

# New Jersey Court: Jets and Giants Can't Sideline American Dream Just Yet

by Robert Levy on September 26, 2012

A Bergen County Superior Judge has ruled that the New York Jets and New York Giants jumped the gun in filing their New Jersey business lawsuit to halt the American Dream Meadowlands development project. While the ruling is certainly a setback, the two organizations have indicated they plan to continue their opposition the proposed megamall near MetLife Stadium.

The lawsuit alleged that the New Jersey Sports & Exposition Authority (NJSEA) violated the terms of a 2006 agreement when it allowed new developers Triple Five Group to expand the complex beyond its initial design without the teams' approval. The redevelopment agreement allows the Jets and the Giants to object to project changes that will adversely impact them.

As initially proposed, the Xanadu entertainment complex was to encompass 4.8 million square feet. Under the new plan for the American Dream project, the development will include an amusement park and span 7.5 million feet. The teams argue that the complex will create significant parking and traffic issues during the football season.

However, Judge Peter Doyne ruled that the lawsuits were premature because Triple Five has yet to secure approval for its proposed expansions.

"Crucially, and fatally to plaintiffs' claim, it appears the process for the approval of a major modification set forth in the Redevelopment Agreement, and authorized by the (New Jersey Sports and Exposition Authority Law)...has only started," Doyne wrote.

"Without knowing what the final, approved proposal will be, the court cannot decide whether it will cause adverse effects to plaintiffs," he added.

Doyne also noted that it did not make sense to allow the lawsuit and the NJSEA approval process to proceed simultaneously. Rather, he advised the teams that they could revisit the lawsuit once the approval process was concluded.

"To allow the two proceedings to occur simultaneously, with the possibility of inconsistent factual findings and ultimate outcomes, serves nobody's best interests," he wrote. "The more sensible course is to allow the proceedings before the NJSEA to go forward."

The court's ruling is the latest legal development in the project's almost decade-long history. It highlights the complexity of redevelopment projects, given the number of

parties and government agencies that are generally involved, and the need for experienced legal counsel.

*If you have any questions about this case or would like to discuss this topic, please contact me, Robert Levy, or the Scarinci Hollenbeck attorney with whom you work.*