

CA - Edison

12/14/76

Cover letter . response letter
proposed order

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C4-DO/3W, L

December 14, 1976

Honorable David D. Furman
Middlesex County Courthouse
New Brunswick, New Jersey

?_e: Urban League of Greater Hew Brunswick,
et al. v. The Mayor "and Coun.c^JLol"
the Borough of Carteret, et al.

Dear Judge Furroam

On December 7, 1976, the Township of Edison submitted a proposed Order in connection with its Motion for Relief from the Judgment. The plaintiffs opposed that Order for the reasons set out in our Memoranda of September 21 and November 15 as well as our letter of the 15th and oral argument on the 19th. It v/ould be repetitive in the extreme to reiterate at length those contentions here.

The plaintiffs wish only to note that Edison has taken no steps to comply with your decision. We object to the extension until May 1, 1977, for Edison to operate under its existing ordinance which this Court declared invalid over six months ago. In effect, Edison seeks a stay of the judgment, which you have denied to other defendants.

Finally, with respect to a procedural matter which arose at the meeting in chambers on November 19, we wish to advise you that Ms. Morheuser is available on short notice to come to New Brunswick for conferences or other informal hearings which you may desire to have. We do not wish our presence in Washington to affect proper representation for the plaintiff class.

Sincerely,

Martin E. Sloane
General Counsel

cc? Roland Winter, Esq.

CA001374L



Township of Edison

Middlesex County, New Jersey 08817

December 7, 1976

Hon. David D. Furman
Middlesex County Courthouse
New Brunswick, New Jersey 08903

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

Dear Judge Furman:

Enclosed herewith please find an original and two copies of proposed Order in the captioned matter, on behalf of the Township of Edison.

I have this day forwarded a copy of the Order to my adversary, with instructions that he notify the Court in the event he has any objections to the form of said Order.

In the event my adversary does not object to the form of said Order, I would appreciate your signing and filing same. A self-addressed envelope is enclosed herewith for your convenience in returning a copy to this office.

Respectfully yours,

Roland A. Winter

RAW/flf
encl.

cc: Daniel A. Searing, Esq.
Alan Karcher, Esq.

ROLAND A. WINTER, ESQ.
Attorney for Defendant, Township of Edison
940 Amboy Avenue, Edison, N.J. 08817 - 201-738-1300

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

URBAN LEAGUE OP GREATER)
NEW BRUNSWICK, ct al.,)

Plaintiffs,)

vs.)

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

Defendants.)

Civil Action

O R D E R

This matter having been opened to the Court on motion of defendant, Township of Edison, Roland A. Winter, Esq. appearing for the Township of liaison, Daniel A. Searing, Esq. and his associates, appearing for the plaintiffs, and the Court having had the benefit of the moving papers, including defendant's affidavits, and such answering papers as were filed on behalf of the plaintiffs, and the Court having had the benefit of an independent investigation of Edison Township's moving papers and trial exhibits, and it appearing to the Court that Edison's existing Zoning Ordinance does not presently seem to violate the intent and purposes outlined in the decision of this Court filed on May 4, 1976; and as implemented by subsequent Judgments and Orders,

IT IS, on this day of December, 1976 O R D E R E D:

1. That, the decision and previous Orders and Judgments of this Court affecting the Township of Edison, and in particular striking down the validity of the Zoning Ordinance of the Township of Edison, be and is hereby stayed until May 1, 1977.

2. That until May 1, 1977 the Township of Edison shall continue to enforce its Zoning Ordinance.

3. • That the Township of Edison is not presently in violation of the decision of May 4, 1976 and the Judgment and/or Order implementing that decision.

4. That either the plaintiff or the Township of Edison shall show cause on May 1, 1977, or earlier, upon proper notice and motion before this Court, why the existing Zoning Ordinance of the Township of Edison should not be declared valid and in compliance with the purposes and intent of the Court's decision of May 4, 1976.

5. This Court retains jurisdiction of the subject matter of this litigation to accommodate the objectives hereinabove set forth.

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J. S. C.