

Real Estate Equities v. Holmdel ^{3/4} (1985)

Letter commenting that a more formal motion should have been filed by opposing attorney

2 pgs

ML 000 13 ~~8~~ L

RECEIVED

GAGLIANO, TUCCI, IADANZA AND REISNER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

S. THOMAS GAGLIANO
ALEXIS TUCCI
EUGENE A. IADANZA
RONALD L. REISNER
FRANK J. FISCHER
JAMES H. GORMAN
JOANNE S. NADELL

MAR - 5 1985

1090 BROADWAY

JUDGE SERPENTELLI'S CHAMBERS

WEST LONG BRANCH, N.J. 07764-0067

(201) 229-6700

March 4, 1985

Honorable Eugene D. Serpentelli
Ocean County Assignment Judge
Ocean County Court House
CN 2191
Tom River, New Jersey 08753

Re: Real Estate Equities, et al
v. Holmdel Township
Docket No. L-15209-84 PW

Dear Judge Serpentelli:

We have Mr. Bisgaier's letter of February 27, 1985 in the above-referenced matter.

If Mr. Bisgaier has a "motion," then he should file a formal motion with the appropriate supporting documents and proposed form of order just as the Township has done since October on at least two occasions, which the Court considered and ruled upon in accordance with the established Rules of Court.

Since there is no formal motion before the Court in accordance with the Rules, we shall not respond to Mr. Bisgaier's letter unless directed to do so by the Court.

Finally, we note that on the last day of testimony we objected to the appointment of the master on the fair share issue then, foreseeing exactly the kinds of issues raised by Mr. Bisgaier's "letter," and as described in our motion to compel the master's testimony regarding his report. Now the plaintiffs appear to be claiming that the Court should not even consider the master's report. If so, we fail to see why defendant should be compelled to pay for the report if we objected to it before and after it was rendered, and plaintiffs now say the Court should disregard it. We reviewed the master's excessive bill and have requested that he reconsider the amount submitted to us.

GAGLIANO, TUCCI, IADANZA AND REISNER

A PROFESSIONAL CORPORATION

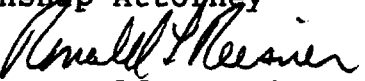
ATTORNEYS AT LAW

Honorable Eugene D. Serpentelli
Page 2
March 4, 1985

We shall await further direction from the Court. We intend to proceed with the Order to Show Cause against Hazlet Township Sewerage Authority on March 15, 1985 at 1:30 p.m. as ordered by the Court.

Respectfully,

S. Thomas Gagliano
Township Attorney


By: Ronald L. Reisner

RLR/pm

cc: all counsel