

## Depositions to begin soon in N.J. Motorsports Park lawsuit

BY JOEL LANDAU • Staff Writer • September 24, 2010

MILLVILLE -- Depositions of 12 officials with the city and New Jersey Motorsports Park are expected to begin soon in a local group's lawsuit over noise complaints at the racing complex.

And attorneys for the park and TrackRacket -- a group that documents noise issues at the park -- said settlement talks also could soon get under way.

TrackRacket held a town hall meeting Thursday at the American Legion building on Buck Street to update residents on the suit's progress -- specifically to dispel rumors that the suit was thrown out.

"It was getting blown out of proportion," said TrackRacket founder Michelle Post. "We wanted to answer peoples' questions and let them know where it stands."

The organization filed a lawsuit in Gloucester County Superior Court last December against the park and city for not doing enough to stop excessive noise from the park. On Aug. 26, New Jersey Superior Court Judge Annie McDonnell dismissed the group's claim against the city noting racetracks are exempt from noise ordinances under state law and therefore the city is not obligated to enforce its city noise ordinances against the park.

The city on Sept 10 filed a motion to recover the \$14,479.50 it spent in legal fees and costs.

That motion wasn't made public until reporters were given copies of the filing late Wednesday afternoon.

TrackRacket attorney Oliver Griffin declined to comment on the motion's specifics, but said he expects it will be defeated. Griffin also noted he thought the motion was "mean, petty" and an attempt to scare his client.

"It's not going to work," said Peek Avenue resident Emma Andrews. "We're going to be as noisy as the racetrack is."

Silver Run Road resident Marie Carroll said she thinks the city's action was a slap in the face.

"They want us to back off," she said. "I think they're forgetting about the people who pay their salaries and have been in the community for years."

But the organization is still moving forward with its three complaints against the park. Griffin said he will begin depositions of 12 city and park officials within the next month. Griffin also said this step could open up negotiations for a settlement, which he said would be the most likely outcome.

"Typically, in the course of litigation, settlements come out of depositions because it's a costly process," he said.

Park attorney Jeff DiLazzerro said his client is open to a settlement and has wanted to begin those conversations since TrackRacket filed suit. DiLazzerro said he and park officials did not attend the event because they were not expressly invited and they felt it was inappropriate due to the ongoing litigation.

"It's really not an appropriate forum for us to discuss these issues," he said.

About 100 people -- including a half-dozen members of the park's Green Flag Committee -- attended the forum to hear from the attorneys and comment on the suit. The turnout was not surprising considering how heated the topic has become. Recent City Commission meetings have drawn standing-room-only crowds when a matter regarding the park is on the agenda.

Carl Marinelli said he supports the lawsuit because



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he thinks it's the residents' only option.

"It was the only way to get them to do what's needed," the South 2nd Street resident said. "We talked to the park and the city. They didn't want to do anything about it. What can you do when you're up against the wall?"

Green Flag chairman Dan Rieck reminded the audience of the economic impact of the track.

"We're trying to hear your pain," he said. "But please, also factor in the desperate state of economy in South Jersey."

TrackRacket also reiterated its position that it does not oppose the track and is not against the positive impact it's had on the local economy. But local residents affected by the noise also need protection, they urged.

"People have said our lawsuit is frivolous," Post said. "When is protecting your American dream frivolous?"



[Purchase this Photo](#)  
TrackRacket held a public meeting at the American Legion post in Millville on Thursday evening. (Staff photos/Charles J. Olson)



[Purchase this Photo](#)  
Millville resident Emma Andrews speaks out against the New Jersey Motorports Park during a TrackRacket public meeting at the American Legion post in Millville on Thursday evening. (Staff photo/Charles J. Olson)

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TrackRacket attorney Oliver Griffin addresses the crowd.

#### AT A GLANCE

Lawyers for TrackRacket plan to obtain depositions from the following 12 officials from the city of Millville and the New Jersey Motorsports Park in the next month:

- Mayor Tim Shannon
- Vice Mayor Joseph Derella
- City Commissioner Dave Vanaman
- City Commissioner James Quinn
- City Commissioner Dale Finch
- Former Millville police Chief Ed Grennon
- Millville Planning Director Kim Ayres
- Millville Zoning Officer Wayne Caregnato
- Motorsports Park co-owner Lee Brahin
- Motorsports Park spokesman Don Fauerbach
- Two "corporate designees" of the park's choosing that will address issues of noise and the park's finances.

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