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IT's motion to perfect their cross-appeal

+ IT's memorandum in support of their
motion to perfect their cross-appeal

+ certification of service
from 6/5/78

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SUPERIOR COURT OF NEW JERSEY
 APPELLATE DIVISION
 DOCKET NO. A-4681-75

URBAN LEAGUE OF GREATER NEW
 BRUNSWICK, et al.,

Plaintiffs,

v.

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

Defendants.

:
 :
 : Civil Action
 :
 : PLAINTIFFS' MOTION TO PERFECT
 : THEIR CROSS-APPEAL

TO: All Attorneys of Record Before the Appellate Division and
 Attorney for South Amboy:

PLEASE TAKE NOTICE that the undersigned attorneys for
 the plaintiffs hereby move before the Superior Court, Appellate
 Division, pursuant to Rule 2:8-1, to perfect the cross-appeal,

nunc pro tunc, filed on August 31, 1976, in the above-captioned case. In support of this motion, the plaintiffs rely on the accompanying memorandum.

Respectfully submitted,

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Dated: June 5, 1978

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Civil Action

PLAINTIFFS' MEMORANDUM IN SUPPORT
OF THEIR MOTION TO PERFECT THEIR
CROSS-APPEAL

In order to understand the necessity for this Motion,
it is essential to review briefly the procedural history of
the appeal in the case at hand. Between August 18 and 20,
1976, eight of the 22 defendants against whom judgment was
entered in the Superior Court, Chancery Division, served
their notices of appeal from the judgment entered below

on July 9, 1976. ^{*/} Each of these appeals was given a separate number by the Clerk of the Appellate Division. On August 31, 1976, the plaintiffs served their notice of cross-appeal filed against these eight appealing defendants. That cross-appeal bears the number A-4683-75, which had already been assigned to Plainsboro's appeal. On the same day, August 31, 1976, the plaintiffs served their notice of appeal upon the 14 other defendants against whom judgment had been entered on July 9, 1976. This appeal was given No. A-33-76.

During September, 1976, the parties to the appeals and cross-appeals made numerous motions regarding the case. For example, the Township of Woodbridge moved to dismiss the appeal, using Plainsboro's Docket No. A-4683-75. Other defendants also moved to dismiss the appeals taken against them: Helmetta (citing Docket No. A-33-76); Highland Park (citing Docket No. A-4748-75); and Milltown (citing Docket No. A-33-76). Additionally, Cranbury, for itself and seven other defendants, moved for a temporary stay of the judgment below. Even though the appeals were not consolidated at that time, this motion referred to Docket No. A-4685-75. Furthermore, defendant Carteret filed a cross-appeal under Docket No. A-4683-75.

^{*/} Those eight defendants are: Cranbury, East Brunswick, Monroe, Piscataway, Plainsboro, Sayreville, South Brunswick, and South Plainsfield.


In light of the proliferation of docket numbers and the inevitable confusion that would arise, Deputy Clerk Kiernan, on September 20, sent a notice to all counsel advising them to use Docket No. A-4685-75 instead of Docket No. A-4748-75 for all papers filed in the matter. The notice also requested a motion to consolidate. On October 6, the plaintiffs moved to consolidate all the appeals and cross-appeals arising out of the case below under Docket No. A-4685-75. On November 24, 1976, the Appellate Division granted the motion to consolidate, although it did not expressly indicate which docket number should be used in the future. (Since the plaintiffs had moved to consolidate all appeals and cross-appeals under Docket No. A-4685-75, the Appellate Division consolidation order presumably adopted that suggestion.)

After the order of consolidation, however, the parties and the Office of the Clerk continued to use different numbers on the papers filed in this case. For example, on August 23, 1977, the Clerk's Office used Docket No. A-33-76 when it advised the plaintiffs that their motion for leave to file an overlength brief did not have a certificate of service. In furnishing that certificate to the clerk on August 26, 1977, the plaintiffs cited two docket numbers, A-33-76 and A-4685-75. On or about September 1, 1977, it appears that all counsel and the Clerk's Office began using

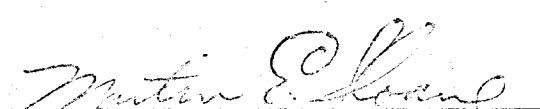
CONCLUSION

For the reasons set out above, the plaintiffs respectfully request that this Court grant our motion to perfect the cross-appeals, nunc pro tunc, so that the case may proceed expeditiously to final resolution.

Respectfully submitted,


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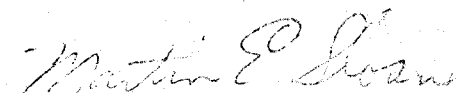
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CERTIFICATE OF SERVICE

I hereby certify that service of Plaintiffs' Motion to Perfect Their Cross-Appeal and Plaintiffs' Memorandum in Support of Their Motion to Perfect Their Cross-Appeal was made on this 5th day of June, 1978 by mailing the original and five copies to the Clerk of the Appellate Division of the Superior Court of New Jersey, and two copies to counsel for the defendants listed below:

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Dated: June 5, 1978