

COUNTY OF MERCER

PRINCETON

STATE OF NEW JERSEY

**RESOLUTION**

**WHEREAS**, on February 5, 2013, objectors to the Planning Board approval of site plan application for Princeton University's Arts and Transit project filed a Complaint in Superior Court challenging the approval, captioned Neumann v. Princeton University, Docket No. MER-L-335-13.; and

**WHEREAS**, one of plaintiffs' claims is that the approval must be invalidated because Councilwoman and Planning Board member Jenny Crumiller was not required to recuse herself and because then-Princeton Borough counsel, Hill Wallack, LLP provided advice to Ms. Crumiller with respect thereto but had a conflict of interest which plaintiffs contend should have precluded it from doing so; and

**WHEREAS**, the Municipal Attorney has been advised by the Planning Board Attorney (Miller, Porter & Muller, PC) representing the Board in the litigation that there are two opinions from Hill Wallack dated May 14, 2012 and July 18, 2012 that need to be presented to the court in the defense of the litigation; and

**WHEREAS**, both opinions are subject to attorney-client privilege, although it appears that the privilege has already been waived with respect to the July 18, 2012 opinion because it was previously distributed to third parties; and

**WHEREAS**, only the Council can waive the attorney-client privilege and release the May 14, 2014 Hill Wallack opinion for public use; and

**WHEREAS**, while it appears that the privilege has already been waived with respect to the July 18, 2014 opinion, it would be prudent for Council to confirm that waiver and formally release the document; and

**WHEREAS**, given the need expressed by the Planning Board Attorney for the opinions to be used in the defense of the litigation, it is in the best interest of Princeton to waive the attorney-client privilege with respect to both opinions.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of Princeton on this 21st day of April, 2014 that same hereby waive the attorney-client privilege with respect to the Hill Wallack opinions set forth in memoranda to former Borough Mayor Yina Moore dated May 14, 2012 and to Councilwoman and Planning Board member Jenny Crumiller dated July 18, 2012, and those opinions therefore are released from their confidentiality restrictions and may be distributed by Hill Wallack and Miller Porter & Muller.

**CERTIFICATION**

I, Linda S. McDermott, Clerk of Princeton, do hereby certify that the foregoing Resolution was considered and adopted by the Princeton Council at a special meeting held on the 21<sup>st</sup> day of April, 2014.

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Linda S. McDermott, Clerk  
Princeton