

6/16/91

Edward B. Marable, Jr., Esq.  
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291 Elmwynd Drive  
Orange, NJ 07050  
(973) 699-5230

EDWARD B. MARABLE, JR.	:	SUPERIOR COURT OF NEW JERSEY
	:	ESSEX COUNTY
Petitioner,	:	DOCKET NO.
	:	
vs.	:	CIVIL ACTION
	:	
HONORABLE CHRISTOPHER J. DURKIN, in	:	<b>VERIFIED PETITION IN SUPPORT</b>
his official capacity as Essex County Clerk;	:	<b>OF APPLICATION FOR RECOUNT</b>
ESSEX COUNTY BOARD OF ELECTIONS	:	<b>IN THE CITY OF ORANGE</b>
	:	<b>TOWNSHIP MUNICIPAL ELECTION</b>
Respondents.	:	<b>FOR CITY COUNCIL AT-LARGE</b>
	:	

Petitioner, Edward B. Marable, Jr., residing in the South Ward of the City of Orange Township, County of Essex, State of New Jersey, says:

1. Petitioner was a candidate for the office of City Council At-Large in the City of Orange Township, County of Essex, Municipal Election held on May 12, 2020 (hereinafter referred to as the "Municipal Election"), for three available At-Large positions on the City Council.

2. In the City of Orange Township, 7,495 votes were cast in the Municipal Election for City Council At-Large. It has been certified by the Essex County Clerk that Weldon Montague, III finished in third place. Mr. Montague's margin of victory was seventeen votes over the fourth highest vote getter, Petitioner Edward B. Marable, Jr.

3. Petitioner has reason to believe, and does believe, that errors were made in the counting of votes from each district within the South Ward in the City of Orange Township, its tabulation by each District Board and by the Essex County Board of Elections, and in declaring

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
ESSEX COUNTY VICINAGE  
MAY 29 2020  
FINANCE DIVISION  
RECEIVED/FILED

ATCH # 124 FILED 5/29/20  
CHECK/RECEIPT# 558 AMT. 50

the results of the subject Municipal Election. Upon information and belief, such errors resulted in an error in the overall tabulation, resulting in Mr. Montague, III being declared the third place finisher in the Municipal Election.

4. At all times relevant herein, the Respondents, Essex County Board of Elections and the Essex County Clerk, maintain custody and control of the mail-in ballots counted in the Municipal Election. The Essex County Board of Elections and the Essex County Clerk have been made a Respondent in this suit because each has such custody and control of materials necessary to effectuate a recount.

5. Pursuant to the provisions of N.J.S.A. 19:28-1 (Recounts), Petitioner demands a hand recount of the mail-in ballots, for all votes cast within the South Ward of the City of Orange Township, in the May 12, 2020, Municipal Election.

6. Petitioner further requests that, because of the narrow margin of votes separating Petitioner from the third place finisher in the election, a recount will protect the sanctity of the ballot, which serves the public interest in the outcome of the Municipal Election, thus both furthering the necessity of a recount and warranting that the \$25 per district fee be waived for the recount.

WHEREFORE, the Petitioner seeks the relief as follows:

A. In accordance with the statutes in such cases made and provided, that the Court Order a hand recounting of the mail in ballots and examination of the rejected mail-in ballots for the Municipal Election in accordance with N.J.S.A. 19:28-1, et seq.

B. That the parties or their representatives shall now, during and after the conclusion of the physical recount be allowed to examine, copy and/or scan the mail-in ballots, rejected and

late arriving mail-in ballots from the South Ward, and any or all other papers, documents and records related to the Municipal Election, as may be requested, under the supervision of the officials in whose custody those items may be.

C. That the Court waive the \$25 per District fee for the hand recount of the mail-in ballots.

D. Other just and equitable relief consistent with this Petition as may be deemed necessary by the Court.

By: /s/ Edward B. Marable, Jr.  
Edward B. Marable, Jr.

Dated: May 29, 2020

**VERIFICATION**

Edward B. Marable, Jr., hereby certifies as follows:

1. I am the Petitioner in the foregoing matter.
2. I have read the contents of the Petition and incorporate same by reference and

state that the contents therein are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, that I am subject to punishment.

By: /s/ Edward B. Marable, Jr.  
Edward B. Marable, Jr.

Dated: May 29, 2020

Edward B. Marable, Jr., Esq.  
Attorney ID No.: 055431994  
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Orange, NJ 07050  
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EDWARD B. MARABLE, JR.	:	SUPERIOR COURT OF NEW JERSEY
	:	ESSEX COUNTY
Petitioner,	:	DOCKET NO.
	:	
vs.	:	CIVIL ACTION
	:	
HONORABLE CHRISTOPHER J. DURKIN, in	:	
his official capacity as Essex County Clerk;	:	<b>ORDER GRANTING RECOUNT</b>
ESSEX COUNTY BOARD OF ELECTIONS	:	
	:	
Respondents.	:	

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**THIS MATTER** having been presented to the Court by Edward B. Marable, Jr., Esq., attorney for Edward B. Marable, Jr., and the Court having considered the Petitioner's Application for Recount in the City of Orange Township, May 12, 2020, Municipal Election for the Office of City Council At-Large, pursuant to N.J.S.A. 19:28-1, and the Court having considered the papers and arguments made by counsel, if any, and good cause having been shown;

**IT IS** therefore, on this \_\_\_\_\_ day of May, 2020;

**ORDERED** as follows:

1. The Petitioner's application for a Recount, as set forth in the verified petition, via a hand count of the mail-in ballots and examination of the rejected mail-in ballots in the South Ward within the City of Orange Township's May 12, 2020, Municipal Election is hereby granted; and
2. The Recount is to commence on \_\_\_\_\_, 2020, at \_\_\_\_\_ a.m. and continue daily thereafter (Saturdays, Sundays and holidays excepted) until completed, unless otherwise agreed to by the parties and those officials responsible for the recount; and

Edward B. Marable, Jr., Esq.  
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Orange, NJ 07050  
(973) 699-5230

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EDWARD B. MARABLE, JR.	:	SUPERIOR COURT OF NEW JERSEY
	:	ESSEX COUNTY
Petitioner,	:	DOCKET NO.
	:	
vs.	:	CIVIL ACTION
	:	
HONORABLE CHRISTOPHER J. DURKIN, in	:	
his official capacity as Essex County Clerk;	:	<b>CERTIFICATION OF SERVICE</b>
ESSEX COUNTY BOARD OF ELECTIONS	:	
	:	
Respondents.	:	

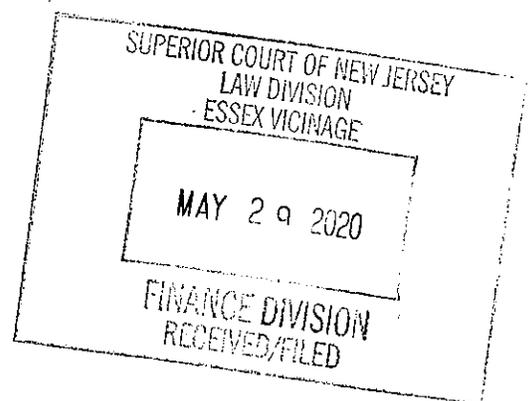
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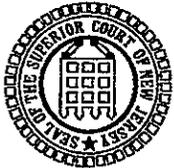
I, Edward B. Marable, Jr., Esq., of full age, hereby certifies as follows:

1. I am representing myself as the Petitioner in the above captioned matter.
2. On May 29, 2020, I caused to be filed and forwarded via JEDS or hand delivery the within papers, comprising the Verified Petition in Support of Application for Recount, cover letter to the Court, Certification of Service and proposed form of Order Granting Recount, to the following:

Hon. Sallyanne Floria, A.J.S.C.  
Superior Court of New Jersey  
Essex County Veterans Courthouse  
50 W. Market St., 6<sup>th</sup> fl.  
Newark, NJ 07102

Christopher J. Durkin, Essex County Clerk  
Hall of Records  
465 Dr. M.L.K. Jr. Blvd., Rm 247  
Newark, NJ 07102-0690





# Civil Case Information Statement (CIS)

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 attorney's signature is not affixed**

Payment type:  ck  cg  ca  
Chg/Ck Number:  
Amount:  
Overpayment:  
Batch Number:

Attorney/Pro Se Name <b>EDWARD B. MARABLE JR.</b>	Telephone Number <b>(973) 699-5230</b>	County of Venue <b>ESSEX</b>
Firm Name (if applicable)		Docket Number (when available)
Office Address <b>291 ELMWYND DR. ORANGE, NJ 07050</b>		Document Type <b>VERIFIED COMPLAINT</b>
		Jury Demand <input type="checkbox"/> Yes <input type="checkbox"/> No

Name of Party (e.g., John Doe, Plaintiff) <b>EDWARD B. MARABLE JR. PLAINTIFF PETITIONER</b>	Caption <b>EDWARD B. MARABLE JR., PETITIONER vs. HON. CHRISTOPHER J. DURKIN; ESSEX COUNTY BOARD OF ELECTIONS, RESPONDENTS</b>
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Case Type Number (See reverse side for listing) <b>999 (ELECTION)</b>	Are sexual abuse claims alleged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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
Do you anticipate adding any parties (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name of defendant's primary insurance company (if known) <input type="checkbox"/> None <input checked="" type="checkbox"/> Unknown

The Information Provided on This Form Cannot be Introduced into Evidence.

Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation			
Do parties have a current, past or recurrent relationship? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If "Yes," is that relationship: <input type="checkbox"/> Employer/Employee <input type="checkbox"/> Friend/Neighbor <input type="checkbox"/> Other (explain) <input type="checkbox"/> Familial <input type="checkbox"/> Business		

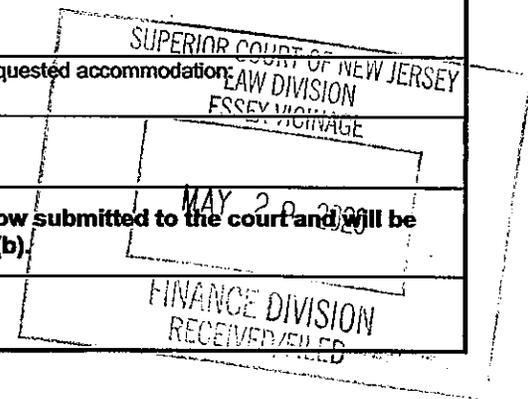
Does the statute governing this case provide for payment of fees by the losing party?  Yes  No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition  
**THIS IS AN URGENT MATTER, FILED PURSUANT TO N.J.S.A. 19:28-1. PETITIONER IS CONTEMPLATING A CONTEST OF THE ELECTION. THUS, A RECORD WOULD NEED TO BE DONE EXPEDITIOUSLY**

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:
Will an interpreter be needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, for what language?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*.

Attorney Signature: **Edward B. Marable, Jr.**



**EDWARD B. MARABLE, JR., ESQ.**  
291 Elmwynd Drive  
Orange, New Jersey 07050  
(973) 699-5230

May 29, 2020

Hon. Sallyanne Floria, A.J.S.C.  
Superior Court of New Jersey  
Essex County Veterans Courthouse  
50 W. Market St., 6<sup>th</sup> fl.  
Newark, NJ 07102

**RE: Application for Recount in the City of Orange Township's May 12, 2020,  
Municipal Election for City Council At-Large**

Your Honor:

I am representing myself in the above captioned matter. Please note that copies of the enclosed have been filed electronically through JEDS. Enclosed please find an original and one (1) copy of a Verified Petition in Support of Application for Recount, Certification of Service, CIS and proposed form of Order Granting Recount.

Please be advised that this is an urgent election matter filed pursuant to N.J.S.A. 19:28-1. It is my understanding that the Honorable Judge Thomas R. Vena, J.S.C. is currently assigned to handle such proceedings, and I respectfully request that a copy of the petition be furnished to Judge Vena. Thank you for Your Honor's attention to this matter.

Very truly yours,

/s/ Edward B. Marable, Jr., Esq.

Encls.

cc: Hon. Thomas R. Vena, J.S.C.  
Christopher J. Durkin, Essex County Clerk  
Linda von Nessi, Essex County Board of Elections

