

UL v. Carteret, Piscataway

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Letter to judge submitted in opposition to the ~~to~~
related motion of intervenor Lackland Bros, Inc.
for an order dissolving the restraints

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July 9, 1986

The Honorable Eugene D. Serpentelli
Assignment Judge, Superior Court
Ocean County Court House
CN 2191
Toms River, NJ 08754

Re: Urban League, et al. v. Carteret, et al.
(Piscataway)

Dear Judge Serpentelli:

This letter is submitted in opposition to the belated motion of Intervenor Lackland Bros., Inc. ("Lackland") for an order dissolving the restraints expressly continued in Your Honor's Order of May 22, 1986. After a careful analysis of the voluminous papers submitted by all interested parties, this Court ordered the restraints set forth in its prior Orders to remain in effect pending the assumption of jurisdiction by the Council on Affordable Housing. Although intervenor was on notice of these proceedings, it did not choose to appear.

There is no more reason to dissolve those restraints now than there was six weeks ago. Indeed, intervenor does not suggest otherwise. There is no basis whatsoever, in law or in fact, for the extraordinary relief demanded here and it is respectfully submitted that Lackland's motion should be denied.

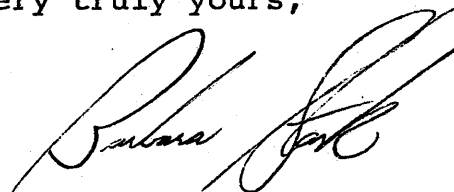
There is nothing in Lackland's instant application that has not already been considered by this Court. The testimony of Lester Nebenzahl, here set forth in a certification, was rejected by Your Honor. The site in question was physically inspected by the Court and found suitable for inclusion in the Mount Laurel inventory. Lackland demands special treatment because of factors well known to this Court which may - or may not- be deemed by the

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Council to make the site in issue less desirable. This Court has already ruled that that is a determination to be made by the Council.

Granting Lackland's application would only begin the erosion of that ruling by inviting a deluge of similar applications from other owners of restrained sites. It is respectfully submitted that the Order of May 22, 1986 should remain in full force and effect, and Lackland's demand for an exception should be denied.

Very truly yours,



cc/Howard Gran, Esq. (via Express Mail)
Piscataway Service List
Ms. Carla Lerman

SERVICE LIST

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