

Order granting and denying severances

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FILED

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DAVID D. FURMAN, J.S.C.

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Borough of Carteret, et al

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SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION: MIDDLESEX COUNTY  
DOCKET NO. C-4122-73

URBAN LEAGUE OF GREATER NEW  
BRUNSWICK, et al.

Plaintiff-Appellee,

vs.

THE MAYOR AND COUNCIL OF THE  
BOROUGH OF CARTERET, et al

Defendant-Appellant.

CIVIL ACTION  
ORDER

The within matter coming on to be heard on Notice of Motion  
filed in this matter by all defendants, except the Township of  
Monroe, and counsel for all parties having been heard, and the  
Court having considered the arguments of all counsel and for good  
cause shown,

IT IS THEREFORE, on this 17 day of January, 1975 ORDERED  
that severance is hereby denied as to general or initial proofs  
and defenses thereto common to all municipal defendants; Severance  
is Granted as to those proofs and defenses thereto that are peculiar  
to each municipal defendant.

A single trial on general proofs and defenses thereto will

be held and all parties hereto will participate on matters common to each other such as, but not limited to:

- a. Qualifying individual plaintiffs.
- b. Proof that individual plaintiffs have striven and failed to secure adequate housing within Middlesex County or within the geographical limits of the twenty-three municipalities.
- c. General proofs as to housing needs; housing needs in particular categories; housing needs in the low income bracket or moderate income bracket housing needs.

At the completion of the aforesaid trial of general or initial proofs and defenses thereto, then if required, the individual trials on issues peculiar to each municipal defendant will proceed on issues such as but not limited to:

- a. Proofs that in a municipality fifty per cent of the vacant and undeveloped land was zoned for single family one-acre lots or with some large minimum floor requirements.
- b. Proofs as to validity of the Zoning Ordinance of a Municipality.

Each municipal defendant, if required, would then enter its defenses to the proofs peculiar to it, thereby avoiding hardship, inconvenience, unjustifiable expenses and basic unfairness in having all municipal defendants sitting in and present during submission of proofs or defenses peculiar to each municipality.

IT IS FURTHER ORDERED if the taking of depositions is required, counsel requesting depositions shall notify opposing counsel whether deposition would go to matters of general application to all of the municipal defendants or whether the depositions

would be limited to proofs involving one separate municipality. If the depositions concern matters of general application to all municipal defendants, then counsel shall notify all other municipal defendants, affording each an opportunity to participate. In the event the depositions are to be limited to proofs involving one municipal defendant, then in such case, counsel shall only be required to notice that municipal defendant.

*David D. Furman, J.S.C.*

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DAVID D. FURMAN, J.S.C.