

New Brunswick v. Holmdel 1984 (1984)

Affidavit of Richard Mcomber in Support
of ~~the~~ notice of motion

3 pgs

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FILED

OCT 19 1984

M. DEAN HAINES, CLERK
COUNTY OF OCEAN

McOmber & McOmber
A Professional Corporation
54 Shrewsbury Avenue
Red Bank, NJ 07701
(201) 842-6500
Attorneys for Plaintiff

NEW BRUNSWICK-HAMPTON, INC., a :
New Jersey Corporation, :
:
Plaintiffs, :
:
vs. :
:
HOLMDEL TOWNSHIP, a municipal :
corporation of the State of :
New Jersey, located in :
Monmouth County, New Jersey, :
:
Defendant. :

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH/OCEAN COUNTY

Docket No. L-33910-84

CIVIL ACTION

MOUNT LAUREL

REAL ESTATE EQUITIES, INC., :
a New Jersey Corporation, :
:
Plaintiff, :
:
vs. :
:
HOLMDEL TOWNSHIP, a municipal :
corporation of the State of :
New Jersey, located in :
Monmouth County, New Jersey, :
:
Defendant. :

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH/OCEAN COUNTY

Docket No. L-015209-84PW

CIVIL ACTION

MOUNT LAUREL

AFFIDAVIT OF RICHARD D.
McOMBER IN SUPPORT OF
NOTICE OF MOTION

(Captioned Continued)

GIDEON ADLER, GEORGE V. BONO,	:	SUPERIOR COURT OF NEW JERSEY
JOSEPH DiGIACOMO, JOHN R.	:	LAW DIVISION
FIORINO, SR., MORTON P. KRAMER,	:	MONMOUTH/OCEAN COUNTY
Partners, trading under the	:	
name of Palmer Associates,	:	Docket No. L-54998-84PW
	:	
Plaintiffs,	:	CIVIL ACTION
	:	
vs.	:	<u>MOUNT LAUREL</u>
	:	
HOLMDEL TOWNSHIP, a municipal	:	
corporation of the State of	:	
New Jersey, located in	:	
Monmouth County, New Jersey,	:	
BAYSHORE REGIONAL SEWERAGE	:	
AUTHORITY,	:	
	:	
Defendant.	:	

STATE OF NEW JERSEY:
: SS
COUNTY OF MONMOUTH :

RICHARD D. MCOMBER, being of full age, and duly sworn according to law, upon his oath deposes and says:

1. I am an attorney at law in the State of New Jersey and am an associate with the firm of McOmber & McOmber, P.C., counsel for plaintiffs, Palmer Square Associates, in the above-captioned matter.

2. I am making this Affidavit in support of a notice of motion for a stay of plaintiff's cause of action against Bayshore Regional Sewerage Authority.

3. I making this notice of motion on the basis that the interests of justice and the orderly possession of the

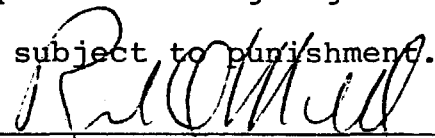
above-captioned consolidated action would best be served by a temporary stay of the action against defendant, Bayshore Regional Sewerage Authority, Docket No. L-54998-84 (PW).

4. More specifically, plaintiff's action against defendant, Bayshore Regional Sewerage Authority, for capacity cannot logically proceed until there is a determination by the Court as to fair share obligation of Holmdel Township.

5. I have discussed this notice of motion with Louis E. Granata, Esq., attorney for defendant, Bayshore Regional Sewerage Authority. Mr. Granata has no objections to such a stay in the proceedings against defendant, Bayshore Regional Sewerage Authority.


6. It is my understanding and the understanding of Louis E. Granata that all proceedings in the action against the defendant, Bayshore Regional Sewerage Authority, Docket No. L-54998-84 (PW), will recommence once the determination set forth in paragraph 4 above have been made.

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 am subject to punishment.


RICHARD D. McCOMBER, ESQ.

Dated: October 18, 1984

Sworn to and subscribed before me
this 18th day of October, 1984.


ALLYSON M. DEVESTY
A Notary Public of New Jersey
My Commission Expires 1/7 .1988.