

CA - Milltown

9-2-76

CL w/memo in opposition to motion
for attorney fees by P

pgs. 4

CAC01610D

Borough of Milltown
Middlesex County, New Jersey

CHARLES V. BOOREAM
BOROUGH ATTORNEY

199 NORTH MAIN STREET
MILLTOWN, N. J.

September 2, 1976

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

Re: Urban League of Greater New Brunswick, et al
v. The Mayor and Council of the Borough of
Carteret, et al.
Docket No. C-4122-73

Dear Judge Furman:

In connection with the above matter I am enclosing
herewith Memorandum In Opposition To Motion For Payment
of Fees.

Very truly yours,

Charles V. Booram

Charles V. Booram
Borough Attorney
Borough of Milltown

CVB:ark
enc.

cc: All Attorneys of Record (w/enc.)

CA001610L

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et als.,

Plaintiffs

vs.

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

Defendants

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO. C-4122-73

CIVIL ACTION

MEMORANDUM IN OPPOSITION TO MOTION
FOR PAYMENT OF FEES

Charles V. Booram
Borough Attorney
Borough of Milltown
199 North Main Street
Milltown, New Jersey 08850

Plaintiffs seek an order of this Court directing the payment of "expert fees" for Ernest Erber, an employee of the National Committee Against Discrimination in Housing, Inc. and Alan Mallach. The Borough of Milltown respectfully requests that said application be denied since it is unwarranted and unjustified under the present circumstances.

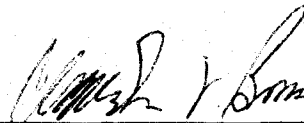
The Borough of Milltown calls the court's attention to the fact that the plaintiffs had the option to proceed, if they had chosen to do so, under Rule 4:14-7 (b). Since they did not seek the protection of that Rule and did not give the defendants adequate notice that they might be subject to potential liability for out-of-pocket expenses and loss of pay expenses, they should be foreclosed from now seeking reimbursement.

The Borough of Milltown also opposes this motion on the grounds that the prosecution of this litigation by the plaintiffs was done in a fashion that could only be called "in house". The nature and quality of the relationship between Mr. Erber and Mr. Mallach and the conceded "financiers" of this particular litigation is such that it would appear that no further argument need be made. Mr. Erber and the attorney of record are both employees of the "financiers" of this litigation, the National Committee Against Discrimination in Housing, Inc. For plaintiffs to contend that these gentlemen were somehow independent expert witnesses deserving

reimbursement from the defendants is totally without either merit or substance.

For these reasons it is respectfully requested that the Plaintiff's motion be denied.

Respectfully submitted



Charles V. Booream
Borough Attorney
Borough of Milltown