

UL v. Cartwright, Piscataway

4/4/86 (1986)

Notice of motion for imposition of  
conditions on transfer (Piscataway)

3 pgs

CA000~~864~~N

~~884~~

~~878~~

877

ERIC NEISSER, ESQ.  
 JOHN M. PAYNE, ESQ.  
 BARBARA STARK, ESQ.  
 Constitutional Litigation Clinic  
 Rutgers Law School  
 15 Washington Street  
 Newark, New Jersey 07102  
 201-648-5687  
 ATTORNEYS FOR URBAN LEAGUE PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY  
 CHANCERY DIVISION  
 MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER	]	Civil No. C 4122-73
NEW BRUNSWICK, et al.,	]	( <u>Mount Laurel</u> )
	]	
Plaintiffs,	]	
	]	
vs.	]	
	]	
THE MAYOR AND COUNCIL OF	]	NOTICE OF MOTION FOR
THE BOROUGH OF CARTERET,	]	IMPOSITION OF CONDITIONS
et al.,	]	ON TRANSFER
	]	(Piscataway)
Defendants.	]	

TO: Clerk of the Court  
 All Counsel of Record

PLEASE TAKE NOTICE that on the 4th day of April, 1986 at 10 o'clock in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorneys for the Urban League plaintiffs, shall move before the Honorable Eugene D. Serpentelli, at the Court House, Toms River, New Jersey, for Orders as follows:

1. That discovery shall be scheduled as follows:
  - a. Plaintiffs shall serve interrogatories on defendant with two weeks from the date of this Order.
  - b. Defendant shall provide plaintiffs with complete and fully responsive answers to such interrogatories within thirty (30) days of receipt of same.

c. Defendant shall advise plaintiffs in writing of any objections to such interrogatories within ten days of defendant's receipt of same.

d. Depositions shall be noticed within fifteen days of plaintiffs' receipt of defendant's answers to interrogatories.

2. That the restraints set forth in this Court's Orders of June 7, 1984 and December 11, 1984 and continued in the Judgment dated September 17, 1985, shall be continued in full force and effect pending substantive certification by the Affordable Housing Council ("the Council") or as otherwise ordered by this Court following a plenary hearing.

3. That no development shall be approved with regard to any of the sites set forth in Schedule A, annexed hereto, pending substantive certification by the Council or as otherwise ordered by this Court following a plenary hearing.

4. This matter shall be set down for a plenary hearing on May \_\_\_\_, 1986 to determine additional restraints necessary to preserve scarce resources pending substantive certification by the Council.

5. That the Rutgers Constitutional Litigation Clinic shall be permitted to continue its representation of the Urban League before the Council in this matter.

6. For such further relief as this Court may deem equitable and just.

In support of this application, plaintiffs shall rely upon the entire record of proceedings in this action concerning Piscataway, including, inter alia, the following:

a. The record of the joint fair share trial of April 30, 1984.

b. The restraining orders issued by this Court on June 7 and June 26, 1984, and the affidavits and exhibits submitted in support of those orders.

c. The reports of the Court-appointed expert, Carla Lerman, dated November 10, 1984 and January 18, 1985 concerning vacant land in Piscataway Township.

d. This Court's letter-opinion of July 23, 1985, and Order of September 17, 1985, establishing Piscataway's fair share as 2215 units of low and moderate income housing and requiring compliance by October 23, 1985.

e. Plaintiffs' expert's earlier reports regarding possible sites, including his Affidavit of May 25, 1984.

f. The Consent Order of July 17, 1985 with regard to Hovnanian's Society Hill.

Plaintiffs shall further rely upon the Certification of John Payne, Esq., the Certification of Alan Mallach, the Certification of Jeffrey Fogel, Esq. and the Brief submitted herewith.

A proposed form of Order is submitted herewith pursuant to R. 1:6-2.

Plaintiffs hereby request oral argument.

Dated:

*March 20, 1986*

  
\_\_\_\_\_  
Barbara Stark