

CA - general

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It's memorandum in opposition to motions
of Δ's Spotswood + Jamesburg to dismiss
the appeal - from 5/9/77

P.i. 1135
Pg ~~9~~

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November 17, 1976, plaintiffs filed a supplemental memorandum in opposition to the motions to dismiss the appeal of these five defendants. By order filed November 29, 1976, this Court granted the motions to dismiss made by the five defendants.

Shortly thereafter, four additional defendants, Carteret, Metuchen, South Amboy, and South River, filed motions to dismiss the appeals against them, asserting that the plaintiffs consented to the scope of the order entered by the trial judge. Plaintiffs opposed these motions in a statement dated December 20, 1976.

On January 26, 1977, this Court granted the motion to dismiss made by South Amboy and Metuchen. On February 22, 1977, this Court denied the motions to dismiss the appeal made on behalf of South River and Carteret.

Now, defendants Spotswood and Jamesburg move to dismiss the appeal against them on grounds similar to those expressed by the nine defendants who have previously come before this Court.

Plaintiffs oppose these additional motions to dismiss. In plaintiffs' memoranda to this


Court of September 23, 1976 and November 17, 1976, we set out our arguments against dismissing these appeals. We adhere to the views expressed in those memoranda and adopt them as the basis for our opposition to the two motions presently before this Court.

We disagree with the contention in the Spotswood and Jamesburg briefs supporting their motions that the so-called "conditional dismissal" was a settlement of all claims as to them. Plaintiffs set out their position on this issue at some length in both part one of plaintiffs' memorandum of November 17, 1976 and part two of plaintiffs' memorandum of September 23, 1976.

Furthermore, as indicated in these briefs, on May 12, 1976, plaintiffs did move before the trial court to modify the opinion of May 4, 1976 to reflect their often repeated request that affirmative relief be ordered. The refusal of the trial court to grant any relief additional to changes in the zoning ordinances is a major basis for plaintiffs' appeal.

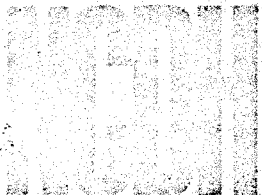
Thus, plaintiffs urge once again that the motions to dismiss made by defendants Spotswood and Jamesburg be denied.

Respectfully submitted,


MARILYN MORHEUSER
Attorney for Plaintiffs

Dated: May 9, 1977

General - typical
Code tags



NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, INC.

1425 H Street, N.W., Washington, DC 20005 • (202) 783-8150

May 9, 1977

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Trenton, New Jersey 08625

Re: Urban League of Greater New Brunswick,
et al., v. Mayor and Council of the
Borough of Carteret, et al.; Docket
No. A-33-76

Dear Ms. McLaughlin:

Please find enclosed for filing in the
above-captioned matter the original and four copies
of Plaintiffs' Memorandum In Opposition To Motions
Of Defendants Spotswood And Jamesburg To Dismiss
The Appeal.

Thank you for your assistance.

Sincerely,

Roger C. Rosenthal

Roger C. Rosenthal
Attorney for Plaintiffs

RCR:vl

Enclosures

cc: All attorneys of record.

CERTIFICATE OF SERVICE

I hereby certify that service of this Plaintiffs' Memorandum In Opposition To Motions Of Defendants Spotswood And Jamesburg To Dismiss The Appeal was served by ordinary mail upon:

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Dated: May 9, 1977