

FILED

March 23, 2026

Hon. Thomas Daniel McCloskey, J.S.C.

The Hon. Thomas Daniel McCloskey, J.S.C.

Superior Court of New Jersey
Chancery Division, General Equity Part
Middlesex County
Middlesex County Courthouse
56 Paterson Street, 3rd Floor
Chambers/Courtroom 306
New Brunswick, New Jersey 08903-0964

PREPARED BY THE COURT:

KEVIN WINE and VINCENT MARCHITTO,

Plaintiffs,

v.

SOCIETY HILL AT PISCATAWAY CONDOMINIUM ASSOCIATION, INC., BOARD OF TRUSTEES OF SOCIETY HILL AT PISCATAWAY CONDOMINIUM ASSOCIATION, INC., MATTHEW PHILLIPS, MOHIUDDIN SYED, MARK KELSEY, YUQING WAN, JOHN DOES 1-10, and ABC CORPS. 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
GENERAL EQUITY PART
MIDDLESEX COUNTY
DOCKET NO. MID-C-50-26

Civil Action

ORDER TO SHOW CAUSE FOR SUMMARY ACTION PURSUANT TO R. 4:67-1(a)

THIS MATTER has come before the Court by way of an application (“**Application**”) for an Order to Show Cause under Verified Complaint filed by the Plaintiffs, **KEVIN WINE** and **VINCENT MARCHITTO**, both of whom are appearing *Pro Se* (“**Plaintiffs**”), against the Defendants, **SOCIETY HILL AT PISCATWAY CONDOMINIUM ASSOCIATION, INC.** (the “**Association**”), **BOARD OF TRUSTEES OF SOCIETY HILL AT PISCATAWAY**

CONDOMINIUM ASSOCIATION, INC. MATTHEW PHILLIPS, MOHIUDDIN SYED, MARK KELSEY, YUQING WAN, JOHN DOES 1-10, and ABC CORPS. 1-10 (“**Defendants**”), seeking preliminary injunctive and other related relief by way of summary action pursuant to R. 4:67-1(a), and with temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Verified Complaint filed herewith, as verified by the Plaintiffs, Kevin Wine, and Vincent Marchitto;

AND THE COURT, having determined that the action may be commenced, as it has been, by Verified Complaint and Order to Show Cause as a summary proceeding pursuant to N.J.S.A. 15A:6-6(d), R. 4:67-1(a), *et seq.*, and R. 4:52-1, *et seq.*, that the Plaintiffs have timely filed the Application, and that due notice has been given to the Defendants and to counsel for the Association of the Court’s scheduling of this initial hearing insofar as the Plaintiffs’ Application seeks the imposition of temporary restraints upon the Defendants, and pursuant to the Certification of Service verifying the same filed on March 21, 2026 (*see* Trans. ID: CHC202693282);

AND THE COURT, having reviewed and considered the Verified Complaint and supporting Brief submitted by the Plaintiffs, having heard and considered the oral argument of the Plaintiffs and that of counsel appearing for and on behalf of the Association, and for good cause having otherwise been shown:

IT IS on this **23rd** day of **MARCH 2026 ORDERED**, that the Plaintiffs’ Application for an Order to Show Cause, be, and hereby is, **GRANTED**; and, more specifically, it is

ORDERED, that the Defendant Association and the Defendants, **BOARD OF TRUSTEES OF SOCIETY HILL AT PISCATAWAY CONDOMINIUM ASSOCIATION, INC. MATTHEW PHILLIPS, MOHIUDDIN SYED, MARK KELSEY, YUQING WAN** (collectively, the “**Defendants**”), appear and show cause on **APRIL 23, 2026** (the “Return Date”)

before the Honorable Thomas Daniel McCloskey, J.S.C., at the Middlesex County Courthouse, 56 Paterson Street, New Brunswick, New Jersey, Courtroom 306, **in-person**, **at 10:00 A.M.** in the forenoon or soon thereafter as counsel may be heard, as to why judgment and/or an Order should not be entered:

A. Directing that this matter proceeds summarily pursuant to R. 4:67-2(b) and R. 4:67-5.

B. Preliminarily and permanently restraining and enjoining the Defendants from suspending or removing the Plaintiff, Vincent Marchitto, from the Board of Trustees.

C. Preliminarily and permanently restraining and enjoining the Defendants from trespassing the Plaintiff, Vincent Marchitto, from the community Clubhouse building.

D. Preliminarily and permanently restraining and enjoining the Defendants from limiting the access of the Plaintiffs, Vincent Marchitto and Kevin Wine, to all Association documents and records, with the exception of materials protected by the attorney client privilege relating to litigation in which the Plaintiffs are a litigant.

E. Preliminarily and permanently restraining and enjoining the Defendants from preventing the Plaintiffs from requesting Special meetings of the Board of Trustees with the Plaintiffs' agenda items;

And why the following further relief should not be granted:

F. Ordering the Defendants to, within five (5) calendar days following the final Order in favor of the Plaintiffs' demands, distribute the following message to all community members by email for Member consenting to received electronic notice, and by regular mail to all remaining Members:

“At the March 5, 2026 Special meeting of the Board of Trustees, President Matthew Phillips, Vice President Mohiuddin Syed, Treasurer Mark Kelsey, and Secretary Yuqing Wan voted to remove fellow Trustee Vincent Marchitto from the Board of Trustees. Trustees Vincent Marchitto and Kevin Wine filed suit, alleging that the Board acted in violation of the Association's governing documents and beyond its authority in removing Trustee Marchitto. The Court agreed, and ordered that Trustee Marchitto be immediately reinstated as a Trustee. The Board members responsible for the removal of Trustee Marchitto apologize to Trustee Marchitto for their actions and retract all the false and misleading statements they made about Trustee Marchitto at the March 5, 2026 Special Meeting.”

G. Awarding costs of suit against the Defendants, Matthew Phillips, Mohiuddin Syed, Mark Kelsey, and Yuqing Wan, to be paid to Plaintiffs, estimated to be \$300 for the cost of filing and \$400 for the cost of service.

I. Awarding costs of the Association's legal defense against the Defendants, Matthew Phillips, Mohiuddin Syed, Mark Kelsey, and Yuqing Wan, to be paid to the Association, estimated to be \$5,000 for the Directors and Officers insurance coverage deductible, plus any other legal costs incurred by Counsel for work related to the Association's legal defense in this matter, beyond what is covered by Counsel's current retainer agreement; and

J. Granting such other, further, and different relief as the Court may deem equitable and just; and

IT IS FURTHER ORDERED, that pending the Return Date herein, insofar as the Plaintiffs sought the imposition of temporary restraints against the Defendant Association and the Defendants, **BOARD OF TRUSTEES OF SOCIETY HILL AT PISCATAWAY CONDOMINIUM ASSOCIATION, INC. MATTHEW PHILLIPS, MOHIUDDIN SYED, MARK KELSEY, YUQING WAN**, that aspect of the Application is hereby **DENIED**, without prejudice, the Court having found, *inter alia*, that the facts in dispute are substantially controverted, there are or may be authorized alternative dispute resolution (ADR) procedures that have been initiated to address and resolve issues that have been joined by the Plaintiffs in their Verified Complaint, that the imposition of restraints may adversely impair or prevent that process from being completed, and that, overall the Plaintiffs have failed to establish each of the four (4) factors required by our Supreme Court in Crowe v. DeGioia, 90 N.J. 126, 132-34 (1982) by *clear and convincing evidence* to warrant the immediate injunctive relief sought at this time;

IT IS FURTHER ORDERED, that a copy of this Order to Show Cause, the Verified Complaint and all supporting affidavits or certification(s) submitted in support of the Application be immediately served upon the Defendants either personally, or by electronic transmission via email (with proof of transmission) and/or by overnight delivery with signature confirmation only, in accordance with R. 4:4-3 and R. 4:4-4, this being original process. **Delivery by regular mail**

and certified mail, return receipt requested, without more, shall not constitute effective service; and

IT IS FURTHER ORDERED, that the Plaintiffs *Pro Se* must file with the Court a Certification and Proof of Service of their pleadings on the Defendants **no later than three (3) days before the Return Date**; and

IT IS FURTHER DIRECTED that the Defendants **TAKE NOTICE** and by receipt hereof acknowledge, as follows: The Plaintiffs have filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of this lawsuit. If you dispute the Verified Complaint and/or the relief sought under this Order to Show Cause, you or your attorneys must file a written Answer(s), answering affidavit(s), or a motion returnable on the Return Date of this Order to Show Cause, as the case may be, and a Certification and Proof of Service of the same with the Court before the Return Date as hereinafter provided. These documents must be electronically filed with the Clerk of the Superior Court in Middlesex County via eCourts or JEDS. You must also send a copy of your Answer(s), answering affidavit(s) or motion to the Plaintiffs, whose names and addresses appear in the caption of said Plaintiffs' pleadings. A telephone call will not protect your rights; you must file and serve your Answer(s), answering affidavit(s) or motion with the requisite filing fee or judgment may be entered against you by default.

If you cannot afford an attorney, you may call the Legal Services Office in Middlesex County or the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer

Referral Services is available in the Civil Division Management Office in Middlesex County or in the county in which you live and online at njcourts.gov/forms/10153_deputyclerklawref.pdf.¹

IT IS FURTHER ORDERED, that the responding Defendants shall file and serve a written Answer(s), an answering affidavit(s), or a motion returnable on the Return Date of the Order to Show Cause, or on such date the Court shall determine, as to the relief requested in the Verified Complaint together with proof of service of the same on the Plaintiffs, on behalf of the Defendants, **no later than 4:00 P.M. on APRIL 13, 2026**. The Answer(s), answering affidavit(s), or a motion, as the case may be, must be filed with the Clerk of the Superior Court in Middlesex County via eCourts or JEDS and a “courtesy copy” of the papers must be sent directly to Ashley K. Mitrow, Judicial Law Clerk to the Hon. Thomas Daniel McCloskey, J.S.C., at Ashley.Mitrow@njcourts.gov; and

IT IS FURTHER ORDERED, that the Defendants must file with the Court their Certification and Proof of Service of their Answer(s), answering affidavit(s), or a motion (as the case may be) upon the Plaintiffs, on behalf of the Defendants, **no later than three (3) days before** the Return Date; and

IT IS FURTHER ORDERED, that the Plaintiffs shall file any opposition/reply to the Defendants’ Answer(s), answering affidavit(s), or motion (as the case may be) **by no later than 4:00 P.M. on APRIL 20, 2026**. The opposition/reply papers of the Plaintiffs must be electronically filed with the Clerk of the Superior Court in Middlesex County via eCourts or JEDS and a

¹ **Note:** Pursuant to R. 1:21-1(c) of the Rules Governing the Courts of the State of New Jersey, since the Defendant, **Society Hill at Piscataway Condominium Association, Inc.**, is a **corporate** entity, the entity **must** be represented by an attorney licensed to practice law in the State of New Jersey. In other words, the corporate defendant-entity **cannot** be represented *pro se* or by an unlicensed person or principal of the entity unless he/she is a licensed New Jersey attorney.

“courtesy copy” of the papers must be sent directly to Ashley K. Mitrow, Judicial Law Clerk to the Hon. Thomas Daniel McCloskey, J.S.C., at Ashley.Mitrow@njcourts.gov. **Except as herein provided, there shall be no other or further briefing permitted to either the Plaintiffs or the Defendants prior to the Return Date;** and

IT IS FURTHER ORDERED that if the Defendants do not file and serve opposition to this Order to Show Cause, the Application will be decided on the papers on the Return Date and relief may be granted by default, provided that the Plaintiffs *Pro Se* file a Certification and Proof of Service and a proposed form of Order **at least three (3) days prior** to the Return Date; and

IT IS FURTHER ORDERED, that the Court will entertain argument, but not testimony, at the hearing on the Return Date of the Order to Show Cause Application of the Plaintiffs, and the Defendants’ Answer(s), answering affidavit(s), or motion, unless the Court advises the parties to the contrary no later than three (3) days before the Return Date. **Absent a showing of exceptional and unforeseen circumstances, the Court will not entertain adjournment requests received on the day of the Return Date.**

IT IS FURTHER ORDERED, that a copy of this Order shall be deemed served on all counsel of record upon its posting by the Court to the eCourts case jacket for this matter.

SO ORDERED:



HON. THOMAS DANIEL McCLOSKEY, J.S.C.

(X) By the Court.

On this date, pursuant to R. 1:6-2, the Court’s Statement of Reasons has been set forth on the record.

Note: Except as may be hereinafter modified by further Omnibus Order of the Supreme Court, the parties are directed to note, and insofar as the deadlines and other provisions for relief set forth herein are implicated, to comply with, the following:

Statewide Protocols (Pertinent Provisions – Civil/General Equity):

1. In general, courts will continue to schedule routine case management conferences and routine motion arguments in a virtual format, consistent with paragraph 4(a) of the Court’s October 27, 2022 Order (the “Court’s Order”).

2. In general, the following straightforward matters also will be scheduled in a virtual format:

- Initial applications.
- Routine status conferences, not including conferences in criminal matters as provided in paragraph 3(c) of the Court’s Order, or civil settlement conferences as provided in paragraph 3(d); and
- Uncontested proceedings, including but not limited to uncontested divorces, uncontested adoptions, and uncontested guardianships.

3. The court will provide as much advance notice as possible if the court determines that any of the above or comparable matters are to be conducted in -person. To the extent practicable, the court will inform attorneys and parties at least 5 days before the scheduled event. When possible, written notices as used in the Family Division, are encouraged as a way to advise participants in advance of the format of a scheduled court proceeding.

4. If 5 days’ notice is not practicable, the court will either accommodate a request by an attorney or party to participate in the in-person matter virtually or will rescheduled the matter to proceed in-person on a future date.

5. To the extent practicable, judges will provide relevant information in advance about the nature of a court event – e.g., that a conference is for settlement purposes or that a routine event involves so many participants that in in-person format is preferable – to support understanding of why it is scheduled to proceed in-person.