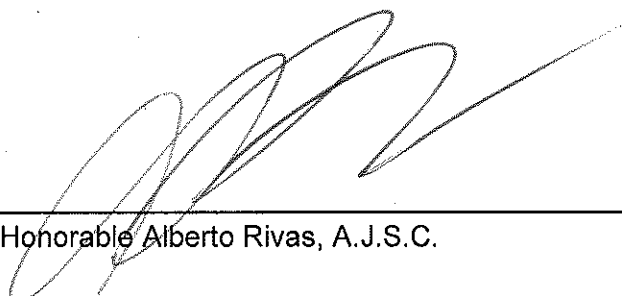
2. The plaintiffs must file with the court its proof of service of the pleadings on the defendants no later than three (3) days before the return date.

3. Defendants shall file and serve a written response to this order to show cause and the request for entry of injunctive relief and proof of service by May ____, 2018. The original documents must be filed with the Clerk of the Superior Court in the county listed above, by filing the original with: Superior Court of New Jersey, Law Division, Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey 08903. You must also send a copy of your opposition papers directly to Judge Alberto Rivas, A.J.S.C., whose address is Middlesex County Courthouse, 56 Paterson Street, 2nd Floor, New Brunswick, New Jersey 08903. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$35.00 and serve your opposition on your adversary, if you want the court to hear your opposition to the injunctive relief the plaintiffs are seeking.

IT IS FURTHER ORDERED AS FOLLOWS:

- A. 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(s) **PERSONALLY OR BY OVERNIGHT DELIVERY WITH SIGNATURE CONFIRMATION ONLY** within _____ days of the date hereof, in accordance with Rules 4:4-3 and R. 4:4-4, this being original process. **DELIVERY BY REGULAR MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED, SHALL NOT CONSTITUTE EFFECTIVE SERVICE.**
- B. The plaintiff must file with the court his/her/its proof of service of the pleadings on the defendant(s) no later than three (3) days before the return date, in accordance with Rule 1:3-1.
- C. Defendant(s) 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 within _____ days of service. The answer, answering affidavit or a motion, as the case may be, must be filed with the Clerk of the Superior Court in Middlesex County and a courtesy copy of the papers must be sent directly to the chambers of Assignment Judge Rivas by hand delivery or overnight carrier.
- D. The plaintiff must file and serve any written reply to the defendant's order to show cause opposition by no later than _____ days before the return date, in accordance with Rule 1:3-1. The reply papers must be filed with the Clerk of the Superior Court in Middlesex County and a courtesy copy of the reply papers must be sent directly to the chambers of Assignment Judge Rivas by hand delivery or overnight carrier.
- E. If the defendant(s) do/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 (3) days prior to the return date, in accordance with Rule 1:3-1.
- F. 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, in accordance with Rule 1:3-1.
- G. Defendant(s) 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.

- H. These documents must be filed with the Clerk of the Superior Court in Middlesex County. A directory of these offices is available in the Civil Division Management Office of Middlesex County and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf. Include the appropriate filing fee, if any, 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 appropriate filing fee, if any, or judgment may be entered against you by default.
- I. 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 of Middlesex County and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.
- J. The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the Court is advised by the parties to the contrary no later than three (3) days before the return date or no opposition to the order to show cause is filed, in accordance with Rule 1:3-1.
- K. **ABSENT A SHOWING OF EXCEPTIONAL AND UNFORESEEN CIRCUMSTANCES, THE COURT WILL NOT ENTERTAIN ADJOURNMENT REQUESTS RECEIVED ON THE DAY BEFORE THE RETURN DATE.**



Honorable Alberto Rivas, A.J.S.C.

For future reference, please refer to Form 10704 (Order to Show Cause Summary Action), which is available online at <http://www.judiciary.state.nj.us/forms.htm>, for an example of a properly-formatted order to show cause.