

U.L. v. Carteret (North Brunswick and
out Bridge)

June 8, 1984

- Letter from Neisser to Judge w/ its Motion
to Exclude Evidence & Expert Testimony attached

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Campus at Newark

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JUN 11 1984

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102 • 201/648-5697 JUDGE SERPENTELLI'S CHAMBERS

June 8, 1984

The Honorable Eugene D. Serpentelli
Judge, Superior Court
Ocean County Court House
Toms River, New Jersey 08753

Re: Urban League of Greater New Brunswick et al vs.
Carteret, et al.
No. C 4122-73

Dear Judge Serpentelli:

Enclosed please find the proposed Order on plaintiffs' Motion to Exclude Evidence and Expert Testimony on Behalf of North Brunswick and Old Bridge, decided by your Honor on Wednesday, May 30. I have not yet received the expert report or documents from Old Bridge that your Honor ordered be served by this past Wednesday, which are referred to in paragraphs 2 and 3 of the enclosed Order. I called Mr. Convery's office today to so inform them. If I do not receive the materials in hand by Tuesday, June 12, I intend to renew the motion and will contact your Honor's Chambers to obtain the shortest possible return date for a telephone conference on the renewed motion.

Sincerely yours,
Eric Neisser
Eric Neisser

encls

cc/Leslie Lefkowitz, Esq.
Jerome Convery, Esq.
Henry Hill, Esq.

CA000245L

ERIC NEISSER, ESQ.
JOHN M. PAYNE, ESQ.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
201/648-5687

BRUCE S. GELBER, ESQ.
JANET LA BELLA, ESQ.
National Committee Against Discrimination in Housing
733 15th St. NW, Suite 1026
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 filed and served on May 18, 1984 a Motion to Exclude Evidence and Expert Testimony on Behalf of defendants North Brunswick and Old Bridge, which was made returnable by the Court on May 30, 1984, and counsel for both defendants having filed Affidavits, and the Court having heard oral argument on the motion, via telephone conference call on May 30, 1984,

It is, therefore, this _____ day of June, 1984, O R D E R E D, that

1. The defendant Township of North Brunswick shall serve in hand upon plaintiffs' counsel no later than Friday, June 15, 1984 complete answers to Interrogatories 19, 34, 41(b), 42(b), 53 and 54, and all documents called for by Interrogatories 20(b), (d), (h), 22(b), (c) and 24, and based upon the representation of the attorney for North Brunswick that the

Township will not assert a defense of insufficient vacant developable land to satisfy the fair share allocation defined by either the Court-appointed expert or plaintiffs' expert, shall serve in hand no later than Friday, June 22, 1984, complete answers to Interrogatories 27-29, 33(b) and (c) and 45-51.

2. The defendant Township of Old Bridge shall serve in hand upon plaintiffs' counsel no later than Wednesday, June 6, 1984, an expert report regarding the regional and fair share issues stating the expert's views on the methodology in the Court-appointed expert's report, specifically identifying the areas or factors with which he disagrees, what additional or alternative factors or approaches he would take, what data he would need to calculate the fair share allocation under his approach, how he intends to gather that data and how he would calculate the fair share allocation once he has the data. A complete expert report, including all data deemed relevant by the expert and his final computations shall be served in hand upon plaintiffs' counsel no later than Friday, June 15, 1984.

3. The defendant Township of Old Bridge shall serve in hand upon plaintiffs' counsel no later than Wednesday, June 6, 1984, all documents called for in Interrogatories 20(b), (d), (h), 21(b), 22(b) and (c), and 23(c), 24, and 26, and shall serve in hand no later than Friday, June 15, 1984, complete answers to all other Interrogatories, except that if the attorney for the Township shall represent in writing that the Township shall not assert a defense of insufficient vacant developable land to satisfy the fair share allocation defined by either the Court-appointed expert or plaintiffs' expert, he need not serve answers to Interrogatories 27-29, 33(b) and (c) and 45-51 until Friday, June 22, 1984.

Dated:

Eugene D. Serpentelli, J.S.C.

ERIC NEISSER, ESQ.
JOHN M. PAYNE, ESQ.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
201/648-5687

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Dated:

Eugene D. Serpentelli, J.S.C.

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Dated:

Eugene D. Serpentelli, J.S.C.

JEROME J. CONVERY
ATTORNEY AT LAW

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ADMITTED TO PRACTICE
NEW JERSEY AND NEW YORK

151 ROUTE 516
P.O. BOX 872
OLD BRIDGE, N.J. 08857

CERTIFIED CRIMINAL TRIAL ATTORNEY

(201) 679-0010

June 11, 1984

*Give this
to me
on 6/11.
Have Neisser
advise me the afternoon
of 6/15 if all discovery
is completed.
OK -*

Honorable Eugene D. Serpentelli
Ocean County Superior Court
Court House
Toms River, N.J. 08754

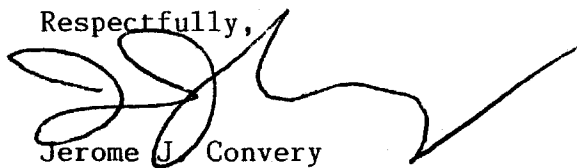
Re: Urban League v. Carteret et al
(Township of Old Bridge)
Docket No. C-412273

Dear Judge Serpentelli:

I object to the form of the Order prepared by Eric Neisser, Esq.
regarding the Motion to Exclude Evidence for the following reason:

The Court did not order the Township of Old Bridge to serve documents
on plaintiff's counsel by June 6, 1984; defendant's counsel merely indicated
to Mr. Neisser that he would attempt to compile documents as soon as possi-
ble. It is my understanding that all documents shall be served no later
than June 15, 1984.

Respectfully,



Jerome J. Convery

JJC/jd

- cc: Leslie S. Lefkowitz, Esq.
- cc: Henry A. Hill, Jr., Esq.
- cc: Eric Neisser, Esq.

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JUN 13 1984

JUDGE SERPENTELLI'S CHAMBERS