

CA

Old Bridge

9-Feb-1987

Certification of Barbara
Stark

p. 3

CA 002370L

 URBAN LEAGUE OF GREATER
 NEW BRUNSWICK, et al
 Plaintiff-Respondent :

 v.

 THE MAYOR AND COUNCIL OF :
 CARTERET, et al
 Defendants and

 :
 OAKWOOD AT MADISON, INC.
 and BEREN CORP.,
 Defendant-Appellants
 -----:

SUPERIOR COURT OF NEW JERSEY

Appellate Division
 Docket # A-3795-85T1
 (Consolidated Cases)

Civil Action

Sat Below:
 Hon. Eugene D. Serpentelli

CERTIFICATION OF BARBARA STARK

BARBARA STARK, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey and a staff attorney with the Rutgers Constitutional Litigation Clinic. In this capacity I am fully familiar with the facts and circumstances of this case. I submit this Certification in support of plaintiffs' motion to dismiss the within appeal.

2. The instant appeal concerns an Order and Judgment of Repose entered in this Mount Laurel II action on January 24, 1986 (hereinafter the "Order"). On December 31, 1986, the Township of Old Bridge, one of the parties to that Order, filed a motion to set it aside. A copy of this motion is annexed hereto as Exhibit A.

The following week a similar motion was filed by the Planning Board of the Township of Old Bridge. A copy of that motion is annexed as Exhibit B. The pending motions, like the pending appeal, seek to set aside, or, in the alternative, to reopen that Order. Resolution of those motions, accordingly, may moot the instant appeal.

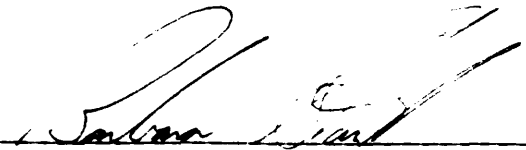
3. Indeed, defendants-appellants, are well aware of the pendency of these motions, copies of which have been forwarded to them as shown by the transmittal letter annexed as Exhibit C. As of this date, however, they have made no effort to participate in these proceedings, although they demand the opportunity for precisely such participation from this Court.

4. The annexed motions will be heard by the Honorable Eugene D. Serpentelli, who heard extensive testimony regarding the specific terms of the within Order, and is fully familiar with the facts and circumstances of this complex matter. It is respectfully submitted that the interests of justice would best be served by having the entire controversy resolved by Judge Serpentelli.

5. It is respectfully submitted that the pendency of the proceedings in the trial court mandates the dismissal of the within appeal. At the very least, it is respectfully requested that the instant appeal be stayed until the resolution of the motions challenging the finality of the Order in dispute here by the court below.

I hereby 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 may be subject to punishment.



Barbara Stark

Dated: 