

LAW OFFICES
PAUL J. BALDINI, P.A.
A PROFESSIONAL CORPORATION

4413 New Jersey Avenue
Wildwood, NJ 08260
(609) 729-2600
(609) 729-8627 Fax

8405 E. Landis Avenue
Sea Isle City, NJ 08243
(609) 263-1100
(609) 263-8196 Fax
Please reply to:
Wildwood Office

File No.:1027-245

May 7, 2008

Clerk, Superior Court
Chancery Division/Family Part
4 Moore Road
Cape May Court House, NJ 08210

Re: MCGINLEY, et al. v. DONAHUE, et al.
Docket No: CPML-672-06

Dear Sir or Madam:

Enclosed please find the original and/or one copy(ies) of:

- Stamped return envelope Answer and CIS
 Check for \$135.00 Stipulation Extending Time
 Proof of Mailing

FOR:

- Filing Recording Your Information Other

WILL YOU KINDLY:

- File/record original retain copy return filed/recorded copy acknowledge and return
 comply with discovery request

Sincerely,


Richard C. Andrien, Esquire

Enclosures

cc: Willis Flower, Esquire
Louis Dwyer, Esquire
Thomas Hillegass, Esquire
James H. Pickering, Esquire
Mayor and Council
George Savastano, City Administrator

Theresa Tighe, City Clerk
Andrew Previti, City Engineer

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ATTORNEY FOR DEFENDANT,
CITY OF SEA ISLE CITY, AND ROBERT
BOWMAN, BUILDING INSPECTOR FOR
CITY OF SEA ISLE CITY.

DAVID MCGINLEY and CHERYL D.
MCGINLEY, husband and wife, and
MARIA BELLO,

Plaintiffs,

vs.

VINCENT P. DONAHUE, JR., and
TEREESE M. DONAHUE, husband and wife,
KENNETH MARTABANO AND KAREN
MARTABANO, husband and wife,
CITY OF SEA ISLE CITY, a municipal
corporation and ROBERT BOWMAN, Sea Isle
City Building Inspector, JOHN DOES 1-10;
JANE DOES 1-10; ABC CORPORATIONS
1-10 (being fictitious names), jointly, severally,
and in the alternative,

Defendants.

SUPERIOR COURT OF NEW JERSEY
COUNTY OF CAPE MAY
CHANCERY DIVISION

DOCKET NO.: CPM-C-3-08

CIVIL ACTION

ANSWER TO AMENDED COMPLAINT

ANSWER

Defendants, City of Sea Isle City, a municipal corporation, located at 4416 Landis Avenue,
Sea Isle City, NJ 08243, and Robert Bowman, the Sea Isle City Building Inspector, aver as follows:

FIRST COUNT

1. Denied to the extent Plaintiffs assert any wrong doing, illegal conduct, or other
conduct outside the scope of the authority of the City or the City Building Inspector.
2. Denied to the extent Plaintiffs allege any illegal activities by the City or the City
Building Inspector.

SECOND COUNT

3. Denied.
4. Admitted.
5. Admitted.
6. Denied to the extent Plaintiffs assert any wrong doing, illegal conduct, or other conduct outside the scope of the authority of the City or the City Building Inspector.
7. Denied to the extent Plaintiffs assert any wrong doing, illegal conduct, or other conduct outside the scope of the authority of the City or the City Building Inspector.
8. Denied to the extent Plaintiffs assert any wrong doing, illegal conduct, or other conduct outside the scope of the authority of the City or the City Building Inspector.
9. Denied to the extent Plaintiffs assert any wrong doing, illegal conduct, or other conduct outside the scope of the authority of the City or the City Building Inspector.
10. Denied. The City and the City Building Inspector have acted properly, within the scope of their respective authority, and in compliance with Sea Isle City rules and regulations. The City and Building Inspector's conduct has been, and will continue to be, reasonable in reviewing applications for building permits and reviewing documentation provided in support of any such applications. The City and the Building Inspector have looked at the actual construction and the plans submitted for the construction to assure compliance with the approved plans. Furthermore, the City and the City Building Inspector have a reasonable and appropriate means of reviewing applications for construction projects, as is custom or otherwise required by law.¹

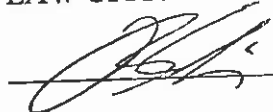
¹It should be noted that this action against the City and the Building Inspector is likely going to be unnecessary, because the facts and circumstances surrounding this litigation are before the Sea Isle City Zoning Board. It is believed that the defendant property owners in this litigation have asked for variance relief from the zoning board and the relief requested addresses the potential that the Board may determine the property at issue has incurred a reconstruction or that the improvements to the property are a renovation, *inter alia*.

REQUEST FOR RELIEF

For the reasons stated above, the City of Sea Isle City and the City Building Inspector respectfully deny all claims asserted against them, respectively, and it is requested that this Honorable Court deny all of Plaintiffs' requests against the City and the City Building Inspector for any and all injunctive relief, monetary damages, punitive damages, penalties, costs, or other fees related to this litigation.

Date: 5-7-08

LAW OFFICES OF PAUL J. BALDINI, P.A.



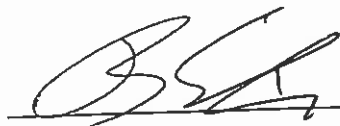
Richard C. Andrien, Esq.
Attorney for Defendant,
City of Sea Isle City, and the
Sea Isle City Building Inspector

CERTIFICATION PURSUANT TO RULE 4:5-1

Defendants, City of Sea Isle City and the City Building Inspector, hereby certify that this matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated, and to the best of Defendants' knowledge, no other parties should be joined in the within action.

Date: 5-7-08

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Richard C. Andrien, Esq.
Attorney for Defendant,
City of Sea Isle City, and the
Sea Isle City Building Inspector

CIVIL CASE INFORMATION STATEMENT (CIS)

FOR USE BY CLERK'S OFFICE ONLY



Use for initial Law Division – Civil Part pleadings (not motions) under Rule 4:5-1.
Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or if attorney's signature is not affixed.

PAYMENT TYPE: CK CG CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY/PRO SE NAME Richard C. Andrien, Esq	TELEPHONE NUMBER (609) 729-2600	COUNTY OF VENUE Cape May
FIRM NAME (if applicable) Law Offices of Paul J. Baldini, P.A.		DOCKET NUMBER (When available) CPM-C-08
OFFICE ADDRESS 4413 New Jersey Avenue Wildwood, New Jersey 08260		DOCUMENT TYPE Answer
		JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

NAME OF PARTY (e.g., John Doe, Plaintiff) City of Sea Isle City and Robert Bowman, Sea Isle City Building Inspector	CAPTION McGinley, et al. v. Donahue, et al.
------------------------------------------------------------------------------------------------------------------------	------------------------------------------------

CASE TYPE NUMBER (See reverse side for listing) 399	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
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RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

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

A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP	<input type="checkbox"/> EMPLOYER-EMPLOYEE	<input type="checkbox"/> FRIEND/NEIGHBOR	<input checked="" type="checkbox"/> OTHER (explain) _____
		<input type="checkbox"/> FAMILIAL	<input type="checkbox"/> BUSINESS	

B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? YES NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

The facts and circumstances of this litigation are currently before the Sea Isle City Zoning Board of Adjustment for a pending hearing at 7:30 on Tuesday May 20, 2008 (Special Meeting). The subject matter and issues (factually and legally) of the Application before the Zoning Board are identical to this litigation .

<input checked="" type="checkbox"/> DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION: _____
<input type="checkbox"/> WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE: _____

ATTORNEY SIGNATURE 5-7-08

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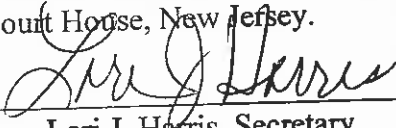
DOCKET NO.: CPM-C-3-08

CIVIL ACTION

PROOF OF MAILING

MOTIONS: The original of the within Answer has been filed with the Clerk of the County of Cape May at 4 Moore Road, Cape May Court House, New Jersey.

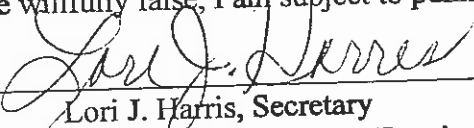
DATED: May 9, 2008


Lori J. Harris, Secretary

To Richard C. Andrien, Esquire
Attorney for Defendants, City of Sea Isle City, and
Robert Bowman, Sea Isle City Building Inspector

PROOF OF MAILING: On May 9, 2008 I, the undersigned, mailed the following: Answer to Ford, Flower & Hasbrouck, via regular mail at said addressee's last known address. 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: May 9, 2008


Lori J. Harris, Secretary

To Richard C. Andrien, Esquire
Attorney for Defendants, City of Sea Isle City, and
Robert Bowman, Sea Isle City Building Inspector