

U.L. v. Cateret, Piscataway

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1985

● Notice of Motion for leave to appeal an interlocutory order and for stay of enforcement pending appeal

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ATTORNEYS FOR DEFENDANT, TOWNSHIP OF PISCATAWAY

----- X		SUPREME COURT OF NEW JERSEY
URBAN LEAGUE OF GREATER NEW	:	
BRUNSWICK, ET AL.,	:	DOCKET NO.
	:	
Plaintiff/Appellee,	:	CIVIL ACTION
	:	
vs.	:	
	:	
THE MAYOR AND COUNCIL OF THE	:	NOTICE OF MOTION FOR LEAVE TO
BOROUGH OF CARTERET, ET AL.,	:	APPEAL AN INTERLOCUTORY ORDER
	:	AND FOR STAY OF ENFORCEMENT
Defendant/Appellant.	:	PENDING APPEAL
----- X		

TO: Mr. Stephen W. Townsend  
Clerk  
Supreme Court of New Jersey  
Trenton, New Jersey 08625

Barbara Williams, Esq.  
Constitutional Litigation Clinic  
Rutgers Law School  
15 Washington Street  
Newark, New Jersey 07102

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JUDGE SERPENTELLI'S CHAMBERS

National Committee Against Discrimination  
in Housing  
733 15th Street N.W.  
Suite 102B  
Washington, D. C. 20005

The Honorable Melvin P. Antell  
The Honorable James H. Coleman  
The Honorable Arthur J. Simpson, Jr.  
Appellate Division  
Hughes Justice Complex  
CN 006  
Trenton, New Jersey 08625

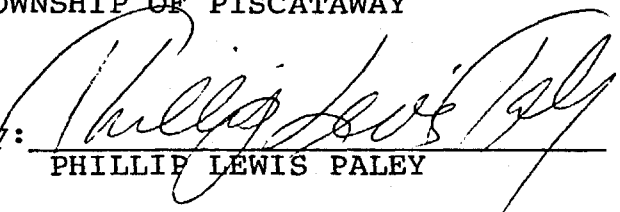
The Honorable Eugene D. Serpentelli  
Superior Court of New Jersey  
Ocean County Court House  
CN 2191  
Toms River, New Jersey 08753

PLEASE TAKE NOTICE THAT on a date and time to be set by the Court, the undersigned, Attorneys for the Defendant/Appellant, Township of Piscataway (herein "Piscataway") will move for an Order (a) granting Piscataway leave to appeal an Interlocutory Order dated December 11, 1984, issued by the Superior Court of New Jersey, Chancery Division (Middlesex/Ocean Counties) restraining Piscataway from granting preliminary or final approval or taking any other actions with respect to the development of any site within the Township of Piscataway designated as "suitable" for Mount Laurel development in the report of Carla Lerman, the Court-appointed expert, (b) staying

enforcement of the Order of the Court below pending appeal, and (c) reversing an Order of the Appellate Division, filed January 14, 1985, denying leave to appeal and stay of enforcement pending appeal.

The basis for the within application is that the relief granted by the Trial is overly broad and will cause irreparable harm to Piscataway, and further, that an interlocutory appeal is required in the interests of justice, as is more particularly set forth in the accompanying Brief in Support of Motion for Leave to Appeal an Interlocutory Order and for Stay of Enforcement Pending Appeal, previously submitted to the Appellate Division, and on Certification of Phillip Lewis Paley, Esq., dated January 18, 1985, submitted herewith.

KIRSTEN, FRIEDMAN & CHERIN  
A PROFESSIONAL CORPORATION  
ATTORNEYS FOR DEFENDANT/APPELLANT,  
TOWNSHIP OF PISCATAWAY

By:   
PHILLIP LEWIS PALEY

DATED: January 18, 1985