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VIA ECF

December 15, 2017

Hon. John M. Vazquez, U.S.D.J.  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 0710

**Re: *Friedman et al. v. The Borough of Upper Saddle River et al.*, 2:17-cv-05512-JMV-CLW**

Dear Judge Vazquez,

In connection with the Court's consideration of Plaintiffs' motion for a preliminary injunction, Plaintiffs respectfully provide notice of supplemental authority and a supplemental development, both of which occurred after the close of briefing.

On December 7, 2017, the Southern District of New York held that the defendant village's ordinances preventing the plaintiffs from establishing a rabbinical college were enacted with discriminatory intent, and violated the First and Fourteenth Amendments of the U.S. Constitution, and certain provisions of RLUIPA, the Fair Housing Act, and the New York State Constitution. *See* Ex. A at 88-93, 112 (*Congregation Rabbinical Coll. of Tartikov, Inc. v. Vill. of Pomona*, No. 07-CV-6304-KMK (S.D.N.Y. Dec. 7, 2017) (finding that facially neutral ordinances "were passed to infringe on religious practices because of their religious motivation," recognizing that "the temporal proximity between the [perceived religious activity] and the adoption of the regulation of that [activity]" is evidence of its purpose, and applying strict scrutiny). This decision is relevant to Plaintiffs' arguments regarding discriminatory intent at pages 40-43 of their combined Opposition/Reply Brief, wherein Plaintiffs cited an earlier decision in the *Tartikov* case at page 42. *See generally* Dkt. No. 36 at 40-43.

On December 14, 2017, the Township of Mahwah approved Resolution 424-17, affirming that Mahwah "will not adopt Ordinance No. 1812 nor will it introduce a similar ordinance," and that "Ordinance No. 1812 . . . shall no longer be considered for adoption by the Township Council." As Plaintiffs noted at pages 2-3 of their Opposition/Reply Brief, the New Jersey Attorney General sued Mahwah for

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attempting to pass Mahwah Ordinance No. 1812, which is the same ordinance with the same language as  
USR Ordinance No. 16-15, at issue in this matter.

Respectfully submitted,

/s/ Diane P. Sullivan

Diane P. Sullivan

cc: All counsel of record (via ECF)