



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PO BOX 381
TRENTON, NEW JERSEY 08625-0381

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor


AARON R. FICHTNER, Ph.D.
Commissioner

RUSSELL WOJTENKO, JR.
Director & Chief Judge

MEMORANDUM

July 10, 2017

To: All Judges, Court Staff, and the Bar

From: Russell Wojtenko, Jr., Director and Chief Judge of Compensation 

Subject: Certified Court Reporters

Pursuant to the Order to Show Cause with Temporary Restraints, entered by the Honorable Douglas H. Hurd, P.J.C.V., on July 10, 2017 and expiring on July 28, 2017, the N.J. Department of Labor and Workforce Development - Division of Worker's Compensation shall utilize the certified court reporter services as set forth in Director and Chief Judge Russell Wojtenko, Jr., memorandum of November 16, 2016.

Further instruction will be provided upon the expiration of the temporary restraining order on July 28, 2017.

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FILED

JUL 10 2017

SUPERIOR COURT OF NJ
MERCER VICINAGE
CIVIL DIVISION

PAUL V. FERNICOLA & ASSOCIATES, LLC
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Attorneys for Plaintiffs, State Shorthand Reporting Service, LLC; Guy J. Renzi & Associates, Inc. and William C. O'Brien Associates, Inc.

STATE SHORTHAND REPORTING SERVICE, LLC, GUY J. RENZI & ASSOCIATES, INC., and WILLIAM C. O'BRIEN ASSOCIATES, INC.,

Plaintiffs,

v.

STATE OF NEW JERSEY, DEPARTMENT OF THE TREASURY, DIVISION OF PURCHASE AND PROPERTY, PROCUREMENT BUREAU; STATE OF NEW JERSEY, DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT, DIVISION OF WORKERS' COMPENSATION,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MERCER COUNTY

DOCKET NO. MER-L-1462-17

Civil Action

ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS
PURSUANT TO RULE 4:52

THIS MATTER being brought before the Court by Paul V. Fernicola & Associates, LLC, by Paul V. Fernicola, Esq., attorneys for the Plaintiffs, State Shorthand Reporting Service, LLC, Guy J. Renzi & Associates, Inc. and William C. O'Brien Associates, Inc., seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Verified Complaint and Brief filed herewith; and it appearing that immediate and irreparable damage will probably result and for good cause shown.

It is on this 10th day of July, 2017, **ORDERED** that Defendants, State of New Jersey Department of the Treasury, Division of Purchase and Property, Procurement Bureau and the State of New Jersey Department of Labor and Workforce Development, Division of Workers' Compensation, appear and show cause before the Superior Court at the Civil Courthouse in Trenton, New Jersey at 9 o'clock in the forenoon ~~or soon thereafter as counsel can be heard~~, on the 28th day of July, 2017, as to why an Order should not be issued preliminarily enjoining and restraining said Defendants as follows:

1. For temporary injunctive relief enjoining and restraining the Defendants from instituting the proposed method of procuring court reporting services for the courts of the N.J. Division of Workers' Compensation as of July 10, 2017; and
2. Restraining and restraining Defendants from procuring court reporting services for the courts of the N.J. Division of Workers' Compensation in any manner not consistent with the November 16, 2016 Memorandum of the State of New Jersey Department of Labor and Workforce Development, Division of Workers' Compensation awarding territories to State Shorthand Reporting Service, LL, Guy J. Renzi & Associates, and William C. Obrien & Associates, Inc. to provide certified court reporting services for the N.J. Division of Workers' Compensation; and

And it is **FURTHER ORDERED** that pending the return date herein, the Defendants are temporarily enjoined and restrained from:

3. For temporary injunctive relief enjoining and restraining the Defendants from instituting the proposed method of procuring court reporting services for the courts of the N.J. Division of Workers' Compensation as of July 10, 2017 in order to maintain the *status quo*; and

4. Restraining and restraining Defendants from procuring court reporting services for the courts of the N.J. Division of Workers' Compensation in any manner not consistent with the November 16, 2016 Memorandum of the State of New Jersey Department of Labor and Workforce Development, Division of Workers' Compensation awarding territories to State Shorthand Reporting Service, LL, Guy J. Renzi & Associates, and William C. Obrien & Associates, Inc. to provide certified court reporting services for the N.J. Division of Workers' Compensation in order to maintain the *status quo*; and

And it is **FURTHER ORDERED** that:

~~5. The Defendants may move to dissolve or modify the temporary restraints herein constrained on two (2) days' notice to the law offices of Paul V. Femicola and Associates, LLC.~~

~~6. A copy of this Order to Show Cause, Verified Complaint, Brief, and any supporting Affidavits or Certifications submitted in support of this application be served upon the Defendants personally or by Certified Mail, Return Receipt, Requested, within ___ days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.~~

7. The Plaintiffs must file with the Court his proof of service of the pleadings on the Defendants no later than three (3) days before the return date.

8. Defendants shall file and serve a written response to this order to Show Cause and the request for entry of injunctive relief and proof of service by July 18, 2017. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A list of these offices is provided. You must send a copy of your opposition papers directly to Court in accordance with the Rules.

9. The ^{Plaintiffs}~~Defendants~~ must file and serve any written reply to the ~~Plaintiffs' Order to Show cause in opposition~~ by July 24, 2017. The reply papers must be filed with the

Clerk of the Superior Court in the county listed above and a copy of the reply papers must be sent directly to the Chambers of the presiding Judge pursuant the Rules of the Court.

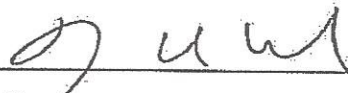
10. If the Defendants do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiffs file a proof of service and a proposed form of Order at least three (3) day prior to the return date.

11. If the Plaintiffshave not already done so, a proposed form of Order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.

12. Defendants take notice that the Plaintiffs have filed a lawsuit against you in Superior Court of New Jersey, Law Division, Mercer County. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this Complaint, you, or your attorney, must file a written Answer to the Complaint and Proof of Service within thirty-five (35) days from the date of service of this Order to Show Cause; not counting the day you received it. These documents must be filed with the Clerk of Superior Court in the county listed above. A list of these offices is provided. Include a \$ 135.00 filing fee payable to the "Treasurer State of New Jersey." You must also send a copy of your Answer to the Plaintiffs' attorney whose name and address appear above. A telephone call will not protect your rights; you must file and serve your Answer with the fee or Judgment may be entered against you by default. Please note: Opposition to the Order to Show Cause is not an Answer and you must file both. Please note further: if you do not file and serve an Answer within thirty-five (35) days of this Order, the Court may enter a default against you for the relief plaintiff demands.

13. If you cannot afford an attorney, you may call the Legal Services office in the County in which you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

The Court will entertain argument, but not testimony, on the return date of the order to show cause, unless the court and parties are advised to the contrary no later than 3 days before the return date.



DOUGLAS H. HURD, P.J.Cv. J.S.C.

On 4-10-17 the
court's statement of reasons have
been set forth on the record.



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Acting Commissioner
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MEMORANDUM

November 16, 2016

To: All Judges, Court Staff, and the Bar
From: Russell Wojtenko, Jr., Director and Chief Judge of Compensation
Subject: Certified Court Reporters



As per the N.J. Department of Treasury, Division of Purchase and Property, the N.J. Division of Workers' Compensation shall utilize the court reporter services set forth under their new statewide contract for certified court reporters / certified real time court reporters.

In accordance with that contract, effective November 21, 2016, State Shorthand Reporting Service, Inc., Guy J. Renzi & Associates, and William C. O'Brien & Associates, Inc., shall provide the certified court reporters for all the courts in the N.J. Division of Workers' Compensation.

State Shorthand shall provide the court reporters for our courts in Paterson, Hackensack, Jersey City, Mt. Holly, Camden, Atlantic City, and Bridgeton.

Guy J. Renzi & Associates shall provide the court reporters for our courts in New Brunswick, Lebanon, Freehold, Trenton, and Toms River.

William C. O'Brien shall provide the court reporters for our courts in Mt. Arlington, Newark, and Plainfield.

As per State contract, the fees for stenographic services shall be:

Table with 2 columns: Service Type and Fee. Rows include Dismissal for Lack of Prosecution (\$30.00), Section 20 Dismissals (\$90.00), Order Approving Settlement (\$90.00), Trial on Reports (\$125.00), Total Disability Award (\$125.00), Testimony on Litigated Matter (per 1/2 day) (\$150.00), and Transcripts (As per State contract).

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