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initial interrogatories

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STERNS, HERBERT & WEINROTH
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TRENTON, NEW JERSEY 08607
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Attorneys for Plaintiff, Lawrence Zirinsky

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY
DOCKET NO. L-079309-83 P.W.

LAWRENCE ZIRINSKY,)
)
Plaintiff,)
)
v.)
)
THE TOWNSHIP CO&S4ITTEE OP)
THE TOWNSHIP OF CRANBURY,)
a Municipal Corporation,)
and THE PLANNING BOARD OF)
THE TOWNSHIP OF CRANBURY,)
)
Defendants.)

Civil Action

INITIAL INTERROGATORIES

JOSEPH MORRIS and ROBERT)
MORRIS,)
Plaintiffs,)
)
v.)
)
TOWNSHIP OF CRANBURY IN)
THE COUNTY OF MIDDLESEX,)
a municipal corporation)
of the State of New Jersey,)
)
Defendant.)

DOCKET NO. L-054117-83 P.W.

GA&FIELD & COMPANY, a New Jersey Partnership,

Plaintiff,

v.

MAYOR AND THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, a municipal corporation, and the members thereof? PLANNING BOARD OF THE TOWNSHIP OF CRANBURY, and the members thereof,

Defendants.

DOCKET NO. L-055956-83 P.W.

CRANBURY DEVELOPMENT CORPORATION, a corporation of the State of New Jersey,

Plaintiff,

v.

CRANBURY TOWNSHIP PLANNING BOARD and the TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY,

Defendants.

DOCKET NO. L-59643-83 P.W.

BROWNING-FERRIS INDUSTRIES OF SOUTH JERSEY, INC., A Corporation of the State of New Jersey, RICHCRETE CONCRETE COMPANY, a corporation of the State of New Jersey and MID-STATE FILIGREE SYSTEMS, INC., a Corporation of the State of New Jersey,

Plaintiffs,

v.

CRANBURY TOWNSHIP PLANNING BOARD AND THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY,

Defendants.

DOCKET NO. L-058046-83 P.W.,

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ft WEINROTH
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URBAN LEAGUE OF GREATER NEW BRUNSWICK, et'al..)

DOCKET NO. C-4122-73)

Plaintiffs,)

v.)

THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et al.)

Defendants.)

CRANBURY LAND COMPANY, a New Jersey Limited Partnership,)

DOCKET NO. L-070841-83 P.W.)

Plaintiff,)

v.)

CRANBURY TOWNSHIP, a municipal corporation of the State of New Jersey, located in Middlesex County, New Jersey,)

Defendant.)

TO: William C. Moran, Jr., Esq.
Attorney for the Township Committee
of the Township of Cranbury
Huff, Moran and Balint
Cranbury-South River Road
Cranbury, New Jersey 08512

Joseph L. Stonaker, Esq.
Attorney for the Planning Board
of the Township of Cranbury
Stonaker and Stonaker
41 Leigh Avenue, P. O. Box 570
Princeton, New Jersey 08540

PLEASE TAKE NOTICE that Plaintiff, Lawrence Zirinsky, hereby demands that Defendants, The Township Committee of the Township of Cranbury, and the Planning Board of the Township of Cranbury each answer under oath or certification the following Interrogatories within the time prescribed by the Rules of Court.

STERNS, HERBERT & WEINROTH, P.A.
Attorneys for Plaintiff Zirinsky

By: 
Frajik J. Petrmo

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INSTRUCTIONS AND DEFINITIONS

(1) As used herein, "document" or "documents" or "written communication" or "documentation" means any writing or record of any type or description including, but not limited to, the original and any non-identical copy, regardless of origin or location, or any correspondence, records, tables, charts, analysis, graphs, schedules, reports, memoranda, notes, diaries, letters, telegrams, messages (including, but not limited to, reports of telephone conversations and conferences), studies, books, periodicals, magazines, booklets, circulars, bulletins, instructions, minutes, other communications (including, but not limited to, inter- or intra- office communications), purchase orders, bills of lading, bid tabulations, questionnaires, surveys, contracts, options to purchase, memoranda or agreements, assignments, licenses, books of account, orders, invoices, statements, bills, checks, vouchers, notebooks, data sheets, data processing cards, photographs/ photographic negatives, phono-records, tape recordings, wire recordings, transcripts of recordings, drawings, blueprints, catalogues, brochures, all other written or printed matter of any kind, or any other and all other data compilations from which information can be obtained and translated if necessary.

(2) As used herein, "oral communication" means any verbal conversation or other statement from one person to another including, but not by way of limitation, any interview, conference, meeting or telephone conversation.

(3) As used herein, "person" means natural person, firms, proprietorships, associations, partnerships, corporations, and every other type of organization or entity.

(4) As used herein, "describe" means (1) to describe in detail, (2) to set forth all relevant supporting facts, (3) to supply the names and addresses of all witnesses, relevant dates, and place of the event, the substance of all conversations and any other relevant facts? and (4) to attach copies of relevant documents, reports and conversations, (or, if voluminous, to state where and when they may be inspected) and if oral, accurate memoranda of the conversation.

(5) As used herein, "identify" means:

(a) when used with reference to a natural person, state the full name, present or last known address, present telephone number, present employer, current address of said employer, and, if the employer is a party to this litigation, past and present positions held by such natural person with the part/employer;

(b) when used with reference to a corporation, partnership, association or other business enterprise, or legal entity, state the full name, current or last known address and telephone number?

(c) when used with reference to a document, written communication or any other printed matter, state:

(1) the date?

(2) the type of document (e.g., letter, memorandum, etc.)?

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(3) author or addressee?

(4) present location and custodian, and if any such document was, but is no longer, under your control, state what disposition was made of it, by whom, and the date thereof.

Also, attach or produce copies of any documents referred to and attach copies of any documents which are attached to those requested. If documents are not attached to the Answers to these interrogatories, the substance of the documents should be set forth, and an explanation given as to why the document is not being attached;

(d) When used with reference to an oral statement or any oral communication, identify (as set forth in subsection (E) (1) above) any and all persons involved in the communication, and/or present when the communication took place, the date, the time and place of the communication? further, set forth a detailed and thorough summary of the communication.

(6) When an Interrogatory or any of its subparts calls for you to "set forth the factual basis" or "set forth the facts upon which you intend to rely" of either one of your allegations or one of your answers, that request calls for you to set forth each fact and identify each document which you contend tends to support your allegation or answer and each person who possesses facts supporting your allegation or answer.

(7) When used in the course of an enumeration of items as to which documents or information are requested, the words "or" and "and" are to be construed as requesting documents or

information as to each item in the enumeration, the same as if the entire request had been addressed solely to that item.

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INTERROGATORIES

1. State the full name and present address of each and every person who furnished information necessary to complete the answers to these Interrogatories,

2. Set forth the names of all persons with whom the persons executing the answers to these Interrogatories consulted in the preparation of these answers.

3. Set forth the names and current addresses of all persons who have knowledge of any relevant facts relating to this case. For each such individual set forth the name and address of his current employer, the name and address of his employer at the time he obtained knowledge of such relevant fact, and with respect to each employment, set forth the position and job title held by each such individual.

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) 4. State the full name, present address, telephone number and present employer of each and every witness the defendant Township Committee of the Township of Cranbury and/or defendant, the Planning Board of the Township of Cranbury intend to call at trial.

5. State what the defendant Township Committee of the Township of Cranbury and/or defendant, the Planning Board of the Township of Cranbury propose to prove by each said witness¹ (identified in Interrogatory No. 4 above) testimony.

6. (a) Set forth the name and current address of each person upon whom defendant Township Committee of the Township of Cranbury and/or defendant, the Planning Board of the Township of Cranbury intend to rely at trial as an expert witness.

(M) Set forth the substance of the facts and opinions) to which each expert is expected to testify and summary of the grounds for each opinion.

(c) Set forth in detail the educational background, work history, professional experience, professional associations or other material which defendant of the Township of Stanbury and/or defendant Board of the Township of Stanbury will rely to establish of the foregoing named individuals is an expert and the area in which such individuals is an expert.

«. If expert witnesses named in response to 6(a) intend to cite, refer to or offer into evidence any textbook, paper or authority to substantiate any opinion or conclusion or to rely upon the same in examination and cross-examination of any party, or **Sstss.** or any expert, state:

a. Exact title of each.

b. The name of the author of each.

c. The name and address of the publisher of each.

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d. The sections of pages to be relied upon,

e._x The date of publication of each, and the series, revision or edition to be used.

7. Attach true copies of all written reports (including drafts or preliminary reports) rendered to defendant Township Committee of the Township of Granbury and/or defendant, the Planning Board of the Township of Cranbury or their attorneys, by any proposed expert witnesses.

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8. Attach and provide a summary of any oral report rendered to the defendants answering these Interrogatories or their attorneys by any proposed expert witnesses.

9. Attach to the answers to these Interrogatories true copies of all letter, memoranda, reports, maps, plans, drawings, or other writing of any description whatsoever upon which the defendants answering these Interrogatories will rely at the time of trial to establish or prove any part of their case or which they intend to introduce into evidence for any purpose whatsoever at the trial.

10. Identify each and every item of tangible property (other than writings referred to in Interrogatory 6) which the defendants answering these Interrogatories intend to use at the time of trial to establish or prove any part of their case or which they intend to introduce into evidence for any purpose whatsoever at the time of trial. With respect to each item of tangible property, set forth the name and address of any person who has the custody of such item and the present location where such item may be inspected.

) 11. With regard to any writing or any item of tangible property referred to in Interrogatories 9 and JLO which defendants answering these Interrogatories do not intend to produce at the time of trial but where they do intend to produce testimony or other evidence respecting the tangible writing or property, set forth (a) a detailed description of each such writing or item of tangible property; (b) the present location of each such item; (c) the name and address of the person who has custody of each such item; (d) with respect to each such item which has been destroyed, or is no longer in existence, a detailed description of the reason why such item is no longer in existence and the names and current addresses of all persons who will be relied upon by defendant Township Committee of the Township of Cranbury and/or defendant, the Planning Board of the Township of Cranbury at the time of trial to establish the existence, nature, contents or characteristics of such items.

12. If the defendants answering these Interrogatories claim that any admissions were made by or on behalf of any party to these consolidated proceedings state as to each such admission:

admission;

(a) The name and address of the person making the

(b) The date, time and place of such admission;

(c) The substance of the admission;

1 (d) If the said admission was put in or reduced to writing, attach a true copy of same.

13. If the defendants answering these Interrogatories claim that any declarations against interest have been made by any person not a party to this case but which make reference to the Cranbury Land Development Ordinance, or Master Plan, or to any issue of fact relevant to this case, set forth:

(a) The name and address of the person making the declaration;

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(b) The date, time and place of such declaration;

(c) The substance of the declaration;

(d) If the said declaration was put in or reduced to writing, attach a true copy of same.

14. Set forth all the facts on which the defendants
^•••• the defendants
the claim,
a realistic
answering these
that the Cranbury
opportunity for
housing to meet
and moderate income noting.

15. Identify each and every document, person or communication on which defendants answering these Interrogatories rely for the facts set forth in answer to Interrogatory Number

14

16. Set forth all the facts on which the defendants
answering these Interrogatories rely in support of
that the zoning of plaintiff/Zirinsky's land is consistent
the provision of a realistic opportunity for the consistent
sufficient housing in Cranbury, to meet Cranbury's fair
the region's need of low and moderate income housing.

17. Identify each and every document, person or communication on which defendants answering these Interrogatories rely for the facts set forth in answer to Interrogatory Number 16.

18. Set forth all the facts on which plaintiff rely in support of their claim that their zoning of plaintiff Zirinsky's land is not arbitrary and capricious.

19. Identify each and every document, person or communication on which defendants answering these Interrogatories rely for the facts set forth in answer to Interrogatory Number 18.

20. State what the defendants answering these Interrogatories claim to be

(a) the housing region for purposes of this litigation

(b) the housing needs of this region

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(c) Cranbury's fair share of this need

21. Set forth all the facts on which defendants answering these Interrogatories rely in support of their response to 20 (a), (b) and (c), and describe the methodology utilized in formulating these responses.

22. Identify each and every document, person or communication on which defendants answering these Interrogatories rely for the facts set forth in answer to Interrogatory Numbers 20 and 21.

? 23. Affix hereto a copy of all Interrogatories and answers thereto, Requests for Admissions and Responses thereto, and Requests for Production of Documents and Responses thereto, served by or on the defendants answering these Interrogatories.

24. Set forth all the facts on which defendants answering these Interrogatories will rely at trial in asserting that purchases and sales of development credit pursuant to §§150-7 150-16 150-27 and 150-30 of the Cranbury Land Development Ordinance will actually take place, and/or that there is a market for such credits.

25. Identify each and every document, person or communication on which defendants answering these Interrogatories rely for the facts set forth in answer to Interrogatory Number 24.

I 26. Set forth all the facts and not legal conclusion, in which plaintiff rely in support of the allegations of the following separate defenses:

(a) First Separate Defense

(b) Second Separate Defense

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(c) Third Separate Defense

(d) Fourth Separate Defense

28. Identify each and every document, person or communication on which defendants answering these Interrogatories rely for the facts set forth in answer to Interrogatory Number 27.

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CERTIFICATION FOR CORPORATION

I am authorized by the Township Committee of the Township of Cranbury in the within action, to answer the Interrogatories served upon it by plaintiff Zirinsky, and to make this Certification. I have read the foregoing Interrogatories and the foregoing answers thereto and state that they are true in every detail. I hereby certify that all copies of documents and reports attached thereto, are exact copies of all such items; and that the existence of any expert reports, either written or oral, other than those disclosed and described above, are unknown to me, and if such become later known or available, I shall serve them promptly upon the propounding party.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for contempt of Court.

Name and Title

DATED:

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CERTIFICATION FOR CORPORATION

V I am authorized by the Planning Board of the Township of Cranbury in the within action, to answer the Interrogatories served upon it by plaintiff Zirinsky, and to make this Certification. I have read the foregoing Interrogatories and the foregoing answers thereto and state that they are true in every detail. I hereby certify that all copies of documents and reports attached thereto are exact copies of all such items? and that the existence of any expert reports, either written or oral, other than those disclosed and described above, are unknown to me, and if such become later known or available, I shall serve them promptly upon the propounding party.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment for contempt of Court.

Name and Title

DATED:

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