

U.L. v. Cateret, Piscataway 10/24 1985

- Notice of Motion for Court - Ordered Compliance Plan

- Affidavit of Eric Neisger

- Proposed Order

- Cover letters to Judge and Clerk

Pgs. 11

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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

October 24, 1985

The Honorable Eugene D. Serpentelli  
Judge, Superior Court  
Ocean County Court House  
CN 2191  
Toms River, NJ 08754

Re: Urban League v. Carteret, No. C 4122-73  
(Piscataway)

Dear Judge Serpentelli:

The Township of Piscataway has not filed its compliance plan as directed by your Honor's July 23d opinion and September 17th judgment. Accordingly, I am today filing and serving on all counsel, the enclosed motion requesting that the Master be directed to submit a compliance plan forthwith. I am providing the usual two weeks' notice and thus I am making it returnable Thursday, November 7th. I am not requesting hearing of the motion on short notice only because, as a result of the discussions yesterday with Mr. Paley, it appears that there is a possibility of serious settlement negotiation with Piscataway in the intervening two weeks.

Sincerely yours,

  
Eric Neisser

encls

cc/Piscataway Service List

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 07102-3192 • 201/648-5687

October 24, 1985

Clerk  
Superior Court of New Jersey  
Hughes Justice Complex  
CN 971  
Trenton, NJ 08625

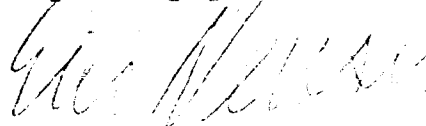
Re: Urban League v. Carteret, No. C 4122-73  
(Piscataway)

Dear Sir:

Enclosed please find an original and one copy of Notice of Motion for Court-Ordered Compliance Plan, together with Affidavit of Eric Neisser, Esq. and proposed Order for filing in the above captioned matter. Please return the copy marked FILED in the stamped addressed envelope provided.

Thank you for your attention to this filing.

Very truly yours,



Eric Neisser  
Attorney for Plaintiffs

encls

cc/Piscataway Service List

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY)  
                                          : ss.:  
COUNTY OF ESSEX            )

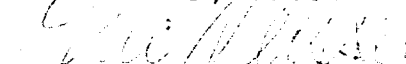
ELIZABETH URBANOIWCZ, of full age, being duly sworn according to law, on oath, deposes and says:

I am a secretary at the Constitutional Litigation Clinic, Rutgers Law School, Newark.

On Thursday, October 24, 1985, I placed in the U.S. Mail Depository, Washington Street, Newark, copies of the within NOTICE OF MOTION, together with supporting affidavit of ERIC NEISSER, ESQ. and proposed ORDER concerning the matter of Urban League v. Carteret, No. C 4122-73, with sufficient postage affixed, addressed as follows:

- Phillip Paley, Esq.  
17 Academy St., Newark, NJ 07102
- Michelle Donato, Esq.  
PO Box 247, Metuchen, NJ 08840
- Chris A. Nelson, Esq.  
306 Main Street, Woodbridge, NJ 08095
- Raymond R. Trombadore, Esq.  
33 East High Street, Somerville, NJ 08876
- Lawrence A. Vastola, Esq.  
10 Johnston Drive, Watchung, NJ 07060
- Lawrence B. Litwin, Esq.  
10 Park Place, Morristown, NJ 07960
- Angelo H. Dalto, Esq.  
1550 Park Avenue, South Plainfield, NJ 07080
- Donald R. Daines, Esq.  
10 Highway 35, PO Box 500, Red Bank, NJ 07701
- Edwin Kunzman, Esq.  
15 Mountain Boulevard, Warren, NJ 07060
- Richard M. Salsburg, Esq.  
155 Prospect Avenue, West Orange, NJ 07052
- Douglas K. Wolfson, Esq.  
Engelhard Bldg, PO Box 5600, Woodbridge, NJ 07095

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 24th DAY  
of OCTOBER, 1985.

  
Eric Neisser, Attorney at Law of NJ

  
ELIZABETH URBANOWICZ

SERVICE LIST

Urban League v. Carteret, Civ C 4122-73 (Superior Court, Chancery  
Div., Middlesex County) (PISCATAWAY)

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JOHN M. PAYNE, ESQ.  
Constitutional Litigation Clinic  
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15 Washington Street  
Newark, New Jersey 07102  
201-648-5687  
ATTORNEYS FOR PLAINTIFFS  
On Behalf of ACLU of NJ

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER ]  
NEW BRUNSWICK, et al., ]  
Plaintiffs, ]  
vs. ]  
THE MAYOR AND COUNCIL ]  
OF THE BOROUGH OF CARTERET, ]  
et al., ]  
Defendants. ]

Civil Action  
Docket No. C 4122-73

NOTICE OF MOTION  
FOR COURT-ORDERED  
COMPLIANCE PLAN  
(Piscataway)

TO: Clerk  
SUPERIOR COURT  
Hughes Justice Complex  
CN 971  
Trenton, New Jersey 08625

Phillip Paley, Esq.  
17 Academy Street  
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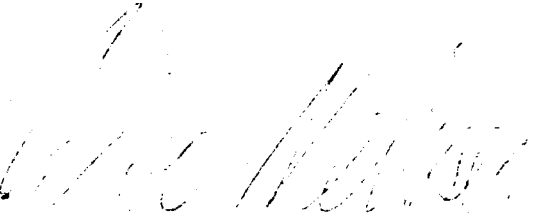
Richard M. Salsburg, Esq.  
155 Prospect Avenue  
West Orange, New Jersey 07052

Douglas K. Wolfson, Esq.  
Engelhard Building, PO Box 5600  
Woodbridge, New Jersey 07095

COUNSEL:

PLEASE TAKE NOTICE that on Thursday, November 7, 1985 or as soon thereafter as counsel can be heard, Urban League plaintiffs will move this Honorable Court for an Order directing the Master to recommend a compliance plan for Piscataway within 14 days. In support thereof, plaintiffs will rely upon the attached affidavit of Eric Neisser, Esq. A proposed order is attached.

DATED: October 24, 1985



Eric Neisser

ERIC NEISSER, ESQ.  
JOHN M. PAYNE, ESQ.  
Constitutional Litigation Clinic  
Rutgers Law School  
15 Washington Street  
Newark, New Jersey 07102  
201-648-5687  
ATTORNEYS FOR PLAINTIFFS  
On Behalf of ACLU of NJ

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER	]	Civil Action
NEW BRUNSWICK, et al.,	]	Docket No. C 4122-73
Plaintiffs,	]	
	]	
vs.	]	
	]	
THE MAYOR AND COUNCIL	]	
OF THE BOROUGH OF CARTERET,	]	
et al.,	]	
Defendants.	]	AFFIDAVIT OF ERIC NEISSER

STATE OF NEW JERSEY )  
                                  :ss.  
COUNTY OF ESSEX      )

ERIC NEISSER, being duly sworn according to law, on oath,  
deposes and says:

1. This Court's letter-opinion of July 23, 1985 directed  
Piscataway to submit a compliance plan within 90 days of the  
opinion, or by October 23. It further stated that: "The township  
should expect that if it is unable to satisfy the 90 day  
requirement, it will have to present compelling reasons why the  
court should not have the master establish a compliance ordinance  
in accordance with this opinion." P.8.

2. The opinion was implemented by a Judgment as to  
Piscataway entered September 17, 1985, Paragraph 4 of which



restated the October 23 deadline and further provided: "This ninety (90) day period shall not be extended unless the Township presents compelling reasons for such extension."

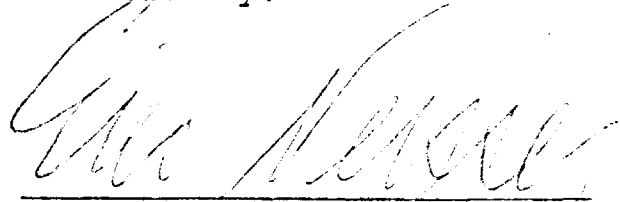
3. Piscataway has not submitted a compliance plan nor has it requested an extension of the October 23 deadline from this Court.

4. This Court has denied Piscataway's request for a stay of the compliance deadline pending the Appellate Division's consideration of Piscataway's motion for leave to appeal this Court's Order of October 11, 1985 denying transfer to the Council on Affordable Housing. See Order of October 11, 1985, Para.2, and Order of October 21, 1985.

5. On October 23, 1985, a three-judge panel of the Appellate Division similarly denied Piscataway's request for a stay of the compliance deadline pending consideration of its motion for leave to appeal the denial of transfer.

6. Because the Court Rules require two weeks notice of a motion absent consent to, or Court-ordered, short notice, Piscataway effectively will have received a 15-day extension by the time this Court hears this motion.

7. No compelling reasons have been presented to plaintiffs or this Court why the Master should not now be directed to establish a compliance ordinance for Piscataway.



ERIC NEISSER

SWORN TO AND SUBSCRIBED  
before me this 24<sup>th</sup> day  
of October, 1985.

Eric Neisser  
Clerk of Court  
State of New Jersey

ERIC NEISSER, ESQ.  
JOHN M. PAYNE, ESQ.  
Constitutional Litigation Clinic  
Rutgers Law School  
15 Washington Street  
Newark, New Jersey 07102  
201-648-5687  
ATTORNEYS FOR PLAINTIFFS  
On Behalf of ACLU of NJ

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION  
MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER	]	Civil Action
NEW BRUNSWICK, et al.,	]	Docket No. C 4122-73
Plaintiffs,	]	
	]	
vs.	]	
	]	
THE MAYOR AND COUNCIL	]	
OF THE BOROUGH OF CARTERET,	]	
et al.,	]	
Defendants.	]	ORDER (Piscataway)

Plaintiffs having moved this Court to direct the Master to prepare a compliance ordinance for Piscataway in light of the failure of the Township to present a compliance plan by the date set forth in this Court's letter-opinion of July 23, 1985 and its Judgment as to Piscataway of September 17, 1985, and plaintiffs having submitted in support thereof an Affidavit of Eric Neisser, Esq. and defendants having responded, and the Court having heard both parties in open court,

IT IS HEREBY ORDERED this \_\_\_\_ DAY OF NOVEMBER 1985:

1. That Carla Lerman, P.P., the Master, is hereby directed to submit to the Court and mail to all counsel within 14 days of the entry of this Order a compliance plan for Piscataway.
2. That the Township and the Urban League plaintiffs shall have 14 days from the date of the Master's submission to file written objections, if any, to the Master's compliance plan.

3. That the Court will schedule a compliance hearing immediately after receipt of any objections.

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Eugene D. Serpentelli, A.J.S.C.