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April 6, 2009

Via Hand Delivery

Linda R. Feinberg, A.J.S.C.
Mercer County Courthouse
175 South Broad Street
Trenton NJ 08650-0068

RE: In Re Petition for Referendum on City of Trenton Ordinance 09-02
Docket No: MER-L-548-09

Dear Judge Feinberg:

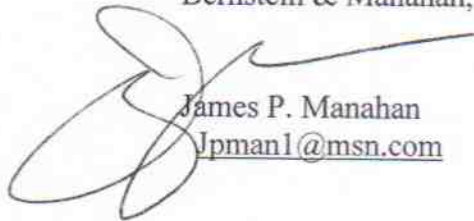
On behalf of Defendants-Counterclaimants, Committee of Petitioners, Michael McGrath, Karen McGrath, Hibbert Duncan, Noreen Duncan and Algernon Ward, enclosed please find the following:

1. Notice of Motion for Reconsideration;
2. Certifications of Michael McGrath, Frederick Yoerg, Jr., P.E. CME and James P. Manahan, Esquire, with Exhibits as indicated;
3. Letter Brief;
4. Proposed Order;

Kindly have the Clerk of the Court stamp the extra copy of each enclosed as filed and return it in the envelope provided. Also, enclosed is our attorney business account check in the amount of \$30.00 in payment of the filing fees.

Respectfully yours,

Bernstein & Manahan, LLC



James P. Manahan
Jpman1@msn.com

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CC: McManimon & Scotland, LLC (via FedEx)
Cozen O'Conner (via FedEx)
Committee of Petitioners (via e-mail)

reconsideration of the matter presented to the Court and Order of the Court on March 16, 2009, on the return date of the Order to Show Cause previously issued in this matter.

PLEASE TAKE FURTHER NOTICE that the bases for the motion for requesting a reconsideration and rehearing are:

A. The discovery by Petitioners, subsequent to March 16, 2009 of an engineering report prepared for the City of Trenton which, if known to Petitioners, would have been submitted to the Court as squarely contradicting the factual allegations made by Plaintiff City of Trenton ("City") as to the status of the Trenton Water Utility system as two systems, and as to whether the population of the City of Trenton is served regularly by the water facilities it owns and proposes to sell to the Intervenor, N.J. American Water Company ("N.J. American");

B. The results of a Petitioner's careful review of all submissions of record showing that there was no opinion of any engineer submitted by the City or N.J. American which support the Court's finding that that the Trenton Water Utility is actually two separate systems or that less than 5% of the Trenton population is served by the part of the system which is to be separated and sold to the, NJ American.

C. The Court's statement of its findings and conclusions of law fails to identify any legislative or judicial precedent for its conclusion that the Municipal Utilities Law (MUL), as distinguished from the New Jersey Water Supply Public-Private Contracting Act" (N.J.S.A. 58:26-19 et seq.), expresses a legislated barrier to the Faulkner Act's

provisions entitling citizens to protest "any" ordinance (in the absence of a clear legislative direction to the contrary), and has not adequately considered the impact of the Supreme Court's decision in In re: Ordinance 04-75, 192 N.J. 446 (2007)(requiring the court to seek a clear, not a constructive, legislative bar to a protest referendum) on the Appellate Division's 1991 interpretation of the Water Supply Privatization Act.

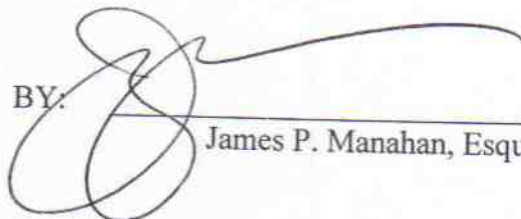
D. The Court is also asked to reconsider the pace by which it made a summary and final determination in this matter in the face of clearly contradicted facts without affording Petitioners time to have an opportunity to engage in discovery and or plenary proceedings to resolve clearly polarized assertions as to the nature of the existing system and the actual water service provided by the Trenton Water System's outlying facilities back to the population of the City of Trenton, both now and after any such sale.

In support of this motion, the undersigned shall rely upon the Brief, Certifications and Exhibits appended thereto and such live testimony and or argument as the Court shall entertain on the return date.

Oral argument is hereby requested.

BERNSTEIN & MANAHAN, LLC
Attorneys for Defendants-
Counterclaimants, Committee of
Petitioners, Michael McGrath, Karen
McGrath, Hibbert Duncan, Noreen
Duncan and Algernon Ward

BY:

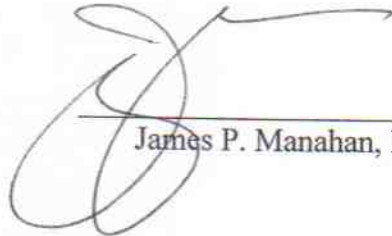


James P. Manahan, Esquire

Dated: April 6, 2009

CERTIFICATION OF FILING
AND SERVICE

I certify that on this date I have caused to be filed via hand delivery the original of this motion and all supporting papers with the Clerk of the Superior Court of New Jersey c/o Mercer County Courthouse, Law Division, 175 South Broad Street, Trenton, New Jersey 08650 and that a true copy has been served upon the parties' attorneys at the addresses first set forth above, via overnight courier.



James P. Manahan, Esquire

Date: April 6, 2009

