Twp - Old Bridge (Madison) 11/14/76
CA-

Cover letter w/ enclosed affidavit in opposition to motion for costs on behalf of Twp of Old Bridge.

3 pgs

CA001779V

Township of Madison

MIDDLESEX COUNTY, N. J.

Please Reply to:
Louis Alfonso, Esq.
Township Attorney
325 County Hwy. 516
Old Bridge, N.J. 08857
(201) 238 2230

BOX 684
OLD BRIDGE, N.J. 08857

November 16, 1976

Hon. David D. Furman
Superior Court of New Jersey
Court House
New Brunswick, New Jersey 08903

Dear Judge Furman:

Re: Urban League vs. Mayor and Council of the Borough of Carteret, et als.
Docket No. C-4122-73

Enclosed herewith please find Affidavit in opposition to motion for costs, returnable November 19, 1976, on behalf of the Township of Old Bridge.

Very truly yours,

LOUIS J. ALFONSO,
Township Attorney

LJA:cr
Encs.

cc: Daniel A. Searing, Esq.
attorney for plaintiffs

LOUIS J. ALFONSO,
Township Attorney
Township of Old Bridge
325 County Highway 516
Old Bridge, New Jersey 08857
(201) 238-2230
Attorney for defendant,
Old Bridge Township

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al., Plantiffs vs. THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et al., Defendants	SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION MIDDLESEX COUNTY DOCKET NO. C 4122-73 Civil Action ANSWERING AFFIDAVIT

STATE OF NEW JERSEY)
COUNTY OF MIDDLESEX) SS.:

LOUIS J. ALFONSO, of full age being duly sworn according to law, upon his oath deposes and says:

1. I am the attorney for the defendant, Old Bridge Township, in the within matter.

2. I make this affidavit in opposition to the motion to have costs assessed against Old Bridge Township.

3. Mr. Mallach and the other witnesses did not use the same time or the same efforts regarding Old Bridge Township, because the Old Bridge Township Ordinance had been declared unconstitutional previously by Judge Furman. In fact, there was no analysis of the Ordinance prepared by the witnesses regarding Old Bridge,

and, in fact, on several occasions, I specifically asked counsel for plaintiffs if they would have the time to analyze the Ordinance as Old Bridge would be willing to discuss settlement and amend its Ordinance accordingly. However, I was advised that no such work was done on the Old Bridge Ordinance and there would be no time to do so. It should also be noted that Old Bridge was treated differently by the trial judge because of the previous decision.

4. Regarding the cost of copying documents, we were never given the opportunity to make copies ourselves as I am sure the Court recalls that these documents and exhibits were not available until the actual trial and it was only then that the plaintiff "graciously" allowed various items to be obtained. In spite of our objections as to admissibility, the Court permitted these documents in as evidence and now plaintiff seeks to assess us cost of copying, which costs would not have been incurred if plaintiff had acted reasonably in the first place and had all these items available a reasonable time before trial.

LOUIS J. ALFONSO,
Attorney for Old Bridge Township

Sworn to and subscribed
before me this 16th day
of November, 1976.

Charlotte Rubin

CHARLOTTE RUBIN
A Notary Public of New Jersey
My Commission Expires Aug. 21, 1979

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