

Old Bridge 1986

letter to Judge

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School of Law-Newark - Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street. Newark . New Jersey 07102-3192 . 201/648-5687

June 18, 1986

The Honorable Eugene D. Serpentelli
Assignment Judge, Superior Court
Ocean County Court House, CN 2191
Toms River, NJ 08754

Re: Urban League, et al. vs. Carteret, et al.
(Old Bridge)

Dear Judge Serpentelli:

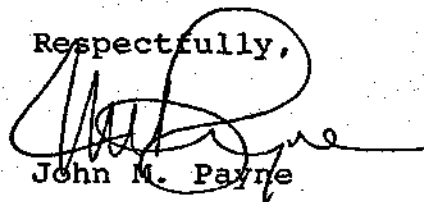
We are in receipt of Mr. Hall's letter of June 11, suggesting a case management conference be scheduled regarding Old Bridge Township. The Urban League plaintiffs respectfully recommend against such a conference at this time, believing that it is premature.

Insofar as the wetlands issue is concerned, it is generally understood that the newly discovered limitations imposed by Army Corps of Engineers regulations may require some adjustment of rights and obligations contained in the Consent Order and Judgment. However, accurate technical information about the extent of the wetlands problem has not yet been assembled and until this is done none of the parties can realistically take a position.

Insofar as the newly-published draft regulations of the Council on Affordable Housing are concerned, a case management conference is premature for several reasons. First, Old Bridge has not taken any formal action to question the January 24, 1986 Order and Judgment of this Court; unless it does so, or takes actions inconsistent with the Order, there is no "case" to "manage." Second, as a draft, the regulations are not binding, and may be significantly changed after public comments are received and considered between now and August 5. Moreover, the Council's lower fair share numbers have no bearing on this case, which is a final judgment within the meaning of the Fair Housing Act as construed by the Supreme Court in Hills. Indeed, should Old Bridge dispute the validity of the Order presently in force, we would be compelled to seek a formal ruling by the Court on the legal issues involved, including, if appropriate, what we believe are serious constitutional and statutory infirmities in the Council's methodology.

We, of course, appreciate the Court's continued willingness to assist the parties when possible. At this point, however, we doubt that a case management conference could be fruitful.

Respectfully,

A handwritten signature in black ink, appearing to read "John M. Payne", written over the typed name below.

John M. Payne

cc/Old Bridge Service List
Carla Lerman, Master