

ML Discatway 24-Oct.-85

Notice of Motion for Court-Ordered
Compliance plan ~~was~~ because
Discatway had not filed its
compliance plan as of Oct. 24, 85

- cover letter
- Affidavit of Service

pgs = 10

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REC'D & PffiskVIT OF SERVICE
 SUPERIOR COURT
 OF NEW JERSEY

STATE OF NEW JERSEY)

COUNTY OF ESSEX)

: ss.:

NOV 18 1985

-18
 JOHN F. CAYSON

ELIZABETH URBANOIWCZ, of full^a^e^ being duly sworn according to law, on oath, deposes and says:

I am a secretary at the Constitutional Litigation Clinic, Rutgers Law School, Newark.

On Thursday, October 24, 1985, I placed in the U.S. Mail Depository, Washington Street, Newark, copies of the within NOTICE OF MOTION, together with supporting affidavit of ERIC NEISSER, ESQ. and proposed ORDER concerning the matter of Urban League v. Carteret, No. C 4122-73, with sufficient postage affixed, addressed as follows:

Phillip Paley, Esq.

17 Academy St., Newark, NJ 07102

Michelle Donato, Esq.

PO Box 247, Metuchen, NJ 08840

Chris A. Nelson, Esq.

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Richard M. Salsburg, Esq.

155 Prospect Avenue, West Orange, NJ 07052

Douglas K. Wolfson, Esq.

Engelhard Bldg, 1PO Box 5600, Woodbridge, NJ 07095

SWORN TO AND SUBSCRIBED
 BEFORE ME THIS 24th DAY
 of OCTOBER, 1985.

Eric Neisser
 Eric Neisser, Attorney at Law of NJ

Elizabeth Urbanowicz
 ELIZABETH URBANOWICZ

SERVICE LIST

Urban League v. Carteret, Civ C 4122-73 (Superior Court, Chancery
Div., Middlesex County) (PISCATAWAY)

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THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark - Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street. Newark • New Jersey 07102-3192 • 201/648-5687

October 24, 1985

The Honorable Eugene D. Serpentelli
Judge, Superior Court
Ocean County Court House
CN 2191
Toms River, NJ 08754

Re: Urban League v. Carteret, No. C 4122-73
{Piscataway}

Dear Judge Serpentelli:

The Township of Piscataway has not filed its compliance plan as directed by your Honor's July 23d opinion and September 17th judgment. Accordingly, I am today filing and serving on all counsel, the enclosed motion requesting that the Master be directed to submit a compliance plan forthwith. I am providing the usual two weeks' notice and thus I am making it returnable Thursday, November 7th. I am not requesting hearing of the motion on short notice only because, as a result of the discussions yesterday with Mr. Paley, it appears that there is a possibility of serious settlement negotiation with Piscataway in the intervening two weeks.

Sincerely yours,



Eric Neisser

encls

cc/Piscataway Service List

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JOHN M. PAYNE, ESQ.
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Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
201-648-5687
ATTORNEYS FOR PLAINTIFFS
On Behalf of ACLU of NJ

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,
Plaintiffs,

vs.

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

Civil Action
Docket No. C 4122-73

NOTICE OF MOTION
FOR COURT-ORDERED
COMPLIANCE PLAN
(Piscataway)

TO: Clerk
SUPERIOR COURT
Hughes Justice Complex
CN 971
Trenton, New Jersey 08625

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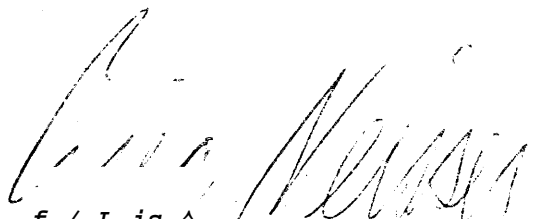
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COUNSEL:

PLEASE TAKE NOTICE that on Thursday, November 7, 1985 or as soon thereafter as counsel can be heard, Urban League plaintiffs will move this Honorable Court for an Order directing the Master to recommend a compliance plan for Piscataway within 14 days. In support thereof, plaintiffs will rely upon the attached affidavit of Eric Neisser, Esq. A proposed order is attached.

DATED: October 24, 1985


f / L is ^
Eric Neisser

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 JOHN Mt, PAYNE, ESQ.
 Constitutional Litigation Clinic
 Rutgers Law School
 15 Washington Street
 Newark, New Jersey 07102
 201-648-5687
 ATTORNEYS FOR PLAINTIFFS
 On Behalf of ACLU of NJ

SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION
 MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER]
 NEW BRUNSWICK/ et al. ,]
 Plaintiffs,]
 vs.,]
 THE MAYOR AND COUNCIL]
 OF THE BOROUGH OF CARTERET,]
 et al.,]
 Defendants.]

Civil Action
 Docket No. C 4122-73

AFFIDAVIT OF ERIC NEISSER

STATE OF NEW JERSEY)
) :ss.
 COUNTY OF ESSEX)

ERIC NEISSER, being duly sworn according to law, on oath,
 deposes and says:

1. This Court's letter-opinion of July 23, 1985 directed
 Piscataway to submit a compliance plan within 90 days of the
 opinion, or by October 23. It further stated that: "The township
 should expect that if it is unable to satisfy the 90 day
 requirement, it will have to present compelling reasons why the
 court should not have the master establish a compliance ordinance
 in accordance with this opinion." P.8.

2. The opinion was implemented by a Judgment as to
 Piscataway entered September 17, 1985, Paragraph 4 of which

restated the October 23 deadline and further provided: "This ninety (90) day period shall not be extended unless the Township presents compelling reasons for such extension."

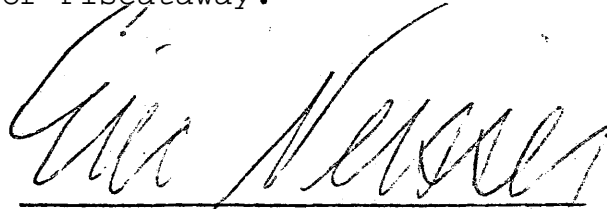
3. Piscataway has not submitted a compliance plan nor has it requested an extension of the October 23 deadline from this Court.

4, This Court has denied Piscataway's request for a stay of the compliance deadline pending the Appellate Division's consideration of Piscataway's motion for leave to appeal this Court's Order of October 11, 1985 denying transfer to the Council on Affordable Housing. See Order of October 11, 1985, Para.2, and Order of October 21, 1985.

5, On October 23, 1985, a three-judge panel of the Appellate Division similarly denied Piscataway's request for a stay of the compliance deadline pending consideration of its motion for leave to appeal the denial of transfer.

6. Because the Court Rules require two weeks notice of a motion absent consent to, or Court-ordered, short notice, Piscataway effectively will have received a 15-day extension by the time this Court hears this motion.

7. No compelling reasons have been presented to plaintiffs or this Court why the Master should not now be directed to establish a compliance ordinance for Piscataway.



ERIC NEISSER

SWORN TO AND SUBSCRIBED
before me this [^] th day
of October, 1985.

John C. Condit
Attorney at Law
State of New Jersey

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SUPERIOR COURT OF NEW JERSEY
 CHANCERY DIVISION
 MIDDLESEX/OCEAN COUNTY

URBAN LEAGUE OF GREATER
 NEW BRUNSWICK, et ah,
 Plaintiffs,

vs.

THE MAYOR AND COUNCIL
 OF THE BOROUGH OF CARTERET,
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] Civil Action
] Docket No. C 4122-73
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] ORDER (Piscataway)

Plaintiffs having moved this Court to direct the Master to prepare a compliance ordinance for Piscataway in light of the failure of the Township to present a compliance plan by the date set forth in this Court's letter-opinion of July 23, 1985 and its Judgment as to Piscataway of September 17, 1985, and plaintiffs having submitted in support thereof an Affidavit of Eric Neisser, Esq* and defendants having responded, and the Court having heard both parties in open court,

IT IS HEREBY ORDERED this _____ DAY OF NOVEMBER 1985:

1. That Carla Lerman, P.P., the Master, is hereby directed to submit to the Court and mail to all counsel within 14 days of the entry of this Order a compliance plan for Piscataway.
2. That the Township and the Urban League plaintiffs shall have 14 days from the date of th© Master's submission to file written objections, if any, to the Master's compliance plan.

3, That the Court will schedule a compliance hearing immediately after receipt of any objections.

Eugene D. -Serpentelli, A.J.S«C.