

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN CURLEY,

Plaintiff,

v.

MONMOUTH COUNTY BOARD OF
CHOSEN FREEHOLDERS, et. al.

Defendants.

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Civil Action No. 3:17-cv-12300-BRM-TJB

ORDER

THIS MATTER is opened to the Court by: (1) John Curley’s (“Curley”) Motion to Hold Defendants Monmouth County Board of Chosen Freeholders (“the Board”), Serena DiMaso (“DiMaso”), Thomas Arnone (“Arnone”), Gary Rich (“Rich”), Lillian Burry (“Burry”), Michael Fitzgerald, Esq. (“Fitzgerald”), Teri O’Connor (“O’Connor”) (together, “Defendants”) in Contempt (ECF No. 8)¹; (2) the County Defendants’ Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim (ECF No. 26); and (3) Fitzgerald and O’Connor’s Motion to Dismiss (ECF No. 32). All motions are opposed. (ECF Nos. 24 and 43.) Pursuant to Federal Rule of Civil Procedure 78(a), the Court heard oral argument on April 30, 2018. For the reasons set forth below and for good cause having been shown,

IT IS on this 25th day of July 2018,

ORDERED that Curley’s Motion to Hold Defendants in Contempt (ECF No. 8) is **GRANTED** as to the County Defendants only, but limited to attorneys’ fees, as set forth in the

¹Defendants Monmouth County Board of Chosen Freeholders, DiMaso, Arnone, Rich, and Burry will jointly be referred to as the “County Defendants.” DiMaso, Arnone, Rich, and Burry will jointly be referred to as “Freeholder Defendants.”

accompanying Opinion, and Curley shall file within 30 days of this Order an affidavit pursuant to Local Rule 54.2 in order to recover the requested fees; and it is further

ORDERED that the County Defendants' Motion to Dismiss for Lack of Jurisdiction is **DENIED**, but their Motion for Failure to State a Claim is **GRANTED** (ECF No. 26); and it is further

ORDERED that Fitzgerald and O'Connor's Motion to Dismiss is **GRANTED** (ECF No. 32); and it is finally

ORDERED that Curley may file an Amended Complaint addressing all deficiencies by no later than August 24, 2018. Failure to file an amended complaint will result in the case being dismissed with prejudice.

/s/ *Brian R. Martinotti*
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE