

UL v. Carteret, Madison Old Bridge

1986

- Stark letter to Clark re enclosed letter brief re opposition to the Notice Motion for extension of time

- letter Brief

Pgs. 4

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THE STATE UNIVERSITY OF NEW JERSEY  
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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

September 10, 1986

Ms. Elizabeth McLaughlin  
Clerk  
Superior Court of New Jersey, Appellate Division  
Hughes Justice Complex  
Trenton, NJ 08625

Re: Urban League of Greater New Brunswick, et al.  
v. Oakwood at Madison, Inc., & Beren Corp.  
Docket No.: A-3795-85T1

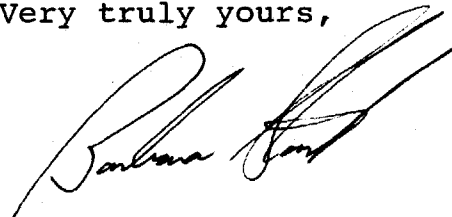
Dear Ms. McLaughlin:

Enclosed please find original and five copies of letter brief on behalf of the Urban League plaintiffs in opposition to the Notice of Motion for an extension of time filed by Oakwood at Madison, Inc.

Kindly file same and return a copy stamped RECEIVED or FILED to this office in the stamped, self-addressed envelope enclosed for that purpose.

I hereby certify that by copy of this letter, copies of the within letter brief are being served on all counsel appearing on the attached service list.

Very truly yours,



encls

cc/Old Bridge Service List

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Honorable Judges of the Superior Court  
Appellate Division  
Hughes Justice Complex  
Trenton, New Jersey 08625

Re: Urban League of Greater New Brunswick, et al.  
v. Oakwood at Madison, Inc., & Beren Corp.  
Docket No.: A-3795-85T1

Dear Honorable Judges:

This letter brief is respectfully submitted in opposition to the third application of Oakwood at Madison, Inc. for an extension of time in which to file an appeal. The Urban League plaintiffs consented to defendant's first request for additional time and, over plaintiffs' objection, a further extension to July 23, 1986 was granted. There is no excuse for yet another extension.

The allegations of Frederick C. Mezey, Esq. regarding the "tentative settlement" of this matter are entirely irrelevant, especially since Mr. Mezey concedes that he did not even send plaintiffs a draft of such "settlement" until a week after the expiration of his second extension of time.

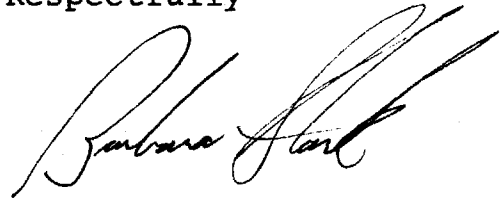
There is no question here of a party narrowly missing a deadline. The Order from which Mr. Mezey seeks leave to appeal was entered January 24, 1986. Nor was there any mistaken belief that settlement had been reached. Indeed, Mr. Mezey is careful to characterize the negotiations as merely "tentative." In fact, the matter is still unresolved.

As this Court noted in Appeal of Syby , 66 N.J.Super. 460 (App. Div. 1961), an extension of time in which to file an appeal,

. . . is an extraordinary remedy, invocable only when a genuinely excusable mischance has prevented the filing of the appeal in time, the adverse party is not prejudiced, and the question involved is shown to be substantial and meritorious. Id. at 464.

Defendant has not even attempted to meet the standard set forth in Syby. It is respectfully submitted, accordingly, that its demand for yet another extension should be denied.

Respectfully

A handwritten signature in cursive script, appearing to read "Barbara Hart". The signature is written in black ink and is positioned to the right of the typed name "Barbara Hart".

cc/Old Bridge Service List