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Metuchen

Feb 16, 1977

Request that Amended Notice be denied

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PI # 1085

CAC001557Z

ARGUMENT

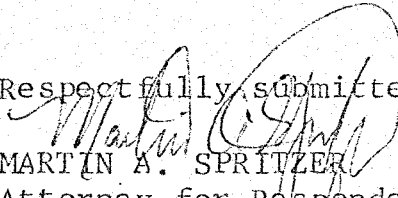
Respondent, Borough of Metuchen, hereby adopts the Counterstatement of Procedural History and Argument as set forth in the Brief in Opposition to Petition for Certification, filed by the Borough of Helmetta.

Further, respondent, Borough of Metuchen, argues that any grounds for Appellants Petition for Certification against the 11 "conditionally dismissed defendants", including the Borough of Metuchen, collapsed as a result of the Court's decision in Oakwood at Madison, Inc., et als v. Township of Madison and State of New Jersey, A-80/81, decided January 26, 1977. Appellants only claim against the 11 defendants is the demand that they take affirmative action to secure low income housing in their respective municipalities; it was this very requirement of additional affirmative relief which the Court refused to give in the Oakwood case. Because of this direct precedent, there is nothing to litigate respecting the 11 conditionally dismissed municipalities

CONCLUSION

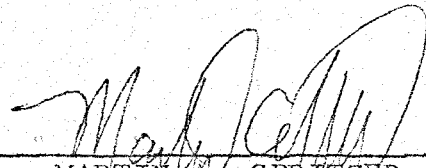
Based on the above, it is respectfully requested that the Amended Notice of and Petition for Certification be denied.

Respectfully submitted,

  
MARTIN A. SPRITZER  
Attorney for Respondent, Borough  
of Metuchen

CERTIFICATION

I hereby certify that service of the within Brief in Opposition to Amended Notice of and Petition for Certification, was made by mailing the original and nine copies to the Clerk of the Supreme Court of New Jersey, two copies to the attorney for plaintiffs, and copies to each of the attorneys listed in the attached certificate of service.



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MARTIN A. SPRITZER  
Attorney for Respondent,  
Borough of Metuchen

Dated: February 16th, 1977.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within Brief in Opposition to Amended Notice of and Petition for Certification was served by regular mail upon the following:

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