

CA UL v. Carteret (S. Plainfield)

11/26/74

interrogatories of UL

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CA 0000846

SANFORD E. CHERNIN  
FRANKLIN STATE BANK BLDG.  
FRANKLIN MALL OFFICE  
1848 EASTON AVENUE  
SOMERSET, N. J. 08873  
(201) 469-5576

ATTORNEY FOR Deft., Mayor and Council of the Borough of South Plain-  
field

*Plaintiff*

URBAN LEAGUE OF GREATER NEW BRUNSWICK,  
etc., et als,

vs.

*Defendant*

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

SUPERIOR COURT OF  
NEW JERSEY  
CHANCERY DIVISION:  
MIDDLESEX COUNTY

*Docket No. C 4122-73*

CIVIL ACTION  
INTERROGATORIES

TO: DAVID H. BEN-ASHER, ESQ.  
BAUMGART & BEN-ASHER, ESQS.  
Attorneys for Plaintiffs  
134 Evergreen Place  
East Orange, New Jersey 07018

PLEASE TAKE NOTICE, that demand is hereby made of the plain-  
tiff, Urban League of Greater New Brunswick, for Certified Answers  
to the following Interrogatories within the time period prescribed  
by the rules of this court.

1. Give the name and address of each person or firm known to the plaintiffs to have relevant knowledge of the material facts set forth in the complaint. Identify each such person as to whether or not they are or have ever been in the employ of this plaintiff.

Roy Epps, Executive Director  
Charles Gray, Asst. Director  
Carolyn Blanchard, Director, Community Development  
Ernest Erber, NCDH, 1425 H Street, N.W., Washington, D.C. 20005  
John Prior, NCDH, 1425 H Street, N.W., Washington, D.C. 20005  
See also Interrogatory #1, for Plaintiff Benson.

2. Give the name and address of each expert witness, whose testimony will be relied upon by this plaintiff at the time of trial, setting forth their field of expertise.

This information is unknown at this time.

3. Attach hereto copies of any written reports of such experts whose testimony will be relied upon.

See answer to number 2.

4. If no written reports of experts have been received, set forth the time, date and place of any oral discussions with such experts, together with the full content of such discussions and oral report.

There have been no such discussions as of this date.

5. Attach hereto a photocopy of the charter of this plaintiff indicating its authority to do business in the State of New Jersey as a non-profit corporation.

A copy of such authority is being forwarded separately.

6. Attach hereto copies of any authorization executed by each of the individual plaintiffs in favor of the Urban League of Greater New Brunswick, indicating its authority to act on behalf of such individual plaintiffs.

No such authorizations exist.

7. Set forth each portion of the zoning ordinance of the Borough of South Plainfield which these plaintiffs challenge as being discriminatory or otherwise illegal and unlawful.

The answer to this and all remaining interrogatories already answered in full in the interrogatories directed to plaintiff BENSON are incorporated by reference herein. The incorporation will be referenced as: See Benson interrogatory 22.

8. As to each such portion of the zoning ordinance referred to in the previous answer, set forth each and every fact upon which this plaintiff will rely to support its allegation that the same is racially discriminatory and/or otherwise unlawful.

See Benson interrogatory 23.

9. Set forth each portion of the land use policies and practices of the Borough of South Plainfield which these plaintiffs challenge as being discriminatory or otherwise illegal and unlawful.

See Benson interrogatory 24.

10. As to each such portion of the land use policies and practices referred to in the previous answer, set forth each and every fact upon which this plaintiff will rely to support its allegation that the same is racially discriminatory and/or otherwise unlawful.

See Benson interrogatory 25.

11. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates N.J.S.A. 40: 55-32.

See Benson interrogatory 26.

12. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates Article 1, paragraph 1 of the New Jersey Constitution.

See Benson interrogatory 27.

13. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates Article 1, paragraph 5 of the New Jersey Constitution.

See Benson interrogatory 28.

14. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates Article 1, paragraph 18 of the New Jersey Constitution.

See Benson interrogatory 29

15. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates 42 USC 1981.

See Benson interrogatory 30

16. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates 42 USC 1982.

See Benson interrogatory 31

17. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates 42 USC 3601.

See Benson interrogatory 32

18. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates the 13th Amendment to the United States Constitution.

See Benson interrogatory 33

19. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates the 14th Amendment to the United States Constitution.

See Benson interrogatory 34

20. Set forth each fact which the plaintiff will rely upon to support its allegation that the individual plaintiffs "are unable to challenge the defendants' conduct without the assistance of the League" as set forth in paragraph 5 of the complaint.

The allegation refers not to individual plaintiffs but to members of the Urban League.

21. Attach hereto a copy of the application for membership in the Urban League of Greater New Brunswick of each individual plaintiff.

None

22. Set forth a complete chronological history of all applications made by or on behalf of the Urban League of Greater New Brunswick to obtain housing facilities within the Borough of South Plainfield for any of the individual plaintiffs in this litigation. Attach hereto copies of all correspondence, applications or other evidence of such efforts to obtain such housing accommodations.

None

23. Give a complete list of any and all other litigation initiated or participated in by the Urban League of Greater New Brunswick challenging other zoning ordinances within the State of New Jersey.

The League has not officially participated in any other such litigation, but did provide staff support to assist the Jamesburg Housing, Recreation, Communications Association in 1970 challenging the zoning ordinance of Madison Township.

24. Attach hereto a copy of the "Federal Office of Management and Budget Report" as set forth in paragraph 15 of the complaint.

See Benson interrogatory 36

25. Attach hereto a copy of the 1970 census referred to in paragraph 16 of the complaint.

See Benson interrogatory 37

26. Attach hereto a copy of the "Population Projections" set forth in paragraph 17 of the complaint.

See Benson interrogatory 38

27. Set forth the source of information utilized by this plaintiff to establish the allegations of paragraph 18 of the complaint and attach copies of any and all reports received or examined.

See Benson interrogatory 39

28. Set forth the source of information utilized by this plaintiff to establish the allegations of paragraph 19 of the complaint and attach copies of any and all reports received or examined.

See Benson interrogatory 40

29. Set forth the source of information utilized by this plaintiff to establish the allegations of paragraph 20 of the complaint and attach copies of any and all reports received or examined.

See Benson interrogatory 41



30. Has this plaintiff received or obtained a report indicating the gross ratio of Blacks, Puerto Ricans and other minority groups with relation to the growth of housing for any period since 1970. If so, give a full and detailed report of such investigation and, if in writing, attach a photocopy of same hereto.

See Benson interrogatory 42

31. Attach hereto all data and facts together with reports which this plaintiff utilized to support the allegations of paragraph 26 of the complaint.

See Benson interrogatory 43

32. Provide a copy of the "statistical projections" referred to in paragraph 28 of the complaint.

See Benson interrogatory 44

33. Set forth any and all legal or other authority upon which this plaintiff will rely to support its position that the individual plaintiffs are entitled under the law to have low or middle income housing units made available to them.

See Benson interrogatory 45

34. Set forth all authorities upon which this plaintiff will rely to establish the conclusion that this defendant is obliged to establish public housing authorities to provide housing for low income families.

See Benson interrogatory 46

35. Set forth all authorities upon which this plaintiff shall rely to establish the conclusion that this defendant is obliged to "pass the resolution of local approval required for the use of state financial aid to assist local and moderate income families with their housing needs."

See Benson interrogatory 47.

36. Set forth all authorities upon which this plaintiff shall rely to support the conclusion that this defendant is obliged to "implement the low and moderate income housing elements" of the master plan of the Middlesex County Planning Board.

See Benson interrogatory 48

37. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(a) of the complaint.

See Benson interrogatory 49

38. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(b) of the complaint.

See Benson interrogatory 50

39. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(c) of the complaint.

See Benson interrogatory 51

40. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(d) of the complaint.

See Benson interrogatory 52.

41. Set forth that portion of the land located in the Borough of South Plainfield which the plaintiffs will allege should be the reasonable amount allocated for industrial purposes.

See Benson interrogatory 53.

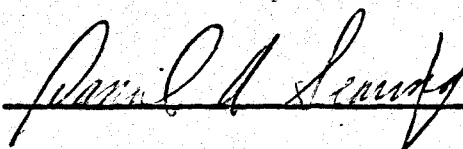
CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said doctors or experts, either written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

\_\_\_\_\_  
By \_\_\_\_\_

CERTIFICATION IN LIEU OF OATH OR AFFIDAVIT

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 for contempt of court.

  
\_\_\_\_\_

DANIEL A. SEARING  
Co-Counsel  
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DATED:

November 26, 1974