

U.L. v. Carteret

31 Jan 1984

General

Letter w/ Order attached

M. Bunswick

+
Old Bridge

Pgs 2

~~CA0002390~~

CA0002390 etc

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

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

January 31, 1984

TO: ALL COUNSEL in Urban League v. Carteret and consolidated cases

FROM: Eric Neisser

Enclosed is a copy of the order entered by Judge Serpentelli on January 26, 1984 in response to plaintiffs' Motion to Modify and Enforce the Judgment Against the Townships of North Brunswick and Old Bridge.

cc/Henry Hill, Esq.

R CA0002390 3

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Washington, D. C. 20005

ATTORNEYS FOR PLAINTIFFS

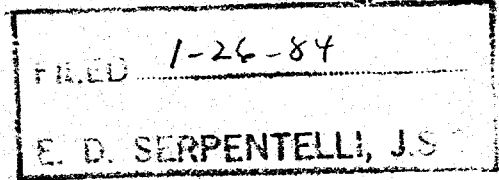
URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs,

vs.

THE MAYOR AND COUNCIL OF
THE BOROUGH OF
CARTERET, et al.,

Defendants.



SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION—MIDDLESEX COUNTY

Docket No. C-4122-73

Civil Action

O R D E R

Plaintiffs having moved to modify and enforce the Judgment of July 9, 1976 against the defendant Townships of North Brunswick and Old Bridge, and the Township of North Brunswick having responded, and the Court having heard oral argument from counsel for plaintiffs and for the defendant Townships of North Brunswick and Old Bridge,

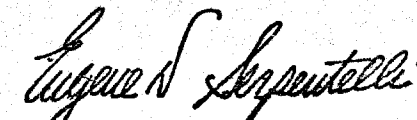
It is, hereby, this 26 day of January, 1984, ORDERED, That:

1. Plaintiffs' motion is denied insofar as it sought to compel the Townships of North Brunswick and Old Bridge to participate in the joint trial on the issues of region, regional need, and fair share allocation involving the other seven defendant townships, presently scheduled for March 19, 1984;

2. The plaintiffs' motion is granted insofar as it seeks to modify and enforce the Judgment entered on July 9, 1976 against the Townships of North Brunswick and Old Bridge;

3. The Court will set a date for a case management conference involving plaintiffs and the defendant Townships of North Brunswick and Old Bridge to establish a discovery schedule and dates for hearings concerning compliance by the two townships with the Judgment of July 9, 1976;

4. This Order is without prejudice to a request by the defendant Townships of North Brunswick and Old Bridge to participate in the March 19 joint trial.


EUGENE D. SERENTELLI, J.S.C.

314

FILED

OCT 18 1976

DAVID D. FURMAN, J.S.C.

76 OCT 19 AM 1:18

RICHARD F. PLECHNER
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Borough of Helmetta

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

Plaintiff s

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al

vs.

Defendant s

THE MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, et al

Docket No. C-4122-73 ✓

CIVIL ACTION

ORDER

This matter coming before the Court on Friday, September 24, 1976, on motion by the attorney for plaintiffs, for an Order directing payment of plaintiffs' experts and for good cause shown

It is on this 18 day of October, 1976 hereby ORDERED that motion for payment of expert fees for attendance at depositions be and is hereby denied.

David D. Furman, J.S.C.

DAVID D. FURMAN J.S.C.

RULS-ML-5232

FILED

OCT 20 1976

DAVID D. HUNTER, J.C.

76 OCT 21 P10: 36

FRANK J. CONNOR
CLERK

GUIDO J. BRIGIANI
1 OAKLAND ROAD
JAMESBURG, NEW JERSEY 08831

(201) 521-0369

ATTORNEY FOR Defendant,
Borough of Spotswood

374

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
DOCKET NO. C-4122-73 ✓

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et als,

Plaintiffs,

- vs -

THE MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, et als,

Defendants.

Civil Action

ORDER

This matter being opened to the Court by Guido J. Brigiani, Esq., attorney for the defendant, Borough of Spotswood and Daniel A. Searing, Esq., attorney for the plaintiff, consenting thereto;

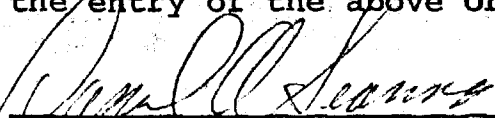
IT IS on this 15 day of October, 1976, ORDERED that the time within which the Borough of Spotswood shall comply with the terms of the Judgment entered in this cause on July 9, 1976 is hereby extended to February 1, 1977.

IT IS FURTHER ORDERED that the Borough of Spotswood shall furnish the plaintiff with a report as to its progress in implementing the said Judgment and the agreement between the parties within 60 days from the date hereto and every 60 days thereafter.

David D. Furman, J.S.C.

DAVID D. FURMAN, J.S.C.

Plaintiffs hereby consent to the entry of the above Order.


DANIEL A. SEARING
Attorney for Plaintiffs

NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, INC.

1425 H Street, N.W., Washington, DC 20005 • (202) 783-8150

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July 6, 1976

Honorable David D. Furman
Post Office Box 788
New Brunswick, New Jersey 08903

Re: The Urban League of Greater New Brunswick, et al.
v. The Mayor and Council of the Borough of
Carteret, et al.

Dear Judge Furman:

On July 6, 1976, plaintiffs received a letter dated July 2, 1976 from Sanford E. Chernin, enclosing a form of judgment in the above captioned case, and notifying plaintiffs of the hearing scheduled for July 9, 1976. This letter is to notify you that at no time during the interval from last hearing on May 28, 1976 until today were plaintiffs advised of or asked to comment on the proposal enclosed with Mr. Chernin's letter.

Plaintiffs had understood that the form of judgment submitted by Mr. Bernstein prior to the May 28 hearing was to form the basis for the final judgment. Certain additions and deletions were agreed upon, on the record, before the Court. Plaintiffs accordingly modified Mr. Bernstein's draft in light of the hearing record and submitted it to the committee appointed by the Court at the May 28 hearing. As noted in our letter to you of June 29, 1976, no response was ever received from Mr. Chernin or Mr. Bernstein.

Plaintiffs intend to oppose Mr. Chernin's new submission. Among our objections are the following:

(a) standing is treated in proposed paragraph 19 of Mr. Chernin's version, instead of in an initial paragraph as was agreed upon in Court. Furthermore, plaintiff Urban League's standing is simply ignored;

(b) proposed paragraph 2 and paragraph 14 both

FIELD OFFICE:

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RULS-ML-5231

Judge Furman
July 6, 1976
Page two

operate as dismissals;

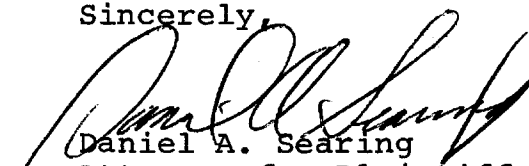
(c) there is no provision for declaring current zoning ordinances invalid, as was clearly stated throughout the Court's written opinion;

(d) all parties at the hearing agreed that language of paragraph 34-35 of the Court's opinion concerning the implementation of the judgment would be quoted directly in the order--proposed para 21 is not acceptable as a substitute.

Plaintiffs must reserve comment on the ordinance provisions themselves until the hearing, as there has been no opportunity or procedure for detailed review of many of these provisions.

Plaintiffs reserve the right to raise additional objections at the hearing on July 9.

Sincerely,



Daniel A. Searing
Attorney for Plaintiffs

cc: All Attorneys

DAS:dpa