

BELOW IS A SUMMARY OF THE CASE YOU ARE FILING WITH THE **SUPREME COURT**.
 REVIEW ALL INFORMATION AND DOCUMENTS FOR ACCURACY PRIOR TO HITTING THE **SUBMIT** BUTTON
 IN THE NEXT PAGE.

FILING ID # 1044718 **APPELLATE #** A-001897-21
SUPREME # **TRIAL COURT COUNTY** STATEWIDE
CASE TITLE IN THE MATTER OF PERMIT NUMBER 0807-21-002.1 LUP21001 ISSUED BY THE
 NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO DELAWARE
 RIVER PARTNERS
CASE TYPE STATE AGENCY **DISPOSITION DATE** 11/21/2023
CATEGORY ENVIRONMENTAL
 PROTECTION
TRIAL COURT JUDGE

PARTY/ATTORNEY

| PARTY NAME | PARTY TYPE | FIRM NAME – ATTORNEY NAME | ADDRESS |
|------------------------------|------------|---|---|
| DELAWARE RIVERKEEPER NETWORK | | DELAWARE RIVERKEEPER NETWORK - KACY C MANAHAN (ATTORNEY OF RECORD) | 925 CANAL STREET, SUITE 3701 BRISTOL, PA 19007 215-369-1188 KACY@DELAWARERIVERKEEPER.ORG KEEPERMAYA@DELAWARERIVERKEEPER.ORG |
| MAYA K. VAN ROSSUM | | DELAWARE RIVERKEEPER NETWORK - KACY C MANAHAN (ATTORNEY OF RECORD) | 925 CANAL STREET, SUITE 3701 BRISTOL, PA 19007 215-369-1188 KACY@DELAWARERIVERKEEPER.ORG KEEPERMAYA@DELAWARERIVERKEEPER.ORG |
| ENVIRONMENTAL PROTECTION | | ATTORNEY GENERAL LAW - KRISTINA L MILES (ATTORNEY OF RECORD) ATTORNEY GENERAL LAW - KATHRINE MOTLEY HUNT (CO-COUNSEL) ATTORNEY GENERAL LAW - MELISSA H RAKSA (CO-COUNSEL) | 25 MARKET STREET, PO BOX 93 TRENTON, NJ 08625 609-376-2965 KATHRINE.HUNT@LAW.NJOAG.GOV 25 MARKET ST, PO BOX 112 TRENTON, NJ 08625 609-984-3900 DOL.APPEALS@LAW.NJOAG.GOV 25 MARKET ST, PO BOX 112 TRENTON, NJ 08625 609-984-3900 KRISTINA.MILES@LAW.NJOAG.GOV |
| DELAWARE RIVER PARTNERS LLC | | MANKO GOLD KATCHER FOX, LLP - KATHLEEN CAMPBELL (ATTORNEY OF RECORD) MANKO GOLD KATCHER FOX, LLP - MICHAEL DILLON (CO-COUNSEL) | THREE BALA PLAZA EAST, STE 700 BALA CYNWYD, PA 19004-0000 484-430-5700 KCAMPBELL@MANKOGOLD.COM MBOND@MANKOGOLD.COM THREE BALA PLAZA EAST, STE 700 BALA CYNWYD, PA 19004-0000 484-430-5700 MDILLON@MANKOGOLD.COM BDEVLIN@MANKOGOLD.COM |

DOCUMENTS

| DOCUMENT / FILE NAME | FILING PARTY | FIRM NAME/ATTORNEY NAME | SOURCE | DATE POSTED | DOCUMENT STATUS | SUPREME MODE |
|--------------------------------------|------------------------------|---|------------------|-------------|-----------------|--------------|
| NOTICE OF PETITION FOR CERTIFICATION | DELAWARE RIVERKEEPER NETWORK | DELAWARE RIVERKEEPER NETWORK - KACY C MANAHAN | SYSTEM GENERATED | 01/04/2024 | SUBMITTED | |

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|---|------------------------------|---|------------------|------------|-----------|
| MOTION FOR LEAVE TO FILE AS WITHIN TIME | DELAWARE RIVERKEEPER NETWORK | DELAWARE RIVERKEEPER NETWORK - KACY C MANAHAN | SYSTEM GENERATED | 01/04/2024 | SUBMITTED |
| AFFIDAVIT/CERTIFICATION IN SUPPORT | DELAWARE RIVERKEEPER NETWORK | DELAWARE RIVERKEEPER NETWORK - KACY C MANAHAN | UPLOAD | 01/04/2024 | SUBMITTED |
| CERTIFICATION OF SERVICE | DELAWARE RIVERKEEPER NETWORK | DELAWARE RIVERKEEPER NETWORK - KACY C MANAHAN | SYSTEM GENERATED | 01/05/2024 | SUBMITTED |

FEES AND PAYMENTS

| Fee Type | Fee Amount | Fee Status | Fee Paid | Date Paid | Amount Due |
|------------|-----------------|-------------|---------------|----------------------|-----------------|
| FILING FEE | \$250.00 | FEE PENDING | \$0.00 | 1/5/2024 12:00:00 AM | \$250.00 |
| FILING FEE | \$50.00 | FEE PENDING | \$0.00 | 1/5/2024 12:00:00 AM | \$50.00 |
| | \$300.00 | | \$0.00 | | \$300.00 |

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SUPREME COURT OF NEW JERSEY

APP. DIV. # A-001897-21

SUPREME COURT #

IN THE MATTER OF PERMIT NUMBER
0807-21-002.1 LUP21001 ISSUED BY
THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION TO
DELAWARE RIVER PARTNERS

NOTICE OF MOTION
MOTION FOR LEAVE TO FILE AS WITHIN
TIME

PURSUANT TO R. 2:4-4(A), APPELLANTS DELAWARE RIVERKEEPER NETWORK AND MAYA VAN ROSSUM, THE DELAWARE RIVERKEEPER, HEREBY MOVE THIS HONORABLE COURT FOR LEAVE TO FILE AS WITHIN TIME AND TO EXTEND THE TIME FIXED BY R. 2:12-3(A) FOR A PERIOD OF TWENTY-FIVE DAYS. APPELLANTS MAKE THIS REQUEST BASED UPON GOOD CAUSE AS SET FORTH IN THE ATTACHED CERTIFICATION. RESPONDENTS NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DELAWARE RIVER PARTNERS, LLC, WOULD NOT BE PREJUDICED BY THE REQUESTED EXTENSION BECAUSE THE CHALLENGED PERMITS REMAIN IN EFFECT, AND BECAUSE THE REQUESTED EXTENSION IS FOR A RELATIVELY SHORT AMOUNT OF TIME. APPELLANTS SERVED AND FILED A NOTICE OF PETITION FOR CERTIFICATION ON JANUARY 5, 2024. ACCORDINGLY, APPELLANTS RESPECTFULLY REQUEST THAT THIS COURT ACCEPT THE NOTICE OF PETITION FILED AS WITHIN TIME BY EXTENDING THE FILING DEADLINE TWENTY-FIVE DAYS FROM DECEMBER 11, 2023, TO FRIDAY, JANUARY 5, 2024.

Attorney for DELAWARE RIVERKEEPER
NETWORK

Dated: 01/05/2024

S/ KACY C MANAHAN

Kacy C. Manahan, Esquire
N.J. Attorney No. 275122018
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007
215-369-1188 x115
kacy@delawareriverkeeper.org

IN THE MATTER OF PERMIT
NUMBER 0807-21-0002.1
LUP210001 ISSUED BY THE NEW
JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
TO DELAWARE RIVER
PARTNERS, LLC

IN THE MATTER OF PERMIT
NUMBER 0807-21-0002.1
LUP210002 ISSUED BY THE NEW
JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
TO DELAWARE RIVER
PARTNERS, LLC

SUPREME COURT OF NEW
JERSEY
DOCKET NO. _____

ON PETITION FOR
CERTIFICATION OF APPEAL
FROM FINAL JUDGMENT OF
THE SUPERIOR COURT OF NEW
JERSEY APPELLATE DIVISION
DOCKET NO. A-001897-21
A-002270-21

CERTIFICATION OF KACY C.
MANAHAN IN SUPPORT OF
MOTION FOR LEAVE TO FILE AS
WITHIN TIME

Kacy C. Manahan certifies as follows:

1. I am counsel for Appellants Delaware Riverkeeper Network and Maya van Rossum, the Delaware Riverkeeper, in the above-captioned consolidated matters, and am duly admitted to practice law before the courts of this State. I submit this Certification in support of Appellants' Motion for Leave to File as Within Time.

2. The final judgment of the Appellate Division in the above-captioned matters was entered November 21, 2023.

3. Pursuant to R. 2:12-3(a), Appellants were required to file and serve any notice of petition for certification for review of the final judgment within twenty days, or by December 11, 2023.

4. Upon receipt of the final judgment, I mistakenly and inadvertently calendared the time for filing a notice of petition for certification as forty-five days after entry of the judgment, or on January 5, 2024.

5. For this reason, I request that this Honorable Court grant leave to file the notice of petition for certification as within time on January 5, 2024, based on good cause and absence of prejudice, pursuant to R. 2:4-4(a).

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

Dated: January 5, 2024

/s/ Kacy C. Manahan
Kacy C. Manahan

KACY C MANAHAN, Esq.
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SUPREME COURT OF NEW JERSEY

App. Div. # A-001897-21
Supreme Court #

CIVIL ACTION

IN THE MATTER OF PERMIT NUMBER
0807-21-002.1 LUP21001 ISSUED BY
THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION TO
DELAWARE RIVER PARTNERS

**NOTICE OF PETITION
FOR CERTIFICATION**

TO:

Heather Joy Baker, Clerk of the Supreme Court
Supreme Court Clerk's Office
Richard J. Hughes Justice Complex
P.O. Box 970
Trenton, NJ 08625-0970

Matthew J. Platkin, Attorney General of New Jersey
Melissa H. Raksa, Assistant Attorney General
Kristina L. Miles, Deputy Attorney General
Richard J. Hughes Justice Complex
P.O. Box 112
Trenton, NJ 08625-0970

Kathrine Motley Hunt, Deputy Attorney General
Richard J. Hughes Justice Complex
P.O. Box 93
Trenton, NJ 08625-0970

Kathleen B. Campbell, Esq.
Michael Dillon, Esq.
Manko, Gold, Katcher & Fox, LLP
Three Bala Plaza East, Suite 700
Bala Cynwyd, PA 19004

TAKE NOTICE that Delaware Riverkeeper Network and Maya van Rossum, the Delaware Riverkeeper, will petition the Supreme Court of New Jersey pursuant to Rule 2:12-3(a) for an Order certifying the final judgment entered by the Appellate Division in consolidated cases A-1897-21 and A-2270-21 on November 21, 2023. The filing fee of \$250 is enclosed

herewith.

Dated: 01/05/2024

S/ KACY C MANAHAN

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Attorney Bar ID: 275122018

SUPREME COURT OF NEW JERSEY
APP. DIV. # A-001897-21
SUPREME COURT #

CRIMINAL ACTION

IN THE MATTER OF PERMIT NUMBER
0807-21-002.1 LUP21001 ISSUED
BY THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION TO
DELAWARE RIVER PARTNERS

CERTIFICATION OF SERVICE

I hereby certify that the following documents, NOTICE OF
PETITION FOR CERTIFICATION, MOTION FOR LEAVE TO FILE AS WITHIN
TIME, AFFIDAVIT/CERTIFICATION IN SUPPORT were submitted and
transmitted to the parties listed below in the following format:

ELECTRONICALLY TO:

ATTORNEY NAME: KATHLEEN CAMPBELL , Esq.
KCAMPBELL@MANKOGOLD.COM
MBOND@MANKOGOLD.COM

ATTORNEY NAME: KATHRINE MOTLEY HUNT , Esq.
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ATTORNEY NAME: KRISTINA L MILES , Esq.
KRISTINA.MILES@LAW.NJOAG.GOV

ATTORNEY NAME: MELISSA H RAKSA , Esq.
DOL.APPEALS@LAW.NJOAG.GOV

BY MAIL:

01/05/2024
MICHAEL DILLON
MANKO GOLD KATCHER FOX, LLP
THREE BALA PLAZA EAST
STE 700
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484-430-5700
MDILLON@MANKOGOLD.COM
BDEVLIN@MANKOGOLD.COM

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.

Attorney for Filing Party
DELAWARE RIVERKEEPER NETWORK

S/ KACY C MANAHAN, Esq.

Dated: 01/05/2024