

DASTI & ASSOCIATES

Christopher J. Dasti
- - -
Joseph C. Falk*
Jeffrey D. Cheney

A Professional Corporation
Attorneys At Law
310 Lacey Road
P.O. Box 779
Forked River, New Jersey 08731
609-549-8990
Fax: 609-549-5043
www.DastiLaw.com

*Rule 1:40 Mediator

File No. GL-1000

November 20, 2020

Via eCourts
The Honorable Benjamin C. Telsey, A.J.S.C.
Gloucester County Justice Complex
70 Hunter Street
Woodbury, NJ 08096

**Re: IN THE MATTER OF THE APPLICATION OF JONATHAN M. FEIN FOR
RECOUNT AND RECHECK OF ALL VOTES CAST IN THE GENERAL
ELECTION HELD ON NOVEMBER 3, 2020 WITH THE TOWNSHIP OF
WOOLWICH, COUNTY OF GLOUCESTER, NEW JERSEY**

Dear Judge Telsey:

Please be advised that this firm represents the Petitioner, Jonathan M. Fein, in the above captioned matter. Enclosed please find an original and one copy of the following:

1. Verified Petition for Recount and Recheck; and
2. Proposed Order;

By copy of this correspondence, we will provide notice of this Petition to the Gloucester County Counsel and the Deputy Attorney General assigned to represent the Gloucester County Board of Elections.

I thank the court for its attention to this matter.

Respectfully Submitted,

/s/ Christopher J. Dasti
Christopher J. Dasti

CJD/JDC

Enclosures

cc: Jonathan M. Fein (via email)

DASTI & ASSOCIATES

CHRISTOPHER J. DASTI, ESQ. [013802010]
310 Lacey Road
P.O. Box 779
Forked River, New Jersey 08731

Attorneys for Petitioner Jonathan M. Fein

IN THE MATTER OF THE
APPLICATION OF JONATHAN M.
FEIN FOR RECOUNT AND RECHECK
OF ALL VOTES CAST IN THE
GENERAL ELECTION HELD ON
NOVEMBER 3, 2020 WITH THE
TOWNSHIP OF WOOLWICH, COUNTY
OF GLOUCESTER, NEW JERSEY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
CIVIL PART
GLOUCESTER COUNTY

CIVIL ACTION

DOCKET NO.: GLO-L-

**VERIFIED PETITION FOR
RECOUNT AND RECHECK**

Petitioner, Jonathan M. Fein, residing at 107 Maple Hill Drive, Township of Woolwich, County of Gloucester, State of New Jersey, by way of this Petition says as follows:

1. At all times relevant herein, Petitioner was a candidate for the Township Committee for the Township of Woolwich, in the County of Gloucester, in the State of New Jersey.

2. The General Election was held for said office on November 3, 2020.

3. As a duly qualified candidate, Petitioner has standing to file the within application for recount and recheck pursuant to N.J.S.A. 19:28-1 et seq., and N.J.S.A. 19:52-6, et seq.

4. There were four candidates for two seats on the Township Committee: Dennis Callahan, Vernon Marino, and Marla Deluca Curran, and Petitioner.

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5. The official canvass, as reported, states Dennis Callahan received 3738 votes, Vernon Marino received 3714 votes, Petitioner received 3631 votes, and Marla Deluca Curran received 3520 votes. Therefore, Petitioner lost the election by a margin of 83 votes, according to the presently reported results.

6. At all times relevant herein, the Respondent, Gloucester County Board of Elections, was and continues to be the custodian of the Vote by Mail ballot application, envelopes, the Vote by Mail, voting orders, and other paraphernalia associated with respect thereto. Further, the Respondent is charged with the duty of conducting the recount of the Vote by Mail ballots in accordance with the requirements of the General Election laws at a time and place established by the Board of Elections.

7. Petitioner has been informed and believes that there may have been errors in reporting the tallies due to the nature of the 2020 General Election being an Exclusive Vote by Mail election.

8. N.J.S.A. 19:28-1 provides for a recount of the Vote by Mail ballots upon payment of \$25.00. Thus, Petitioner applies for a recount of the Vote by Mail ballots cast.

9. At all times relevant herein, the Respondent is the custodian of the absentee ballot applications, envelopes, absentee ballots, vote by mail ballots, provisional ballots, affirmations and envelopes, and other paraphernalia associated with respect thereto. Further, the Respondent is charged with the duty of conducting the recheck of the absentee, provisional, and vote by mail ballots in accordance with the requirements of the election laws at a time and place established by the Board of Elections.

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10. Petitioner believes that the public interest in the outcome of the election warrants a recount and that the \$25 per district fee should be waived because the vote total separating Petitioner Fein and Vernon Marino is less than .57%.

WHEREFORE, Petitioner seeks relief as follows:

- A. For a hand recount and recheck pursuant to N.J.S.A. 19:28-1, et seq. and N.J.S.A. 19:52-6, et seq., and that the ballots cast, including any provisional ballots, if applicable, at the aforementioned election for the office of Township Committee for the Township of Woolwich be opened and recount taken;
- B. Pending such recount, recheck and recount and until further Order of this Court, that the Gloucester County Board of Elections and the County Clerk, be restrained and enjoined from unlocking, unsealing, opening, resetting, zeroing, stripping, disposing of, or otherwise interfering with the voting machines, voting authorities, voting records, and that they further preserve and secure all paper ballots, canvass sheets, envelopes, inner envelopes, envelope flaps, applications, rejected absentee ballots, provisional ballots, affirmations and envelopes, messenger records and other documents or records regarding the conduct or results of the Election.; and
- C. That the Petitioner or his representatives be empowered and permitted to examine and copy the election materials, documents, Vote by Mail ballots, and all other records and documents;
- D. Any other relief as this Court may deem equitable and just.

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Attorneys for Petitioner,
Jonathan M. Fein

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Dated: November 20, 2020

s/Christopher J. Dasti, Esq.
CHRISTOPHER J. DASTI, ESQ.

VERIFICATION

Jonathan B. Fein, of full age, hereby verifies as follows:

1. I am the Petitioner in the above-captioned matter.

2. I have read the allegations in the foregoing Verified Petition and they are true to the best of my personal knowledge and belief. I have relied upon my attorneys for those statements related to legal conclusions and/or statements of law.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 20, 2020



JONATHAN M. FEIN

DASTI & ASSOCIATES

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310 Lacey Road
P.O. Box 779
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CERTIFICATION PURSUANT TO RULE 1:4-4(c)

Pursuant to R. 1:4-4(c), the signature of Jonathan M. Fein filed in the above-captioned matter is a facsimile of the original signature. I certify that Jonathan M. Fein acknowledged the genuineness of his signature to me, and that if requested by the Court or a party, the Certification of Jonathan M. Fein with the original signature will be filed.

I certify that the foregoing statements made by me are true. If any of the foregoing are willfully false, I am subject to punishment.

DASTI & ASSOCIATES
Attorneys for Petitioner,
Jonathan M. Fein

s/Christopher J. Dasti, Esq.

CHRISTOPHER J. DASTI, ESQ.

Dated: November 20, 2020

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Attorneys for Petitioner Jonathan M. Fein

IN THE MATTER OF THE
APPLICATION OF JONATHAN M.
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SUPERIOR COURT OF NEW JERSEY
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CIVIL ACTION

DOCKET NO.: GLO-L-

ORDER

THIS MATTER having been opened to the Court by the Christopher J. Dasti, Esq., of the law firm of Dasti & Associates, attorneys for Petitioner Jonathan M. Fein, and the Court having read the Verified Petition; and for good cause shown,

IT IS ON THIS ____ day of _____, 2020, **ORDERED:**

1. The voting machines, Vote by Mail ballots, and absentee ballots used in all voting districts within the Township of Woolwich for the general election held on November 3, 2020 shall be opened at ____ a.m/p.m on the ____ day of November, 2020, and the registry counters for all candidates for Township Committee be recounted and rechecked against the election returns;

2. The Gloucester County Clerk shall produce at the time and place of the recount and recheck the official statement containing the results of the election for all such candidates as certified by the District Board and filed pursuant to N.J.S.A. 19:52-6.1 and N.J.S.A. 19:28-1, et seq.;

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3. Notification of the time and place of the recount and recheck be given to all candidates as they appear on the ballots for the office of Township Committee. Such notices shall be given at least three (3) days prior to the time fixed for the recount and recheck;

4. The fee of \$25 per district to recount the paper ballots is hereby waived as the recount is in the public interest;

5. Any candidate may petition this court for relief based upon the results of this recount and recheck;

6. This Court will retain jurisdiction over the entire election until further order.

HON. BENJAMIN C. TELSEY, A.J.S.C.

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Civil Case Information Statement

Case Details: GLOUCESTER | Civil Part Docket# L-001303-20

Case Caption: IN THE MATTER OF FEIN JONATHAN M

Case Initiation Date: 11/20/2020

Attorney Name: JEFFREY D CHENEY

Firm Name: DASTI & ASSOCIATES, P.C.

Address: 310 LACEY ROAD P.O. BOX 779
FORKED RIVER NJ 08731

Phone: 6095498990

Name of Party: PETITIONER : Fein, Jonathan, M

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: OTHER VERIFIED PETITION FOR RECOUNT AND
RECHECK OF VOTES

Document Type: Petition

Jury Demand: NONE

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Are sexual abuse claims alleged by: Jonathan M Fein? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

11/20/2020
Dated

/s/ JEFFREY D CHENEY
Signed