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10-28-81

letter re: enclosed memo
w/ pre trial memo by P

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REC'D AT CHAMBERS
OCT 28 1981
JUDGE MEREDITH

RAYMOND R. TROMBADORE

ANN WILKIN TROMBADORE
OF COUNSEL

MARILYN RHYNE HERR

TELEPHONE
(201) 722-7555

October 28, 1981

Honorable Arhtur S. Meredith
County Court House
Somerville, New Jersey 08876

Re: Timber Properties vs. Township of Warren, et als.
Docket No. L-67820-80 P.W.

Dear Judge Meredith:

Enclosed please find my pretrial memorandum in this matter together with five copies of the factual and legal contention of the plaintiff. In accordance with Mr. Wintermute's letter of October 22, 1981 I understand that the pretrial is now scheduled before you on November 6th at 1:30 p.m.

Respectfully yours,

Raymond R. Trombadore
Raymond R. Trombadore *ejk*

RRT/ljk

Enclosures

cc: William J. Wintermute, Sr., Assignment Clerk
J. Albert Mastro, Esq.
John E. Coley, Jr., Esq.
Eugene W. Jacobs, Esq.

Attorney(s): RAYMOND R. & ANN W. TROMBADORE, A Professional Corporation
Office Address & Tel. No.: 33 East High Street, Somerville, New Jersey 08876
Attorney(s) for Plaintiff

FILED

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SUPERIOR COURT OF NEW JERSEY
SOMERSET COUNTY
L. R. OLSON, CLERK DIVISION
SOMERSET COUNTY

TIMBER PROPERTIES, a Corporation of
the State of New Jersey

Plaintiff(s)

vs.

THE TOWNSHIP OF WARREN, a Municipal Corporation of the State of New Jersey,
THE PLANNING BOARD OF THE TOWNSHIP OF WARREN, and THE WARREN TOWNSHIP SEWERAGE AUTHORITY

Defendant(s)

Docket No.

CIVIL ACTION
PRETRIAL MEMORANDUM OF
PLAINTIFF

1. NATURE OF ACTION: Prerogative Writ Suit challenging the zoning and land use regulations of Warren Township and seeking a judgment ordering the rezoning of the Plaintiff's lands and further challenging the arbitrary limitation placed upon sewage treatment services required by plaintiff for the
2. ADMISSIONS AND STIPULATIONS: use of its lands.

See admissions by defendant Warren Township Sewerage Authority.

3-4. FACTUAL AND LEGAL CONTENTIONS: (Annexed hereto).

5. DAMAGE AND INJURY CLAIMS: As set forth in the complaint.

6. AMENDMENTS: None.

7. ISSUES AND EVIDENCE PROBLEMS: Exclusionary zoning; violation of dictates of Municipal Land Use Act; unreasonable, arbitrary and capricious denial of request for rezoning of land; unlawful exercise of police power; unlawful taking of property; arbitrary and unreasonable limitation of sewage treatment facilities; illegal agreement to limit the availability of sewage treatment as an unlawful means of growth control in the community.

8. LEGAL ISSUES ABANDONED:
None.

9. EXHIBITS: To be marked prior to trial.

10. EXPERT WITNESSES: Unlimited.

11. BRIEFS: As requested by the Court.

12. ORDER OF OPENING AND CLOSING: Usual.

13. ANY OTHER MATTERS AGREED UPON: none.

14. TRIAL COUNSEL: Raymond R. Trombadore, Esq.

15. ESTIMATED LENGTH OF TRIAL: 4 days.

16. WEEKLY CALL OR TRIAL DATE:

17. ATTORNEYS FOR PARTIES CONFERRED ON
MATTERS THEN AGREED UPON:

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18. IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED,
except Discovery to continue up to 10 days prior to trial.

19. PARTIES WHO HAVE NOT BEEN SERVED: None.

PARTIES WHO HAVE DEFAULTED: None.

RAYMOND R. & ANN W. TROMBADORE
A Professional Corporation
Attorneys for Plaintiff

By Raymond R. Trombadore

RAYMOND R. TROMBADORE
A Member of the Firm

Dated: October 28, 19 81.