

~~PS~~ CA - generally

2-24-75

Memo opposing Dis motions
to join New Brunswick & Perth Androy
as independent parties.

PS. 3

CA000972D

FILED

CA000972D

FEB 28 1975

DAVID D. FURMAN, J.S.C.

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

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.

Plaintiffs,

v.

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

Defendants.

:
:
:
:
:
:
:

314

BOOK FRANK SCHWARTZMAN
PAGE 1

75 FEB 27 AM 9:30

RECEIVED & RECORDED
MIDDLESEX COUNTY N.J.

MEMORANDUM IN OPPOSITION
TO DEFENDANTS' MOTIONS
TO JOIN NEW BRUNSWICK AND
PERTH AMBOY AS INDESPENSIBLE PARTIES

BAUMGART & BEN-ASHER
134 Evergreen Place
East Orange, New Jersey 07018
201-677-1400

MARTIN E. SLOANE
DANIEL A. SEARING
ARTHUR WOLF
National Committee Against
Discrimination in Housing, Inc.
1425 H Street, N.W.
Washington, D.C. 20005
202-783-8150
Attorneys for Plaintiffs

INTRODUCTION

This case has been before the court several times before on various motions. For purposes of this memorandum it is helpful to recall some of the early procedural history of this litigation.

On July 23, 1974, one organizational and seven individual plaintiffs, representing low-and moderate-income persons, brought suit against 23 of the 25 municipalities in Middlesex County. The complaint alleges that the defendants have, through various land use practices, effectively excluded low-and moderate-income people, both white and nonwhite. Plaintiffs seek to enjoin the municipalities from continuing to engage in the unlawful conduct, and to require them to design and implement plans which would correct the effects of such unlawful conduct.

In October, 1974, many of the defendants moved to join New Brunswick, Perth Amboy, Middlesex County, and the State of New Jersey as parties needed for a just adjudication. These motions were denied by the Court on November 1, 1974.

In January, 1974, several defendants again moved to join Middlesex County and the State of New Jersey. This was denied by the Court on January 17, 1975. Now, several defendants have again moved to join New Brunswick and Perth Amboy as necessary parties. Argument on this motion is scheduled for February 28, 1974.

ARGUMENT

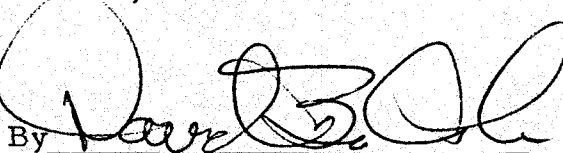
This issue has already been decided by the Court. No new arguments have been introduced. The issues are the same. Plaintiffs reiterate their opposition to joining New Brunswick and Perth Amboy as parties' defendant. As stated in our discussion of this point in an earlier brief, neither city is necessary for complete relief. Plaintiffs have no complaint as to the conduct of the central cities. They already supply more than their share of low and moderate income housing. This housing can be readily considered in any discussion of a regional plan or formulation of a remedy without such joinder. Defendants have offered no additional arguments why New Brunswick and Perth Amboy are necessary parties and we urge the court, again, to deny their motion.

CONCLUSION

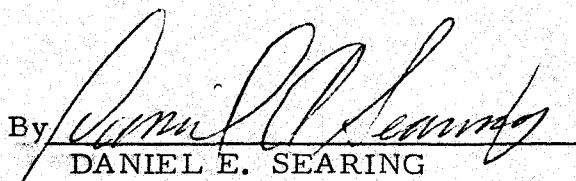
Plaintiffs therefore respectively request that the Court deny defendants' motions to join New Brunswick and Perth Amboy.

Respectfully submitted,

BAUMGART & BEN-ASHER
Attorneys for Plaintiffs

By 
DAVID H. BEN-ASHER

NATIONAL COMMITTEE AGAINST
DISCRIMINATION IN HOUSING
Co-Attorneys for Plaintiffs

By 
DANIEL E. SEARING
MARTIN A. SLOANE
ARTHUR WOLF

DATED: Feb. 24, 1975