

Bruce S. Rosen, Esq.
McCUSKER, ANSELM I,
ROSEN & CARVELLI, P.C.
210 Park Avenue, Suite 301
Florham Park, NJ 07932
Tel: (973) 635-6300
Fax: (973) 635-6363
brosen@marc.law
Attorneys for Defendant
Borough of Upper Saddle River

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
ROBERT HYMAN**

I, Robert Hyman, declare under penalty of perjury:

1. I am a dispatcher with the Borough of Upper Saddle River (USR).
2. I have been a member of the Borough of Upper Saddle River's Police Department, serving as a dispatcher, for over 23 years.
3. On June 12, 2017 at 8:30 AM, I answered a dispatch call from 845-709-7324. Attached as Exhibit "A" is a true and

correct copy of the audio recording of my dispatch call with 845-709-7324 on June 12, 2017 at 8:30 AM.

4. During this conversation the caller did not identify himself.

5. The caller stated that he would be conducting *utility work* on Sparrowbush Road in USR.

6. Based upon the caller advising that he was going to perform utility work, I was misled into believing he was an employee of, or contractor on behalf of, a utility company performing work on utility poles in USR.

7. The caller inquired whether he required a police traffic detail.

8. I replied by asking whether the caller had a flagman.

9. The caller advised that he had a flagman.

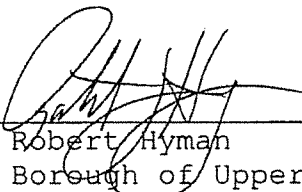
10. Accordingly, I stated that he did not require a police traffic detail.

11. Later, I learned that, on the same day, the Vaad haEruv was stopped on Sparrowbush Road while installing lechis to utility poles. With the benefit of hindsight, I now believe that the caller misled me by omitting to identify himself fully and accurately, and by not identifying his activity. He was not a utility company employee and/or contractor. Given the context, it seems strange to me that the caller did not make clear who he was or the nature of the work he was performing.

12. I have reviewed Plaintiffs preliminary injunction papers. To suggest, as they do, that I somehow in this conversation gave "consent" to Plaintiffs to construct an eruv in USR is absurd. As a dispatcher with the USR PD, I have no authority to provide such consent, and it would be unreasonable to assume otherwise. And nobody receiving this call would have viewed Plaintiffs' inquiry as a request for consent to construct an eruv in USR. I certainly did not.

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

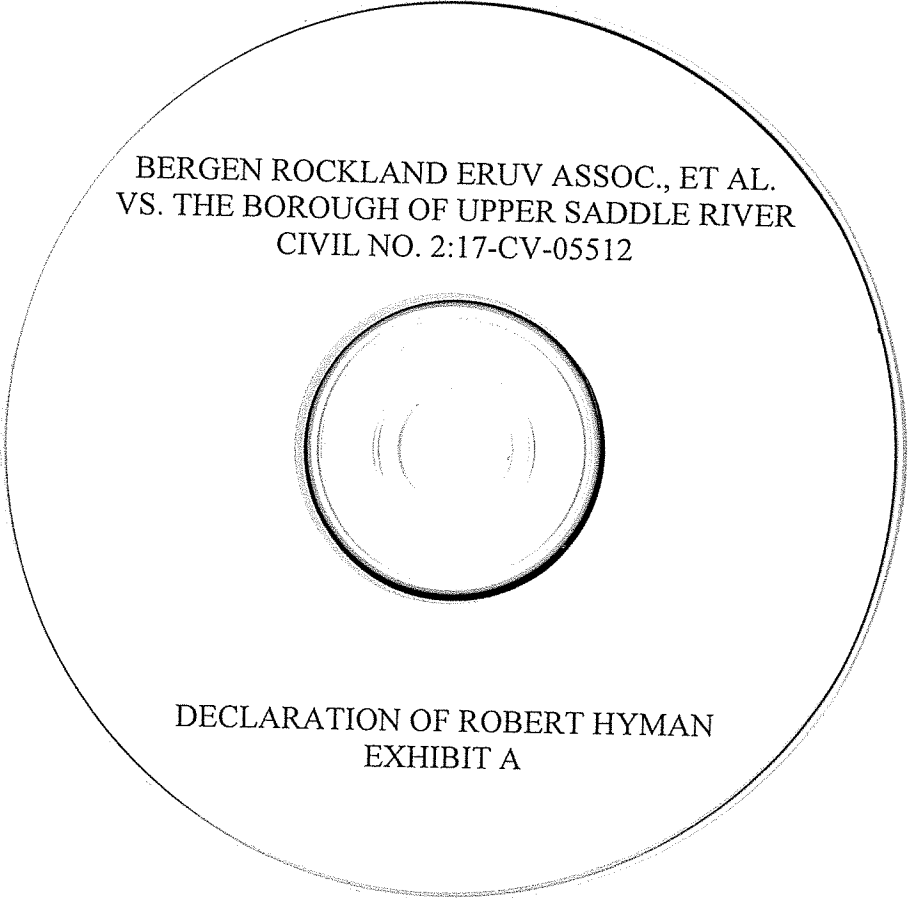
By:



Robert Hyman
Borough of Upper Saddle
River Police Department,
Dispatcher

Executed on: October 31, 2017

EXHIBIT A



BERGEN ROCKLAND ERUV ASSOC., ET AL.
VS. THE BOROUGH OF UPPER SADDLE RIVER
CIVIL NO. 2:17-CV-05512

DECLARATION OF ROBERT HYMAN
EXHIBIT A