

CA Metuchen

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10/22/75

Order denying motions for summary judgment

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p.i. 3400

CA0015250

FILED

NOV 3 1975

DAVID D. FURMAN, J.S.C.

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ATTORNEYS FOR Defendant, Mayor and Council
of Borough of Metuchen

Plaintiff

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et als

vs.

Defendant

THE MAYOR AND COUNCIL OF THE BOROUGH
OF CARTERET, et als

314
SUPERIOR COURT OF NEW
JERSEY: MIDDLESEX COUNTY
CHANCERY DIVISION

Docket No. C 4122-73 ✓

CIVIL ACTION

ORDER

These matters having been brought on for summary judgment by attorneys for defendants, Borough of Metuchen, Borough of Jamesburg, Borough of South River and Borough of Dunellen, in the presence of the following attorneys: Daniel A. Searing, Esq. Attorney for plaintiff, Martin A. Spritzer, Esq., Attorney for defendant, Borough of Metuchen, Dennis Cummins, Esq., Attorney for defendant, Borough of Dunellen, and Frank Cofone, Jr., Esq. Attorney for defendants, Borough of Jamesburg and Borough of South River, on the basis that the municipalities are fully developed,

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Metuch.

IT IS, on this 22nd day of October, 1975, ORDERED, that the motions for summary judgment be denied at this time, and it is further ORDERED, that upon the trial of this matter following plaintiffs' initial proof as to standing, general housing needs, and other aspects affecting the aforesaid municipalities and others similarly situated; then the defendant municipalities, Metuchen, South River, Jamesburg and Dunellen, and any other municipality asserting non-liability on the basis that it was a fully developed municipality free of the obligations imposed or recognized by the Supreme Court in the case of So. Burlington Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151 (1975) be afforded an opportunity to present testimony as to the amount of vacant land in their respective municipalities, including data on available acreage for development, vacant lots and prospective properties which might be subdivided to allow development, and that following such testimony, the plaintiff would have the opportunity to present evidence countering the defendants' evidence, which testimony by both defendants and plaintiff shall be the second order of business at trial; after which the court would make a determination as to whether the complaint and proceedings would be dismissed as to the aforesaid

defendant municipalities.

David D. Furman, J.S.C.

DAVID D. FURMAN, J.S.C.

NOTICE TO ALL ATTORNEYS:

PLEASE BE ADVISED, that unless you notify the Honorable David D. Furman of any specific objections to the within Order within five days after service of the copy of this Order upon you, the Order may be signed in the Judge's discretion, pursuant to Rule 4:42-1(b).