

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

CELLCO PARTNERSHIP and NEW  
YORK SMSA LIMITED PARTNERSHIP,  
both D/B/A VERIZON WIRELESS,

Plaintiffs,

vs.

THE COUNTY OF MONMOUTH, NEW  
JERSEY THE MONMOUTH COUNTY  
BOARD OF COMMISSIONERS,  
DIRECTOR THOMAS A. ARNONE, in his  
official capacity and not as an individual,  
DEPUTY DIRECTOR NICK DIROCCO,  
in his official capacity and not as an  
individual, COMMISSIONER SUSAN M.  
KILEY, in her official capacity and not as  
an individual, COMMISSIONER LILLIAN  
G. BURRY, in her official capacity and not  
as an individual, and, COMMISSIONER  
ROSS F. LICITRA, in his official capacity  
and not as an individual,

Defendants

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Civil Action No.  
3:23-cv-18091-MAS-DEA

**NOTICE OF MOTION  
TO DISMISS**

PLEASE TAKE NOTICE that on Monday, November 20, 2023, or as soon thereafter as counsel may be heard, the undersigned, counsel for proposed Intervenor-Defendants Belmar Against 5G Towers, Lawrence Reynolds, Rose Daganya, Michael Ushak, Dan Rubinetti, Paul, M. Elia, Michael and Mary McHale, and Children's Health Defense (collectively "Intervenors"), shall move before the

Honorable Michael A. Shipp, U.S.D.J., at the Clarkson S. Fisher Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608 to dismiss Plaintiffs' Complaint pursuant Fed. R. Civ. P. 12(b).

In support of this motion, Intervenors submit a Memorandum of Law in Support of the Motion to Dismiss and a proposed order.

Pursuant to Local Rule 7.1(d)(2) responsive papers, if any, must be filed and served no later than November 6, 2023.

**PLEASE TAKE FURTHER NOTICE** that Oral Argument is requested in the event opposition is filed pursuant to Local Rule 78.1(b); and

**PLEASE TAKE FURTHER NOTICE** that pursuant to Local Rule 7.1(e) a proposed form Order is submitted herewith.

WHEREFORE, the moving Intervenors respectfully request that this Court dismiss Plaintiffs' Complaint in its entirety and order such further relief as is just and equitable.

Respectfully Submitted,

*/s/ Layne A. Feldman*

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/s/ W. Scott McCollough

W. Scott McCollough (pending *pro hac vice*)

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Dated: October 17, 2023