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/ and rescheduled to January 23, 2023.

6. The Trial scheduled for October 3, 2022 is hereby adjourned.

7. It is further ordered that service of this Order shall be deemed effectuated upon all parties upon its upload to eCourts. Pursuant to R. 1:5-1(a), Movant shall serve a copy of this Order on all parties not served electronically within seven (7) days of the date of this Order.

Pursuant to Rule 1:6-2(a), the proposed form of order accompanying a motion shall note whether the motion was opposed or unopposed.


JOSEPH A. TURULA, P.J.Cv. J.S.C.

Granted in part. This is a track 3 CEPA case with 720 days of discovery. The Court finds exceptional circumstances to extend discovery. The new DED is October 24, 2022. Trial is adjourned from October 3, 2022 and rescheduled for January 17, 2023.

The Court grants the request to compel in part. Namely the Court denies the motion to compel the deposition of Mayor Fulop and grants the motion to compel the depositions of Bunburry and Platt. The right to depose a high-level government official requires a showing that the official has “first-hand knowledge or direct involvement in the events giving rise to an action, or ... a showing that such deposition is essential to prevent injustice.” Hyland v. Smollok, 137 N.J. Super. 456, 460 (App. Div. 1975). Further, the U.S. District Court denied a request to compel the deposition of then Mayor Booker in Buono v. City of Newark, 249 F.R.D. 469, 471 (D.N.J. 2008). In denying the request, the District Court considered, among other things, whether the official's testimony is necessary to obtain relevant information that is not available from another source, and whether the evidence sought is not available through any alternative source or less burdensome means. Id. Here, the deposition that gave rise to this motion indicates that other individuals in the administration, such as Mr. Platt may have information that would alleviate the need for deposing the mayor. As such, the mayor's testimony is not necessary because the information may be obtained from another source that is less burdensome to the mayor and the administration. See also Rule 4:10-3. For these reasons, the request to compel Mayor Fulop's deposition is denied.