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(1985)

Real Estate Equities v. Holmdel Twp.

Letter requesting motion for an order closing
the record

2 pgs

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FEB 28 1985

CARL S. BISGAIER
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February 27, 1985

HONORABLE EUGENE D. SERPENTELLI, J.S.C.
Ocean County Court House
118 Washington Street
Toms River, New Jersey 08753

Re: Real Estate Equities v. Holmdel Tp.
Docket No. L-15209-84 PW

Dear Judge Serpentelli:

Please accept this letter in lieu of more formal motion for an order closing the record in the above-referenced matter. If possible, I would like it returnable on March 15, 1985, for oral argument.

I am now in receipt of copies of several reports forwarded to you by Mr. Reisner. Those reports, in addition to others filed (including that of the master) subsequent to the close of trial, have created an untenable procedural situation for the plaintiffs.

I am deeply concerned that if any of this material is considered by the court in rendering its decision, a full hearing must be held or serious due process issues will be raised. On the other hand, I believe that conducting such a hearing, and the delay which has occurred already and which will occur, is extremely prejudicial to plaintiffs. You may recall that we received an October trial date because of the financial pressures the defendant was exerting on my client.

My position is that the trial is over. Before it began and throughout its length, no one believed an open-ended record would occur for months after its conclusion. We put on our case, the defendant put on its case.

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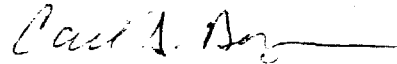


Re: Real Estate Equities, v. Holmdel Tp.

Plaintiff moves that the record be closed as of the date the hearing ended with the exception of the Burchell documents which the court asked for. Plaintiff moves that no additional documents be considered (including the master's report) at this stage for purposes of the resolution of fair share.

All of this "new" data would result in a very small discrepancy in the fair share generated. Yet, we are over four months since the trial ended, the defendant is seeking an additional hearing, and we have not even begun the compliance process. This should end. The record should be deemed closed and a fair share decision released based on that record.

Respectfully yours,



CARL S. BISGAIER

CSB:emm

cc: Douglas K. Wolfson, Esquire
J. Peter Sokol, Esquire
Ronald L. Reisner, Esquire
Scott Jamison, Esquire