

~~102~~ CA Old Bridge

24-June-1981

O & Y v. O.B.

Interrogatories demanded by the  
Defendants and Plaintiffs

Answers to Interrogatories

pgs = 23

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LOUIS J. ALFONSO, ESQ.  
325 County Highway 516  
Old Bridge, New Jersey 08857  
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Attorney for Defendants,  
Township of Old Bridge and Township Council

O & Y OLD BRIDGE DEVELOPMENT  
CORP., a Delaware Corporation,  
Plaintiff,

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION  
: MIDDLESEX COUNTY  
: DOCKET NO. L-32516-80

-vs.- : Civil Action

THE TOWNSHIP OF OLD BRIDGE in  
the County of Middlesex, a  
municipal corporation of the State :  
of New Jersey, THE TOWNSHIP  
COUNCIL OF THE TOWNSHIP OF OLD :  
BRIDGE, the PLANNING BOARD OF THE :  
TOWNSHIP OF OLD BRIDGE, the :  
OLD BRIDGE TOWNSHIP SEWERAGE :  
AUTHORITY and the OLD BRIDGE :  
TOWNSHIP MUNICIPAL UTILITIES :  
AUTHORITY, :  
Defendants.

: INTERROGATORIES

TO: HENRY A. HILL, ESQ.  
15 Chambers Street  
Princeton, New Jersey 08540

DEMAND is hereby made by the defendants, Township of  
of Old Bridge and Township Council, of the plaintiff for answers,  
under oath or certification, to the following interrogatories  
within the time and in the manner prescribed by the rules of this  
Court.

1. When and in which State was plaintiff incorporated?  
August 2, 1977 in the State of Delaware.

2. List the original incorporators of plaintiff giving their names and addresses. If an incorporator is a corporation, also list the names of the members of the Board of Directors of said corporation and their addresses.

The question is improper.

3. Give a history of the shareholders of plaintiff, giving the names and addresses of each shareholder and the percentage of shares held by said shareholder in the company and when said person became a shareholder and for how long a period said person was or is a shareholder. If any shareholder is a corporation, list the names and addresses of the current Board of Directors of said corporation.

The question is improper.

4. List the present shareholders of plaintiff and their current addresses and give the number of shares they own and the percentage they own of the shares outstanding.

The question is improper.

5. What is the present book value of a share of stock of plaintiff?

The question is improper.

6. Give a history of the Board of Directors of plaintiff, giving the name and address of each Director and the period of time they served on the Board of Directors.

The question is improper.

7. List the names and addresses of the present Board of Directors of the plaintiff.

The question is improper.

8. Give a history of the officers of plaintiff, listing the title of each officer, the name and address and the period of time each said officer served in his position.

The question is improper.

9. List the titles, names and addresses of the present officers of plaintiff.

The question is improper.

10. List the state or states in which plaintiff is licensed to do business including the registered agent for each said state.

Plaintiff is licensed to do business in the State of New Jersey and its registered agent is United Corporate Services.

11. When did plaintiff make its decision to institute the present suit?

On or about February 17, 1981 .

12. Who made the decision to institute the present suit and give the name and address of each and every person who took part in said decision. If a corporation was involved in reaching said decision, list the name of said corporation and the names of the members and their addresses of its Board of Directors when said decision was made.

Lloyd Brown, 7 Willis Court, East Brunswick, New Jersey as corporate officer of O & Y Old Bridge Development Corp.

13. Did plaintiff rely upon the advice or recommendation of any person in reaching its decision to institute the present suit? If so, list the name and address of each said person and state the facts upon which plaintiff relied as to each said person.

Plaintiff relied upon the legal advice of its counsel, Henry A. Hill of Brener, Wallack & Hill. As to the part of the question which requests the facts upon which Plaintiff relied as to any person who advised it in deciding to institute the present suit, the question is improper.

14. Did the Board of Directors authorize the present suit instituted by plaintiff? If so, give the date and location of the meeting of the Board, list who was present at said meeting, how long said meeting lasted, who took part in the discussions at said meeting, list the persons who voted in favor of the suit and attach hereto a copy of the minutes of the said meeting.

The question is improper.

15. If the within suit was not authorized at a meeting of the Board of Directors, list the manner in which the Board of Directors participated in said decision, give the names and addresses of all those who participated in said decision. Attach copies of all writing relied upon by the Board members including waiver of meeting notices.

The question is improper.

16. Did any of the officers authorize the present suit to be instituted by plaintiff? If so, give the title, name and address of the said officers and give the date when said authorization was given and to whom, and attach copies of all written correspondence authorizing said suit.

Yes. Lloyd Brown, 7 Willis Court, East Brunswick, New Jersey. Authorization given on February 17, 1981 to legal counsel Brener, Wallack & Hill.

17. If the present suit was authorized by a corporate officer, was that decision ratified by the Board of Directors? If so, when and attach copies of the minutes of the meeting of said ratification.

The question is improper.

18. List the authority of any said officer to authorize the institution of legal proceedings.

Lloyd Brown had sufficient authority to authorize the institution of legal proceedings.

19. Was the decision to authorize the within suit ratified by the shareholders of plaintiff? If so, when and attach copies of the minutes of any said meeting?

The question is improper.

20. Where are the corporate records of plaintiff kept?

The question is improper.

21. Has the plaintiff issued any authorization in writing to institute the present suit? If so, attach copies of all said writings.

No.

22. Attach copies of all internal corporate memorandums, correspondence or letters regarding the decision to institute the within action.

The question is improper.

23. List the names and address of all members of the Board of Directors and/or corporate officers who voted or authorized institution of the Tenth Count of the Complaint alleging various conspiracies by this defendant.

The question is improper.

24. Has plaintiff through its officers, agents and employees purchased any tickets or made any donations to any political organizations or groups in Old Bridge or anywhere in Middlesex or Monmouth Counties? If so, list the date when tickets were purchased and the group or persons involved, how many tickets and at what price or as to donations, when donations were given and in what amount and to whom and for what purpose.

SEE RIDER ANNEXED

25. If the answer to 24 above is affirmative, give the name and address of plaintiff's servant, agent or employee who made said payment and list whether said payment was made in cash or by check.



26. Where are the financial records including cash disbursement books of plaintiff relating to Old Bridge and Middlesex County and Monmouth County kept:

The question is improper.

27. (A) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the First Count of the Complaint.  
All defendants in this action and their agents, servants and consultants.  
See attached Rider.

27. (B) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Second Count of the Complaint.

See answer to 27(A)

27. (C) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Third Count of the Complaint.

See answer to #27(A)

27. (D) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Fourth Count of the Complaint.

See answer to #27(A)

27. (E) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Fifth Count of the Complaint.

See answer to #27(A)

27. (F) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Sixth Count of the Complaint.

See answer to #27(A), especially Elson T. Killam Associates of Millburn, N.J.

27. (G) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Seventh Count of the Complaint.

See answer to #27(A), especially Elson T. Killam Associates of Millburn, N.J. and Engineering, Surveying and Planning of Howell, N.J.

27. (H) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Eighth Count of the Complaint.

See answer to #27(A), especially Elson T. Killam Associates of Millburn, N.J.

27. (I) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Ninth Count of the Complaint.

See answer to #27(A), especially Elson T. Killam Associates of Millburn, N.J. and Geraghty & Miller of Syosset, N.Y.

27. (J) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Tenth Count of the Complaint.

See answer to #27(A) above.

27. (K) Give the name and address of each person or firm known to plaintiff to have relevant knowledge of the material facts set forth in the Eleventh Count of the Complaint.

See answer to #27(A) above.

28. State the facts upon which plaintiff base their allegation in Count One paragraph 10 that development pressures in Old Bridge have increased.

SEE RIDER ANNEXED

29. State the facts upon which plaintiff base their allegation in Count One paragraph 11 that there have not been sufficient housing growth to respond to the "extreme development pressures" in Old Bridge Township. List the fact basis for the allegation that there are "extreme development pressures".

SEE RIDER ANNEXED

30. State the facts upon which plaintiff base their allegation in Count One paragraph 12 that Old Bridge is an archetypal developing municipality.

SEE RIDER ANNEXED

31. Has plaintiff sought any changes in the Old Bridge Land Development Ordinance? If so, state when said changes were sought, what changes were sought and identify the person connected with plaintiff who sought said change and the manner in which said change was sought including which municipal officials were contacted and when.

SEE RIDER ANNEXED

32. List the name, address and area of expertise of each expert witness plaintiff intends to rely upon in this action and attach copies of all reports or data upon which said expert will reply.

Plaintiff may use the following expert witnesses at trial:

(see attached list)

33. Identify each and every writing of which plaintiff have knowledge supporting facts in Interrogatories 27A to 27K above. Set forth the name of the person or place and address where such writings may be inspected, secured, or if published, by whom, when and where published.

In addition to expert reports which are attached or are to be supplied;

(see attached list)

34. Does plaintiff rely on any written or oral statement made by any official agent, representative, or employee of the defendant regarding the allegations of the complaint? If the answer is in the affirmative:

- A. If in writing, identify or set forth a copy of each and every written statement relied upon, and set forth the name of the person or place and address where such writings may be inspected, secured or if published, by whom, when and where published.
1. The 1978 Land Development Ordinance
  2. The Master Plan of Old Bridge Township and supporting maps.

- B. If oral, the name and address of each person who made said statement and as to each person, the substance of said statement, together with the date, time and place where made, and the name and address of each and every person known to the plaintiff who was present when said statement was made.

Not applicable

35. If plaintiff relied on any official action made by any official agent, representative or employee of defendant, Township of Old Bridge and Township Council of the Township of Old Bridge regarding the allegations of the complaint. Set forth with particularity the name and official position of each of said officials, agents, representatives or employees of said defendant, setting forth with particularity as to each of said officials, agents, representatives or employees, each and every official action and identify as to each of such officials, agents, representatives or employees any writing setting forth or supporting said action.

Not applicable

36. As to the prayer for relief, set forth with particularity each section of the Ordinance or Ordinances under attack or other land use policies and practices which plaintiff seek to have declared null and void, and how abolition of same would promote plaintiff's alleged objectives and identify which objective would be promoted.

See attached.

37. Set forth the name and address of each person having knowledge of any relevant facts with reference to the issues in this matter and the general substance as to each person of their knowledge.

See answer to #32.

38. Attach copy of reports rendered to plaintiff by each of plaintiff's proposed expert witnesses. If any reports were verbal, set forth in detail the verbal information supplied by the expert, together with the name of the expert supplying the same.

.No verbal reports to date; expert reports are attached and maps are available for inspection.

CERTIFICATION

We hereby certify that the foregoing statements made by us are true. We are aware that if any of the foregoing statements made by us are wilfully false, we are subject to punishment for contempt of court.

DATED:

*June 24, 1981*

*J. Brown*

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RIDER

27A.

1. Lloyd Brown, 7 Willis Court, East Brunswick, New Jersey
2. Abeles, Schwartz, Haeckel & Silverblatt, Inc.  
434 Sixth Avenue  
New York, N.Y. 10011
3. Brown/Sullivan/Arfaa  
2314 Market Street  
Philadelphia, Pa. 19103
4. Garmen Associates  
57 Whippany Road  
Whippany, New Jersey 07981
5. Geraghty & Miller  
North Shore Atrium  
6800 Gerecho Turnpike  
Syosset, New York 19711
6. Elson T. Killam Associates, Inc.  
27 Bleeker Street  
Millburn, New Jersey 07041
7. Alan Mallach  
P.O. Box 7104  
Atlantic City, New Jersey 08404
8. Harvey Moskowitz  
7 Burlington Road  
Livingston, New Jersey 07039
9. Richard B. Reading  
913 State Road  
Princeton, New Jersey 08540
10. George Sternlieb  
Center for Urban Policy Research  
Piscataway, New Jersey
11. Middlesex County Planning Board  
New Brunswick, New Jersey
12. New Jersey Department of Community Affairs  
Division of State and Regional Planning  
Trenton, New Jersey
13. Engineering, Surveying and Planning Associates  
Box 258 US Highway 9  
Howell, New Jersey 07731



RIDER

27A Continued

14. Converse, Ward, Davis & Dixon  
91 Roseland Avenue P.O. Box 91  
Caldwell, New Jersey 09006
15. Quennell-Rothchild Associates  
32 W 20th Street  
New York, N.Y.
16. Princeton Aqua Science  
789 Jersey Avenue  
New Brunswick, New Jersey 08902
17. Reese Jones, Inc.  
P.O. Box 285  
Montclair, New Jersey 07044
18. James Hughes  
Center for Urban Policy Research  
Piscataway, New Jersey
19. McCormick, Taylor & Associates, Inc.  
1617 John F. Kennedy Blvd.  
Philadelphia, Pa. 19103
20. Carl Lindbloom  
156 Laurel Road  
Princeton, New Jersey 08540

Additional names to be supplied from various State, local and federal government agencies and their employees including the Middlesex County Planning Board, the Department of State and Regional Planning, the Department of Environmental Protection, the Department of Transportation, the Environmental Protection Agency and other departments of State and local government involved in investigatory, statistical, demographic and economic data collection and information promulgation.

RIDER

24. On June 25, 1979, Olympia + York Properties as agent for O&Y Old Bridge Development Corp. issued check number 8007 in the amount of \$1,250 to the Old Bridge Democratic Party for the purchase of 25 tickets at \$50 each to a fund raising dinner. The tickets were purchased by John Allgair as agent for O&Y Old Bridge Development Corp. because the project manager, Lloyd Brown was out of town on business during that period of time.

On July 30, 1980 councilman George Stone personally requested that Lloyd Brown purchase tickets for the Middlesex County Democratic Party Fund Raising Dinner. On August 1, 1980 Olympia and York Properties as agent for O&Y Old Bridge Development Corp. issued check number 14270 in the amount of \$3,000 to the Middlesex County Democratic Organization for the purchase of 50 tickets at \$60 each for the fund raising dinner. This check was delivered by Lloyd Brown personally to councilman Stone on August 5, 1980.

25. See above answer to Number 24.

28. Development pressures in Old Bridge have increased by virtue the fact that Old Bridge Township has a significant portion of the vacant developable land in Middlesex County, said county being one of the fastest growing counties in the state. In the Middlesex County Planning Board Publication, entitled General Statistics for Middlesex County, the Board notes that Middlesex County is in one of the fastest growing counties in the state, having 29.9% estimated population gain since 1960.

The Development pressures on Old Bridge Township and Middlesex County are caused by new job growth in the county. Covered employment in Middlesex County, as reported by the New Jersey Department of Labor and Industry, increased from just under 200,000 in 1973 to close to 236,000 in 1979 for an 18% increase in over six years, or approximately 3% in a year. In Old Bridge Township itself, the increase was even more dramatic. The number of covered jobs for the same period (1973 through 1979) increased from 1,595 to 4,679. This increase represented a 193% increase, or approximately 32% per year or an increase of ten times the Middlesex County job growth figure for the same period of time. This new job growth exerts extreme pressure for new housing and commercial development to meet the needs of the new workers and their families, especially on towns such as Old Bridge with a significant amount of vacant and developable land.

In addition to the employment growth taking place in Middlesex County, Monmouth County also showed significant growth since 1973. In 1973, the number of covered jobs totaled 103,489. By 1979 covered employment had increased to 124,155 jobs, for an increase of approximately 20% over this six year period. Additionally, Middlesex County in the vicinity of Old Bridge Township has recaped the benefits of State funded highway improvements to route 18 to the west of Old Bridge Township and also improvements to route 18 at its interchange with the Garden State Parkway.

28.(con't.)

Additionally, as indicated by Middlesex County Overall Economic Development Program Annual Update (1980), consumer affluence has grown remarkably in Middlesex County over the last decade, making Middlesex County in 1978 the eighth richest county in the United States in effective buying incomes; it is projected that Middlesex County will rise to a ranking of third by 1983 behind only Anchorage and Fairfield County, Connecticut.

The development pressures on Old Bridge Township resulting from Middlesex County growth is expected to continue into the foreseeable future. The Middlesex County Planning Board, for example, forecasts employment to reach 309,860 by the year of 1985 and close to 360,000 by the year 2000.

29. The extreme developments pressures on Old Bridge Township are indicated by the significant employment growth in Old Bridge, Middlesex County and Monmouth County. Old Bridge Township has failed to respond to these pressures and has in fact inhibited new residential development in the township and channeled through its regulatory program the limited amount of development which has occurred into large lot single family development. From 1970 to 1980 the number of housing units in Old Bridge Township increased from 13,456 to 16,970 for a percentage increase of 26.1%. This increase is miniscule in magnitude when compared with housing development in other Middlesex County Municipalities such as Sayerville (513%), Monroe Township (111%) North Brunswick Township (60%) and South Brunswick Township (44%).

In a sampling of new housing activity from 1975 through 1980, approximately 41% of the single family detached housing was built on lots greater than 20,000 sq. ft. in size with only a small percentage of development occurring on lots smaller than 7,500 sq. ft. in size. The small amount of development on lots smaller than 7,500 sq. ft. was essentially in-filled housing. State data shows that no multi-family rental units were constructed in Old Bridge Township from 1970 through 1980.

RIDER continued

30. Old Bridge Township was declared a developing municipality in the New Jersey Supreme Court case of Oakwood at Madison v. Tp. of Madison.
31. Yes. The following entries from the diary of Lloyd Brown summarize schedules of meetings, the ensuing conversations and identify which municipal officials were contacted and when:

1979

- Mon. May 14                    3:00 p.m. meeting with Fletcher Davis, Tom Norman and Wendell Smith at Old Bridge Municipal Office re Ordinance Amendment.
- 8:00 p.m. Old Bridge Planning Board re: Amendment to Ordinance.
- Mon. June 11                 8:00 p.m. Old Bridge Planning Board meeting cancelled.
- Mon. July 9                    Old Bridge Planning Board - meeting cancelled. No quorum. Wendell Smith represented O & Y.
- Thurs. Aug. 9                 8:00 p.m. meeting with Old Bridge Planning Board. Planning Board decision instructed Township Planner and Planning Board Attorney to work with us to draft amendments to Ordinance to permit General Development Plan.
- Thurs. Sept. 27               11:00 a.m. meeting with Fletcher Davis, Tom Norman, David Gordon at Fletcher Davis' office re: drafting amendment to Ordinance for General Development Plan.
- Mon. Oct. 15                 12 Noon meeting with Fletcher Davis, Tom Norman, Wendell Smith, David Gordon at Fletcher Davis' office re: drafting of General Development Plan Ordinance Amendment.
- Mon. Nov. 12                 1:00 p.m. meeting Fletcher Davis, Tom Norman re: Ordinance Amendment - meeting cancelled.
- Tues. Nov. 27                1:00 p.m. meeting Tom Norman, Fletcher Davis, David Gordon at Fletcher Davis' office re: Ordinance Amendment.
- Tues. Dec 11                 Ordinance Amendment to go before Planning Board, phoned Fletcher Davis and George Stone.
- Mon. Dec. 17                 Phoned George Stone re: scheduling of Ordinance Approval  
Jan. 7 - formal submission to Planning Board  
Jan. 15 - workshop - for discussion only  
Jan. 24 - formal Planning Board approval  
Jan. 31 - Council Agenda meeting  
Feb. 1 - First Reading  
Feb. 2 - Second Reading  
- appeal period 45 days from date of publication which usually is a day or so after first reading.

1980

- Tues. Jan. 29 Telephone conversation with George Stone re: Ordinance Amendment - copies given out to new members of Planning Board. George Stone said State law required Planning Board members not to discuss matters they have not read - 3 new Democratic members on Planning Board - one is a former Mayor - one is a former County Commissioner - one is former Chairman of Zoning Board.  
New Schedule  
Feb. 11 - Planning Board Workshop  
Feb. 26 - Planning Board - formal meeting  
Feb. 28 - Council Agenda meeting  
Mar. 3 - to council  
Mar. 17 - First Reading  
Could come in with Development Plan after first reading.
- Thurs. Feb. 28 Phoned George Stone re: Ordinance Amendment. He said Planning Board meeting of 26th went to 11 p.m. curfew because of four controversial items. Ordinance Amendment should go to formal Planning Board meeting on March 10th and to Council on March 17th.
- Tues. Mar. 11 Spoke to George Stone. He said Ordinance Amendment was submitted to Planning Board workshop - reception favorable - should now go to formal meeting of Planning Board on March 27 and go to Council April 7th.
- Thurs. Mar. 13 Spoke to Fletcher Davis concerning reception of Ordinance Amendment at Planning Board. He said main questions centered around the time that would be granted in the approval. He said Ordinance Amendment would get before new Council Agenda meeting on March 25th.
- Wed. Mar. 26 Planning Board only four members no quorum. Ordinance Amendment will have to go to another Planning Board workshop on April 15th.
- Tues. Apr. 15 George Stone said Ordinance Amendment would go before Planning Board again on April 22nd.
- Tues. April 23 Phoned George Stone. He said there was no quorum. Held over to next meeting on Mon. May 12.
- Tues. May 13 Phoned George Stone. Was advised Planning Board Meeting was tonight, not Monday.

RIDER continued

- Wed. May 14                   Phoned George Stone. He said Planning Board passed Ordinance Amendment unanimously without changes - would not go to formal Planning Board approval on May 22nd and Council June 2nd.  
Phoned Fletcher Davis - he said Ordinance Amendment did not pass as written - two codicils added - deeds to 25% of Public Open Space must be given at time of Development Plan Approval - deeds to major and minor arterial roads to be given at time of approval.  
Phoned Tom Norman - discussed impossibility of giving deeds to roads at time of approval - compromise - deeds within one year of date of approval of General Development Plan or forfeit approval.
- Mon. June 2                   Old Bridge Council - Ordinance Amendment tabled because not drawn on proper forms. All Ordinance Amendments to be types on special form.
- Mon. June 16                  Old Bridge Council - Council attorney had not reviewed Ordinance Amendment.
- Mon. July 21                  Old Bridge council - Ordinance Amendment not on Council Agenda (mistake)
- Mon. Aug. 18                  Old Bridge Council - at request of George Bush Ordinance Amendment was tabled for discussion at next Council Workshop on Sept. 2nd.
- Tues. Sept. 2nd               Council Workshop - George Bush said he was satisfied with answers given to questins. Sonya Fineberg said all bonus provisions should be deleted from General Development Plan. Approval - Mayor directed Fletcher Davis to rewrite proposed Ordinance Amendment.
- Tues. Sept. 9                 2:00 p.m. meeting with Fletcher Davis, Tom Norman, David Gordon and Harvey Moskowitz at Fletcher Davis' office regarding redrafting of Ordinance Amendment.  
8:00 p.m. Planning Board Workshop. I was not present.
- Wed. Sept. 10                 Picked up copy of revised Ordinance Amendment from Fletcher Davis' office.
- Mon. Sept. 15                 Old Bridge council  
Agenda Session  
George Bush protested strongly against Ordinance Amendment.  
Sonya Fineberg gave strong rebuttal and support.  
Council  
Ordinance Amendment passed First Reading 6 Yes - 1 No. George Bush voted No. Spoke to George Stone in Municipal parking lot and told him revising of Ordinance Amendment would mean loss of bonus #5 and would reduce land value by about \$10,000,000.

RIDER continued

Fri. Oct. 3 Greenbaum, Greenbaum, Rowe and Smith as attorneys for Olympia, wrote Mayor and Council advising of inequities that had been incorporated into the Ordinance Amendment during the rewrite (letter attached)

Mon. Oct. 6 As a result of the letter, Council directed that the Ordinance Amendment be tabled and rewritten again.

Mon. Dec. 15 Proposed Amendment was rewritten the second time placed on Council Agenda. At Council Workshop, Louis Alfonso strongly opposed - Fletcher Davis argued for - Result Amendment tabled.