

~~U.I. v. Carteret~~

19 Nov. 1976

CA - Sayreville

Letter from Kardner to Court w/ Memo in
Opposition to its motion for fees
~~attached~~

Pgs 3

CA001933D



The Borough of Sayreville

MIDDLESEX COUNTY
167 MAIN STREET
SAYREVILLE, NEW JERSEY 08872
(201) 257-3200

re:
MAYOR:
JOHN E. CZERNIKOWSKI
BOROUGH COUNCIL MEMBERS
PRESIDENT
RANIERO TRAVISANO
KENNETH W. BUCHANAN, Sr.
ALVIN W. JOLLY
JOSEPH M. KEENAN, Jr.
THOMAS R. KUBERSKI
FELIX WISNIEWSKI

OFFICERS OF THE BOROUGH:
MARY J. KOSAKOWSKI, Clerk
ALAN J. KARCHER, Attorney
HOWARD M. SCHOOR, Engineer
JAMES I. LINDSAY, Treasurer
J. HOWARD KOLB, Tax Assessor
JAMES P. DOLAN, Tax Collector

November 19, 1976

Clerk, Chancery Division
Superior Court of New Jersey
State House Annex
Trenton, NJ 08625

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

Dear Sir:

Enclosed herewith please find original and one
copy of Memorandum in Opposition to Plaintiffs' Motion
Requesting that the Court Award Costs of Litigation,
with regard to the above captioned matter. Kindly
file same.

By copy of this letter, I am forwarding a copy
of same to the Clerk, Chancery Division, Middlesex
County and also to all counsel of record.

Very truly yours,

ALAN J. KARCHER

ALAN J. KARCHER
BOROUGH ATTORNEY

AJK:MJK
ENCS.

CC: Middlesex County Clerk, Chancery Div.
All Counsel of Record

ALAN J. KARCHER, ESQ.
BOROUGH ATTORNEY
BOROUGH OF SAYREVILLE
Karcher, Reavey & Karcher, P.A.
61-67 Main St.
Sayreville, NJ 08872
(201) 257-1515

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY

DOCKET NO. C-4122-73

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al.,

Plaintiffs.

vs.

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

Defendants.

:
:
:
Civil Action
:
MEMORANDUM IN OPPOSITION TO
PLAINTIFFS' MOTION REQUESTING
THAT THE COURT AWARD COSTS OF
LITIGATION.
:

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The defendant, Borough of Sayreville, respectfully submits that the litigation brought against the Borough of Sayreville by the Urban League of Greater New Brunswick, et. als., was unnecessary and in fact, frivolous.

The Borough of Sayreville emphasizes that its zoning ordinances substantially met the guidelines of the Court's Opinion at a time prior to the institution of litigation.

The Borough had spent between \$50,000.00 and \$100,000.00 in planning and zoning studies prior to the adoption of its zoning ordinances and has already been put to the expense of approximately \$30,000.00 in defending itself against this litigation. Plaintiffs contend that the defendant in some way violated the basic Constitutional rights of the plaintiffs. However, with regard to the Borough of Sayreville that claim is facetious. The Borough therefore reiterates its contention that it presently complies with the guidelines set down in the Court's Opinion and has since the institution of this litigation been an improper defendant. To now assess costs of litigation against the Borough of Sayreville would be viewed as punitive in a situation where such action is not duly warranted.

Respectfully submitted,

BY: 

ALAN J. KARCHER
BOROUGH ATTORNEY