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6-6-85

Countryside Properties, Inc. &
Wallace & Curran Land
v.
Borough of Kingwood

order to allow League of Women Voters
of Kingwood to appear as amici.
w/attorney cert.

Ass. 5

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FILED

JUN 6 1985

STEPHEN SKILLMAN, J.S.C.

GREGORY J. CZURA, ESQ., P.A.
109 Skyline Drive
Ringwood, New Jersey 07456
(201) 962-9200
Attorney for Plaintiffs

COUNTRYSIDE PROPERTIES, INC.,
a New Jersey Corporation and
WALLACE AND CZURA LAND CO.,
a New Jersey Partnership,

Plaintiffs,

vs.

MAYOR AND COUNCIL OF THE
BOROUGH OF RINGWOOD, et als.

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY/
MIDDLESEX COUNTY

(MOUNT LAUREL II LITIGATION)

DOCKET NO. L 42095-81

Civil Action

ORDER PURSUANT TO R. 1:6-2

This matter having been brought before the court by Gloria B. Cherry of Morrison & Morrison, Esqs., attorney for the League of Women Voters of Ringwood, and the Court having read and considered the Certifications filed by the parties and having determined that this matter can be decided without oral argument, pursuant to R. 1:6-2, and the reasons expressed in the Court's oral opinion of this date;

It is on this 13 day of June, 1985;

ORDERED, that the motion of the League of Women Voters of Ringwood to ^{appear} ~~appear~~ in this action as amicus curiae

~~in connection with the application for court approval of the proposed rezoning of the Borough of Ringwood as and pursuant to the requirements of the Mount Laurel II decision.~~

in connection with ~~the~~ application for court approval of the proposed rezoning of the Borough of Ringwood ^{+ conform with} ~~as and pursuant to~~

~~the requirements of the~~ "Mount Laurel II" is granted.

Stephen Skillman
STEPHEN SKILLMAN, J.S.C.

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MIDDLESEX COUNTY

(MOUNT LAUREL II LITIGATION)

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CERTIFICATION

GREGORY J. CZURA, of full age, hereby certifies as follows:

1. I am the attorney for the plaintiffs in the above captioned matter as well as a principal in both entities and make this Certification in opposition to the motion for leave to appear amicus curiae filed by Morrison & Morrison, attorneys for the League of Women Voters of Ringwood.

2. I am familiar with the Ringwood League of Women Voters, a group of 35, some of whom I understand are members of the defendant Coalition of Concerned Homeowners of Ringwood, Inc.

3. As I understand Rule 1:13-9, application to appear as amicus curiae shall be made by motion that sets forth, among other things, the nature of the applicants' "special interest, involvement or expertise" with respect to the issue upon which the applicant wants to be heard. As I also understand it, the

motion must be timely and the applicant's participation must assist in the resolution of an issue of public importance and no party to the litigation is to be unduly prejudiced thereby.

4. In reviewing the Certification of the attorney for the League, there is absolutely no indication that the applicant has any special interest, involvement or expertise with regard to the method for providing for the housing needs of the indigenous poor in Ringwood.

5. The members of the Ringwood League of Women Voters have no more interest in the outcome of the pending litigation than does any other resident of Ringwood. Therefore, there is no "special interest" that this group has.

6. The mere fact that the LWV/R held one or more meetings to develop a position on Mount Laurel, does not mean that it has some special involvement on the issue of providing for the housing needs of the indigenous poor in Ringwood.

7. Actually, there is not even an allegation that the LWV/R, has any expertise in either Mount Laurel litigation in general or the issue on which they wish to be heard specifically.

8. R. 4:33-1 - Intervention as of right - is obviously not applicable here, as there is no allegation that the applicant claims an interest relating to the subject matter of the within action and that the disposition of the action would impair or impede the applicant's ability to protect that interest.

9. R. 4:33-2 - Permissive intervention - requires that an application for intervention be timely and not unduly delay or prejudice the adjudication of the rights of the original parties.

10. The instant action was filed in April of 1982, and is now over three years old. This case was and has been well publicized in the Borough of Ringwood and well known to the politically active LWV/R. The plaintiff has already tried two phases of this case to a conclusion and there has been a final judgment concerning the defendant Municipality's zoning and obligation to provide for it's indigenous need.

11. In the case of Township of Hanover vs. Town of Morristown, 121 N.J. Super 536 (App. Div. 1972), the Court upheld a trial court's denial of an application for intervention on the grounds of untimeliness. In that case, an application for intervention was made after final judgment, following a lengthy trial and after time to appeal from the judgment had expired. The court went on to cite that "one seeking to intervent after final judgment must meet an especially heavy burden" *ibid* at page 538.

12. It would appear to me that the applicant in this matter has failed to meet that heavy burden; has even failed to meet any special interest or involvement that would require or permit any untimely intervention. Additionally, the

plaintiff would be unduly prejudiced by any delay that would be caused by this intervention.

13. Finally, the applicant will have the right, as does every other citizen in the Borough of Ringwood, to be heard in connection with any application by the existing plaintiffs or defendants for a court approval of any proposed rezoning of the Borough of Ringwood.

14. I certify that the foregoing statements made by me are true. I am aware that if any are wilfully false, I am subject to punishment.



GREGORY J. CZURA

DATED: May 28, 1985