

Appellate Division Order Dismissing Appeal

Attch: letter to client

letter to township's Attorney

Pgs 6

CA0003940

A-5394-84T1

CA0003940

ORDER ON MOTIONS/RETURNS

SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION

DOCKET NO. A-5394-84T1
MOTION NO. M-575-85
BEFORE PART C

JUDGES

FRITZ
BRODY
GAYNOR

REC'D.

APPELLATE DIVISION

DEC 16 1985

URBAN LEAGUE OF GREATER NEW BRUNSWICK et al

vs

MONROE TOWNSHIP et al

Elizabeth M. Laughlin
Clerk

MOVING PAPERS FILED	OCTOBER 1, 1985
ANSWERING PAPERS FILED	OCTOBER 18, 21 & 23, 1985
DATE SUBMITTED TO COURT	NOVEMBER 25, 1985
DATE ARGUED	
DATE DECIDED	DECEMBER 13, 1985

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS HEREBY ORDERED AS FOLLOWS:

MOTION/RETURNS FOR TO DISMISS APPEAL

GRANTED	DENIED	OTHER
X		

SUPPLEMENTAL:

If this appeal is from an interlocutory order, it was brought without leave and should be dismissed. Frantzen v. Howard, 132 N.J.Super. 226 (App.Div. 1975). If the order from which the appeal was taken was the equivalent of a final judgment, the appeal was, in any event, out of time. The appeal is dismissed.

FILED APPELLATE DIVISION

DEC 16 1985

I hereby certify that the foregoing is a true copy of the original on file in my office.

Elizabeth M. Laughlin
Clerk

FOR THE COURT:

John W. Fritz
JOHN W. FRITZ P.J.A.D.

Elizabeth M. Laughlin
Clerk

WITNESS, THE HONORABLE JOHN W. FRITZ, PRESIDING JUDGE OF PART C, SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION, THIS 13th DAY OF DECEMBER, 1985.

Elizabeth M. Laughlin
CLERK OF THE APPELLATE DIVISION

A-5394-84T

ORDER ON MOTIONS/REVISIONS

URBAN LEAGUE OF GREATER NEW BRUNSWICK et al

vs

MONROE TOWNSHIP et al

SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO. A-5394-84T1 MOTION NO. M-576-85 BEFORE PART C

JUDGES

FRITZ BRODY GAYNOR

REC'D. APPELLATE DIVISION

DEC 16 1985

Elizabeth M. Laughlin Clerk

MOVING PAPERS FILED OCTOBER 18, 1985 ANSWERING PAPERS FILED OCTOBER 21 & 23, 1985 DATE SUBMITTED TO COURT NOVEMBER 25, 1985 DATE ARGUED DATE DECIDED DECEMBER 13, 1985

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS HEREBY ORDERED AS FOLLOWS:

MOTION/REVISION FOR TO DISMISS RESPONDENT'S MOTION TO DISMISS APPEAL

Table with 3 columns: GRANTED, DENIED, OTHER. DENIED column contains an 'X'.

SUPPLEMENTAL:

See M-575-85.

FILED APPELLATE DIVISION

DEC 16 1985

Elizabeth M. Laughlin Clerk

I hereby certify that the foregoing is a true copy of the original on file in my office.

Elizabeth M. Laughlin Clerk

FOR THE COURT:

John W. Fritz P.J.A.D.

WITNESS, THE HONORABLE JOHN W. FRITZ, PRESIDING JUDGE OF PART C, SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION, THIS 13th DAY OF DECEMBER, 1985.

Elizabeth M. Laughlin CLERK OF THE APPELLATE DIVISION

A-5394-84T

ORDER ON
MOTIONS/~~PETITIONS~~

URBAN LEAGUE OF GREATER
NEW BRUNSWICK et al

vs

MONROE TOWNSHIP et al

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO. A-5394-84T1
MOTION NO. M-646-85
BEFORE PART C

JUDGES FRITZ
BRODY
GAYNOR

REC'D.
APPELLATE DIVISION

DEC 16 1985

MOVING PAPERS FILED OCTOBER 23, 1985
ANSWERING PAPERS FILED _____
DATE SUBMITTED TO COURT NOVEMBER 25, 1985
DATE ARGUED _____
DATE DECIDED DECEMBER 13, 1985

Elizabeth M. Laughlin
Clerk

ORDER

THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS
HEREBY ORDERED AS FOLLOWS:

MOTION/~~PETITION~~ FOR
**To DISMISS
APPEAL**

GRANTED	DENIED	OTHER
X		

SUPPLEMENTAL:

See M-575-85.

FILED
APPELLATE DIVISION

DEC 16 1985

Elizabeth M. Laughlin
Clerk

I hereby certify that the foregoing
is a true copy of the original on file
in my office.

Elizabeth M. Laughlin
Clerk

FOR THE COURT:

John W. Fritz
JOHN W. FRITZ P.J.A.D.

WITNESS, THE HONORABLE JOHN W. FRITZ, PRESIDING
JUDGE OF PART C, SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION,
THIS 13th DAY OF DECEMBER, 1985.

Elizabeth M. Laughlin
CLERK OF THE APPELLATE DIVISION

A-5394-84T

ORDER ON MOTIONS/~~PETITIONS~~

URBAN LEAGUE OF GREATER NEW BRUNSWICK et al

SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO. A-5394-84T1 MOTION NO. M-575-85 BEFORE PART C

vs

MONROE TOWNSHIP et al

JUDGES

FRITZ BRODY GAYNOR

REC'D.

APPELLATE DIVISION

DEC 16 1985

Elizabeth M. Laughlin Clerk

MOVING PAPERS FILED	OCTOBER 1, 1985
ANSWERING PAPERS FILED	OCTOBER 18, 21 & 23, 1985
DATE SUBMITTED TO COURT	NOVEMBER 25, 1985
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ORDER

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MOTION/ PETITION FOR TO DISMISS APPEAL	GRANTED	DENIED	OTHER
	X		

SUPPLEMENTAL:

If this appeal is from an interlocutory order, it was brought without leave and should be dismissed. Frantzen v. Howard, 132 N.J.Super. 226 (App.Div. 1975). If the order from which the appeal was taken was the equivalent of a final judgment, the appeal was, in any event, out of time. The appeal is dismissed.

FILED APPELLATE DIVISION

DEC 16 1985

I hereby certify that the foregoing is a true copy of the original on file in my office.

Elizabeth M. Laughlin Clerk

FOR THE COURT:

John W. Fritz P.J.A.D.

Elizabeth M. Laughlin Clerk

WITNESS, THE HONORABLE JOHN W. FRITZ, PRESIDING JUDGE OF PART C, SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION, THIS 13th DAY OF DECEMBER, 1985.

Elizabeth M. Laughlin CLERK OF THE APPELLATE DIVISION

GROSS & NOVAK, P.A.
ATTORNEYS AT LAW

EDWARD GROSS
IRA S. NOVAK
WILLIAM P. ISELE *
JAY SAMUELS
DENNIS H. SABOURIN +
CHRISTINE M. COTE
THEODOSIA A. TAMBORLANE
NOLA R. BENCZE #

COLONIAL OAKS OFFICE PARK
BRIER HILL, BUILDING C
P. O. BOX 188
EAST BRUNSWICK, N. J. 08816
(201) 254-4200
(TELECOPIER: (201) 254-4256)

December 18, 1985

* MEMBER ILLINOIS AND VIRGINIA BARS
+ MEMBER FLORIDA AND WASHINGTON BARS
MEMBER NEW YORK BAR

Mr. Carl E. Hintz
32 North Main Street
Pennington, New Jersey 08534

RE: Urban League, et al.
Vs. Monroe Township
Docket No. A-5394-84T1

Dear Carl:

Enclosed, please find a copy of the Appellate Division's order dismissing the appeal on my motion. As I indicated to you on the telephone, the Township now has no legal reason to deny payment to you. I am also enclosing a copy of my letter to the Township Attorney which should be self-explanatory. I will notify you as soon as I receive a response.

As always, if you have any questions, please do not hesitate to call.

Sincerely,

GROSS & NOVAK, P.A.

William P. Isele

WPI/sn
Encls.
cc: Thomas Farino, Esq.
cc: ~~Carla L. Lerman, P.P.~~

COPY

GROSS & NOVAK, P.A.
ATTORNEYS AT LAW

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IRA S. NOVAK
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December 18, 1985

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+ MEMBER FLORIDA AND WASHINGTON BARS
† MEMBER NEW YORK BAR

Mario Apuzzo, Esq.
Township Attorney
Township of Monroe
Municipal Complex
Perrineville Road
Jamesburg, New Jersey 08831

RE: Urban League
Vs. Monroe Township
Docket No. A-5394-84T1

Dear Mr. Apuzzo:

Enclosed, please find a copy of the Appellate Division's order granting my motion to dismiss the Township's appeal referenced above.

As you are aware, this firm represents Mr. Carl E. Hintz who is owed the sum of \$10,248.42, plus interest through December 13, 1985 in the amount of \$1,076.08. In light of the fact that the appeal has been dismissed, I expect that the Township will issue payment to Mr. Hintz in that amount forthwith, in accordance with Judge Serpentelli's order of May 13, 1985. If payment is not received within five (5) days of the date hereof, or an appropriate explanation of when we can expect payment, we shall have no alternative but to seek further relief from Judge Serpentelli. I trust this will not be necessary.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,
GROSS & NOVAK, P.A.

William P. Isele

WPI/sn

cc: Mr. Carl E. Hintz
cc: ~~Carla L. Lerman, D.D.~~
cc: Thomas R. Farino, Esq.
cc: Eric Neisser, Esq.
cc: Irwin I. Kimmelman, Attorney General
cc: William R. Tipper, President
Monroe Township Council

COPY