

CA - South Brunswick

4/10/84

Affidavit of David Engel in support of
motion for recusal

• Engel is the Director of Planning
& Development for Twp of S. Brunswick

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CA 002523 M

BENEDICT AND ALTMAN

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ATTORNEYS FOR Defendant Township of South Brunswick

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
DOCKET NO. C-4412-73

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al, :

Plaintiffs, :

Civil Action

VS. :

MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, et al, :

AFFIDAVIT IN SUPPORT OF
MOTION FOR RECUSAL

Defendants. :

STATE OF NEW JERSEY:

SS:

COUNTY OF MIDDLESEX:

David Engel, of full age, being duly sworn according to
law, upon his oath deposes and says:

1. I am the Director of Planning and Development for the

Township of South Brunswick, a Defendant in the within matter.

I am fully familiar with the facts in this matter.

2. I appeared at a conference of planners at Judge Serpentelli's courtroom per Judge Serpentelli's request. The judge was directly involved in discussions with the expert witnesses as to what the proper procedure would be to develop a uniform approach for regional definitions and allocation factors.

3. The judge directed the expert planners to extricate themselves from an involvement standpoint from their individual clients and to relate a housing compliance program for the best interests of planning throughout the state.

4. The court-appointed expert charged the planners to come up with an overall compliance plan or the planning profession would have failed in its responsibilities.

5. The procedure by which all the planners got together at several meetings was done in such a manner that the individual experts had to make significant policy decisions on key issues without the ability to interact with respective counsel.

6. Several planners who took part in the consensus report were not directly involved in the Urban League litigation. The judge invited them to participate because he liked their approach.

He appeared to select planners"whose approach he liked. Some of their suggestions, such as Philip Catton's dual region approach, became incorporated into the consensus report.

7. The so-called "consensus" report supported by some of the planners is the result of judicial intervention in the pretrial preparation process and it appears to have the support of the trial court before the issues are actually tried.

8. For the foregoing reasons, this affidavit is submitted in support of the Township of Cranbury's motion for recusal.

David Engel

Sworn to and subscribed before me
this 10th day of April, 1984.

Doris E. McNeil
A Notary Public of New Jersey
My commission expires 1-30-89