

CA - Norm Brunswick

1/6/84

Letter by P's attorney to Judge S re:  
UL's motion to enforce judgment.

Pgs 4

CA 002295L

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January 6, 1984

HONORABLE EUGENE D. SERPENTELLI, J.S.C.  
Ocean County Court House  
CN 2191  
Toms River, New Jersey 08753

Dear Judge Serpentelli:

Re: Motion by Urban League of Greater New  
Brunswick to Modify and Enforce Judgment  
Against Townships of North Brunswick and  
Old Bridge

I am in receipt of the moving papers relevant to the above-referenced motion. While my clients do not express an opinion as to the merits of the compliance issue, I would like to share my thoughts and concerns regarding the motion.

My primary concern is one of delay should the court grant the motion. On the other hand, I strongly endorse Mr. Neisser's position, as set forth in his affidavit of December 22, 1983. If the court grants the motion, Old Bridge and North Brunswick should be ordered to be ready to proceed as to the fair share and regional issues by March 19, 1984, the trial date set in your scheduling order. My reasons are as follows:

1. Both of these townships have been the subject of a compliance mandate at least since 1976. I note that in Old Bridge's case, the Supreme Court itself ruled on its exclusionary land use practices in a separate matter in 1977.

2. We are over two months away from the trial date. That is ample time for these townships to review the reports on fair share, prepare and submit their own and be ready for trial.

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Re: Motion by Urban League of Greater  
New Brunswick to Modify and Enforce  
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3. All of the consolidated plaintiffs are working within the parameters of your scheduling order. While they are doing this voluntarily, more or less, I do not see a significant difference since the issue is adequacy of time to prepare.

4. According to Mr. Neisser's affidavit, these townships have had the benefit of the expert reports already filed in this matter as long as the defendants and consolidated plaintiffs. I do not believe they should be permitted to argue that their time for review should start from the hearing date. They have known all along that they have not obtained a compliance order and cannot be permitted to benefit now from their voluntary refusal to address prior court orders.

I am aware that there may be pending litigation against Old Bridge by a major developer. I do not know for certain whether the complaint in that matter directly raises a Mt. Laurel issue. If so, I would think that both Old Bridge and the developer would want to participate in this hearing since it could have some precedential value for that matter.

In short, from virtually every perspective, it is in the general public interest for these matters to move forward on March 19, 1984. I do not see any reason why Old Bridge and North Brunswick cannot be prepared to do so on that date.

Respectfully submitted,

  
CARL S. BISGAIER

CSB:emm

cc: all counsel of record  
Henry Hill, Esquire  
Richard F. Plechner, Esquire (Old Bridge Tp.)  
Leslie S. Lefkowitz, Esquire (N. Brunswick Tp.)

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