

ML - Middlesex
UL v. Middlesex

9/6/74

Answer and Separate Defenses

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EDWARD J. JOHNSON, JR. P.A.

A PROFESSIONAL CORPORATION
1 GREENBROOK ROAD
MIDDLESEX, N. J. 08846
(201) 356-0170

Attorney for Defendant Mayor and Council of Borough of Middlesex

314

SUPERIOR COURT OF NEW JERSEY

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, a non-profit corporation
of the State of New Jersey et al

Middlesex

CHANCERY DIVISION

Plaintiff

vs.

DOCKET NO. C-4122-73 ✓

MAYOR AND COUNCIL OF THE BOROUGH
OF MIDDLESEX et al

Civil Action

Defendant

ANSWER AND SEPARATE DEFENSES

Defendants Mayor and Council of the Borough of Middlesex,

Municipal Corporation of the State of New Jersey, maintaining offices at 1200

Mountain Avenue, Middlesex, New Jersey by way of Answer to the Complaint herein

say:

1. Defendant, Mayor and Council of the Borough of Middlesex has insufficient knowledge, information or belief to either admit or deny the allegations of Paragraph 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 of the Complaint.

2. Defendant, Mayor and Council of the Borough of Middlesex denies the allegations of Paragraph 2 of the Complaint.

3. Defendant Mayor and Council of the Borough of Middlesex does not have sufficient knowledge, information or belief to either admit or deny the allegations of Paragraph 12 of the complaint.

4. Defendant Mayor and Council of the Borough of Middlesex admits the allegations contained in Paragraph 13, 14, of the Complaint.

5. Defendant Mayor and Council of the Borough of Middlesex does not have sufficient knowledge, information or belief to either admit or deny the allegations in Paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 of the Complaint.

6. Defendant Mayor and Council of th Borough of Middlesex deny the allegations of Paragraph 33,34 and 35 of the Complaint.

WHEREFORE, Defendant Mayor and Council of the Borough of Middlesex demand Judgment against the Plaintiffs dismissing the Complaint together with counsel fees and costs of this suit.

FIRST SEPARATE DEFENSE

Plaintiffs claims are barred by waiver, estoppel and laches.

SECOND SEPARATE DEFENSE

Plaintiffs have failed to exhaust their administrative remedies.

THIRD SEPARATE DEFENSE

None of the Plaintiffs named in the Complaint have standing to sue the Mayor and Council of the Borough of Middlesex.

FOURTH SEPARATE DEFENSE

In view of the fact that none of the Plaintiffs are threatened with

irreparable harm, they do not have standing to sue in Chancery Court and their remedy, if any, should be sought by their instituting an action at Law in lieu of prerogative writ.

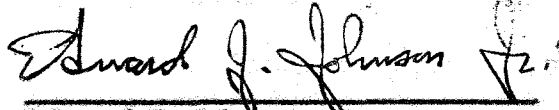
FIFTH SEPARATE DEFENSE

Plaintiffs are barred by the Statute of Limitations.

SIXTH SEPARATE DEFENSE

Plaintiffs have failed to exhaust their administrative remedies.

Edward J. Johnson, Jr. P. A.


Edward J. Johnson, Jr.

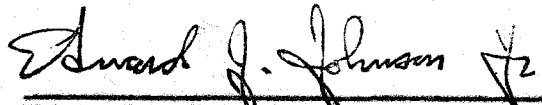
CERTIFICATION

I hereby certify that the within Answer was served within the time prescribed by the Rules of this Court.

I hereby certify that on September 6, 1974, I, the undersigned, mailed to Baumgart & Ben-Asher, Attorneys for Plaintiffs, at 134 Evergreen Place, East Orange, New Jersey 07018, by certified mail, return receipt requested, a copy of the within Answer of Defendant, Mayor and Council of the Borough of Middlesex.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: September 6, 1974


Edward J. Johnson, Jr.