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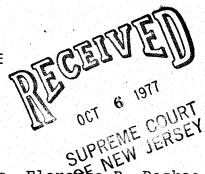
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NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, INC. Fair Housing Legal Program

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

MARTIN E. SLOANE General Counsel



October 4, 1977

SUPREW Ms. Flore R. Peskoe Clerk Supreme Court of New Jersey State House Annex Trenton, New Jersey 08625

15,018

Re: Urban League of Greater New Brunswick, et al., v. The Mayor and Council of the Borough of Carteret, et al.

Dear Ms. Peskoe:

Please find enclosed for filing in the above-captioned case the original and nine copies of Plaintiffs' Motion for Certification of an Appeal Pending Unheard in the Appellate Division. To pay the required filing fee we also enclose our check in the amount of \$5.00.

An additional copy of the Motion and a stamped selfaddressed envelope is provided so that you may return a stamped copy of the Motion to us.

Thank you in advance for your assistance.

Sincerely,

Roger C. Lesenthal

Roger C. Rosenthal Attorney for Plaintiffs

## SUPREME COURT OF NEW JERSEY

URBAN LEAGUE OF GREATER NEW : BRUNSWICK, et al.,	DOCKET NO.	, TERM 1977
	Civil Action	
v. : THE MAYOR AND COUNCIL OF THE	Sat Below:	
BOROUGH OF CARTERET, et al., :	Hon. David D. Furi	nan, J.S.C.

Defendants.

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## MOTION FOR CERTIFICATION OF AN

APPEAL PENDING UNHEARD IN THE APPELLATE DIVISION

MARILYN MORHEUSER 45 Academy Street Newark, New Jersey 07102

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Attorneys for Plaintiffs



URBAN LEAGUE OF GREATER NEW : BRUNSWICK, et al., Docket No. , T

Plaintiffs,

Civil Action

v.

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

Defendants.

Motion for Certification of an Appeal Pending Unheard in the Appellate Division

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey:

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Pursuant to Rule 2:12-2, plaintiffs, the Urban League of Greater New Brunswick and four individuals, hereby move for certification of their appeal and cross-appeal which are pending unheard in the Superior Court, Appellate Division. As grounds for this motion, the plaintiffs state:

(1) Plaintiffs filed this suit on July 23, 1974 in the Superior Court of New Jersey, Chancery Division, Middlesex County, against 23 of the 25 municipalities in Middlesex County. New Brunswick and Perth Amboy, the County's older central cities, were not named as defendants.

(2) Trial commenced on February 3, 1976 and continued through March 23, 1976 before the Honorable David D. Furman, J.S.C.

(3) Judge Furman issued his opinion on May 4, 1976 finding 11 municipalities' zoning ordinances constitutionally invalid. In addition, Judge Furman granted dismissals to 11 other municipalities conditioned solely upon their adoption of appropriate amendments to their zoning ordinances. During trial one defendant was dismissed outright from the suit. On July 9, 1976 Judge Furman signed the judgment setting out the requirements to be met by each defendant.

(4) Eight defendants filed timely appeals with the Superior Court, Appellate Division in August, 1976. Plaintiffs filed timely cross-appeals against these eight defendants and timely appeals against the other 14 defendants remaining in the suit. The Superior Court, Appellate Division has dismissed 11 of those 14 defendants, and issued stays of the trial court's judgment as to the eight municipalities that initially appealed.

(5) All briefs in this case were filed with the SuperiorCourt, Appellate Division on or before October 3, 1977.

(6) Plaintiffs' appeal and cross-appeal are pending unheard in the Superior Court, Appellate Division.

(7) The above-captioned case is of great public importance and presents issues of first impression in New Jersey. It is the first regional exclusionary zoning suit brought in this state. Plaintiffs here challenge as exclusionary the zoning laws and other land use policies and practices of all municipalities in Middlesex County which surround the two central cities of New Brunswick and Perth Amboy. Plaintiffs claim that the policies and practices of these municipal defendants, <u>taken together</u>, effectively bar plaintiffs from securing housing and employment opportunities throughout suburban

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Middlesex County. The unique nature of this suit makes it inevitable that the parties will ultimately seek review by this Court.

(8) The case requires prompt final adjudication since the vindication of constitutional rights is at stake. Because of the stay of judgment ordered by the Superior Court, Appellate Division, eight of the defendants which are parties to this appeal, are presently under no legal duty to alter any of their land use practices. As each day passes, the constitutional rights of the plaintiffs are further abridged as a result of defendants' continued exclusion of low and moderate income residents. Expeditious disposition of this appeal will significantly reduce the period in which plaintiffs suffer injury without remedy.

## CONCLUSION

Therefore, plaintiffs respectfully request that this Court grant their Motion for Certification of an Appeal Pending Unheard in the Appellate Division.

Respectfully submitted,

Morheuser

MARĮLYN MORHEUSER / Attorney for Plaintiffs

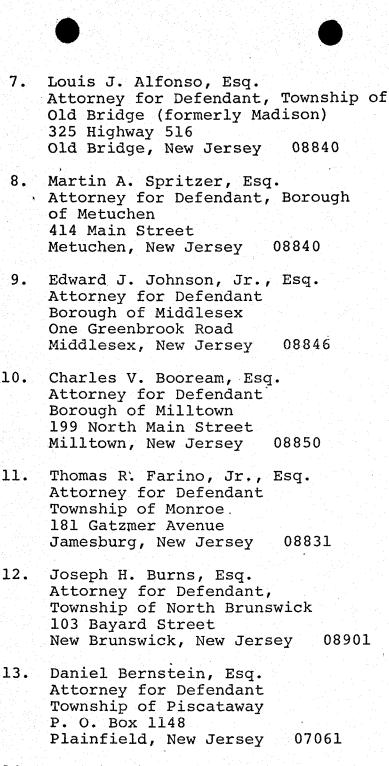
Dated: October 4, 1977

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## CERTIFICATE OF SERVICE

I hereby certify that service of this Motion for Certification of an Appeal Pending Unheard in the Appellate Division was made by mailing the original and nine copies to the Clerk of the Supreme Court of New Jersey, and two copies of the Motion to counsel for the defendants listed below:

- Peter J. Selesky, Esq. Attorney for Defendant, Mayor and Council of the Borough of Carteret 22 Kirkpatrick Street New Brunswick, New Jersey 08903
- William C. Moran, Esq. Attorney for Defendant, Township Committee of the Township of Cranbury Cranbury-South River Road Cranbury, New Jersey 08512
- Bertram E. Busch, Esq. Attorney for Defendant, Township of East Brunswick
  99 Bayard Street New Brunswick, New Jersey 08903
- Ronald A. Winter, Esq. Attorney for Township of Edison 940 Amboy Avenue Edison, New Jersey 08817
- 5. Richard F. Plechner, Esq. Attorney for Defendant, Borough of Helmetta 351 Main Street Metuchen, New Jersey 08840
- Lawrence Lerner, Esq. Attorney for Defendant, Borough of Highland Park 101 Bayard Street New Brunswick, New Jersey 08901



- 14. Joseph L. Stonaker, Esq. Attorney for Defendant Township of Plainsboro 245 Nassau Street Princeton, New Jersey 08540
- 15. Alan J. Karcher, Esq. Attorney for Defendant Borough of Sayreville 61 Main Street Sayreville, New Jersey 08872

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- 16. John J. Vail, Esq. Attorney for Defendant City of South Amboy 121 North Broadway South Amboy, New Jersey 08879
- 17. Barry C. Brechman, Esq. Attorney for Defendant Township of South Brunswick 3530 State Highway 27, Suite 207 Kendall Park, New Jersey 08824
- 18. Sanford E. Chernin, Esq. Attorney for Defendant Borough of South Plainfield 1848 Easton Avenue Somerset, New Jersey 08873
- 19. Gary M. Schwartz, Esq. Attorney for Defendant Mayor and Council of the Borough of South River 65 Milltown Road East Brunswick, New Jersey 08816
- 20. Guido J. Brigiani, Esq. Attorney for Defendants Boroughs of Spotswood and Jamesburg One Oakland Road Jamesburg, New Jersey 08831
- 21. Arthur W. Burgess, Esq. Attorney for Defendant Township of Woodbridge 167 Main Street Woodbridge, New Jersey 07095

ROGER C. ROSENTHAL Attorney for Plaintiffs-Petitioner NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING, INC. 1425 H Street, N.W. Washington, D.C. 20005 (202) 783-8150

Dated: October 4, 1977