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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

BERGEN ROCKLAND ERUV ASSOCIATION,  
YISROEL FRIEDMAN, S. MOSHE  
PINKASOVITS, SARAH BERGER, MOSES  
BERGER, CHAIM BREUER, YOSEF  
ROSEN, AND TZVI SCHONFELD,

Plaintiffs,

v.

THE BOROUGH OF UPPER SADDLE  
RIVER,

Defendant.

Civil No.: 2:17-CV-05512-JMV-  
CLW

Civil Action

**DECLARATION OF  
DAVID GUDINO, ESQ.**

I, David Gudino, Esq., declare under penalty of perjury:

1. I am the Area Counsel-Mid-Atlantic North & South for Verizon, and, among other things, I provide legal support to the Field Operations organization of Verizon New Jersey Inc. (f/k/a New Jersey Bell Telephone Company). Unless stated otherwise, I am fully familiar with the matters set forth herein.

2. Counsel for the Borough of Upper Saddle River has identified certain utility poles within the Borough of Upper Saddle River, along West Saddle River Road, Old Stone Church

Road, East Saddle River Road, Weiss Road, Hillside Avenue, and Sparrowbush Road, that are the subject of the eruv at issue in the above-captioned matter, along with certain other utility poles allegedly licensed by Plaintiffs.

3. Counsel for the Borough further identified the pole numbers and sub-numbers for all utility poles that set forth those identifiers and are at issue here. Attached hereto as **Exhibit "A"** is a true and correct copy of a list of pole numbers and sub-numbers for utility poles that are a part of the existing eruv, or are intended to be a part of the expanded eruv, at issue in the above-captioned matter.

4. All utility poles identified in Exhibit A and that set forth a pole "sub-number" are owned by Verizon.

5. All utility poles identified above that set forth only a pole number are owned by Orange and Rockland Utilities, Inc. ("O & R").

6. Further, all utility poles identified in Exhibit A are subject to a joint use agreement between Verizon and O & R. See attached as **Exhibit "B"** a true and correct copy of a Joint Use Agreement between Verizon and O & R for the joint use of utility poles, including utility poles within the Borough of Upper Saddle River as identified in Exhibit A (the "Joint Use Agreement").

7. The Joint Use Agreement states, in relevant part, at Page Ten, IV Relating to Attachment Rentals, Paragraph Twenty-Four:

[Verizon] may, with the concurrence of [O & R], grant permission to other communication companies or parties to attach communication wires or cables within [Verizon's] space reservation.

...  
[O & R] may, with the concurrence of [Verizon], grant permission to other companies or parties using supply circuits to attach supply wires or cables within [O & R's] space reservation.

Id., at Page Ten, IV Relating to Attachment Rentals, Paragraph Twenty-Four (emphasis added).

8. Further, the Joint Use Agreement states, in relevant part, at Page Fifteen, VI Relating to Joint Use Generally, Paragraph Forty-Two:

If either of the parties hereto...

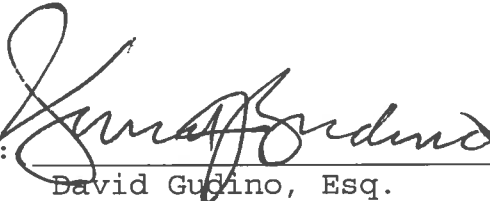
On and subsequent to the effective date of this Agreement ... all agreements or contracts covering the attachment by a third party of supply circuits to jointly used poles shall be made by [O & R], and all agreements or contracts covering the attachment by a third party of communication wires or cables to jointly used poles shall be made by [Verizon], **all such agreements or contracts for attachments to jointly used poles being subject to the approval of both parties hereto.**

Id., Page Fifteen, VI Relating to Joint Use Generally, Paragraph Forty-Two (emphasis added).

9. The Vaad haEruv, the Bergen Rockland Eruv Association, and the other individual Plaintiffs have not sought the approval of Verizon for the use of poles owned by it and/or subject to the above-described Joint Use Agreement to install lechis or to construct an eruv, in portions of the Borough of Upper Saddle River.

10. Further, O & R has not sought the concurrence and approval of Verizon for the Plaintiffs or the Vaad haEruv to use the poles identified in Exhibit A to install lechis or construct an eruv, in any part of the Borough of Upper Saddle River.

I declare under penalty of perjury that the foregoing is true and correct.

By:   
David Gucino, Esq.  
Area Counsel - Mid-Atlantic  
North & South for Verizon

Executed on: November 1, 2017