

ML2 - Boontown

7/23/80

Δ's responses to Ti's proposed findings of  
fact for Mendham + Mountain Lakes

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MLO00639G

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-MORRIS COUNTY  
DOCKET NO. L-6001-78 P.W.

MORRIS COUNTY FAIR HOUSING )  
COUNCIL, et al., )

Plaintiffs, )

vs. )

BOONTON TOWNSHIP, et al., )

Defendants. )

Civil Action

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>  
DEFENDANTS' RESPONSES TO PLAINTIFFS'  
PROPOSED FINDINGS OF FACT  
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## INTRODUCTION

In accordance with the terms of the Pretrial Order dated March 19, 1980 and the Order dated June 12, 1980, defendants, Borough of Mountain Lakes and Borough of Mendham make the following admissions, denials and proposed counterfindings with respect to the maxi-trial findings of fact proposed by plaintiffs dated July 23, 1980 and served thereafter.

### DEFINITIONS:

The terms "admit" and "admit statistics," when used herein, mean that defendant acknowledges that the referenced statistics or data copied or referenced to exist and are accurately set forth in the plaintiffs' submissions.

The terms "admit" and "admit statistics" do not admit:

1. The truth or accuracy of the statistics or that the data accurately describe the facts or phenomenon they purport to describe.
2. That defendant acknowledges any inferences or conclusions to be drawn from the statistics or data, since planners can and do differ on the inferences that may be drawn; or
3. That the statistics or data are relevant for any particular purpose or for the proof of any particular fact, conclusion or issue.

The term "deny as conclusion" (or "deny as conclusory") is used where:

1. Defendant finds plaintiffs' purported finding of fact to be a conclusion or opinion or expression

of planning or social or sociological philosophy or using adjective or conclusory language.

For example, at IV, A-12:

12. Without an adequate response to their housing needs, lower income persons have been limited to housing which they can afford, often substandard, overcrowded, and concentrated; or paying an excessive amount of their income for housing. This is literally the housing which the market has provided--the bottom layer of our housing supply, unacceptable to anyone who can afford better housing. Brooks, March, 1979 Report, p.8.

There are numerous undisclosed assumptions and conclusions of fact and social and economic policy incorporated in the statement;

2. Defendant rejects the offer of a conclusion for a fact and/or the substance of the conclusion is unsupported or wrong.
3. Plaintiffs use language which is conclusory or contains elements of opinion on its face; or
4. Plaintiffs offer statistics or projections based on unstated or unsupported assumptions.

Some of plaintiffs' proposed findings of fact contain both fact and conclusions in a single statement. Defendants treat each separately with an explanation, if necessary.

In several instances the plaintiffs have offered incomplete or unreferenced information making defendant's admission or denial impossible. Defendant has neither admitted nor denied

these proposed findings, but reserves the right to admit or deny them if and when they are completed, referenced, or clarified.

LIMITATIONS:

Some of the findings of fact and conclusions contained in plaintiffs' submission dated July 23, 1980 are more appropriate as mini-trial issues, since they may be admitted by some defendants and denied by other (e.g., whether a particular municipality is a "developing" municipality). To the extent that either of these defendants files counterfindings or conclusions in its mini-trial submission that are inconsistent with those set forth below, the mini-trial findings and conclusions of the individual defendant will supersede those contained herein.

I - Deny.

- A. Admit that Morris County and some defendants have experienced population growth. Deny that they "continue" to do so.
1. Cannot admit or deny. Sources of data cannot be readily matched to data. Deny characterization of 8 counties as "northeastern New Jersey" counties.
  2. Admit that population growth for Morris County has been the fastest among the eight counties cited by plaintiffs in Paragraph 1.
  3. Admit statistics.
  4. Admit statistics. Deny "northeastern New Jersey" characterization.
  5. Deny that chart "accurately indicates changes." It is based on projections, not actual counts.
  6. Admit statistics. Deny accuracy of projections as conclusory.
  7. Admit statistics. Deny accuracy of projections as conclusory.
  8. Admit.
  9. Admit.
  10. Admit statistics. Deny conclusion that "all defendants grew in population substantially."
  11. Admit existence of document. Deny accuracy of estimates as conclusory.
  12. Admit existence of document. Deny accuracy of projections as conclusory.
  13. Admit accuracy of compilation. Deny accuracy of projections as conclusory.
  14. Admit existence of document. Deny accuracy of projections as conclusory.
  15. Admit existence of document. Deny accuracy of projections as conclusory.

16. Deny as conclusion.
17. Deny as conclusion.
18. Deny as conclusion.
19. Cannot admit or deny. Source of data not given.
20. See paragraph 19.
21. Deny as conclusion. Even as a conclusion the statement must be rejected since no facts are presented to demonstrate that persons leaving urban areas are the same persons moving into defendant municipalities. Moreover, counties do not denote "urban centers."
22. Deny. Target date for projected growth not given.
- 23-32. Admit existence of documents. Deny accuracy of projections as conclusory.
33. Deny as conclusion.
34. Deny as conclusion.
35. Deny as conclusion.
36. Deny as conclusion.
37. Deny as conclusion.
38. Deny as conclusion.

I.- B. Admit that Morris County and defendant municipalities have experienced residential growth. Deny that they 'continue' to do so.

- 1-3. Cannot admit or deny. Sources of data not specific.
4. Cannot admit or deny. Sources of data cannot be readily matched to data.
5. Cannot admit or deny. Sources of data cannot be readily matched to data.

6. Deny as conclusion.
7. Deny as conclusion.
8. Cannot admit or deny. Sources of data cannot be readily matched to data.
9. Admit.
10. Admit.
11. Admit.
12. Deny as conclusion.
13. Deny as conclusion.
14. Admit.
15. No evidence to admit or deny.
16. Admit statistic. Deny conclusion.
17. Deny as conclusion.
18. Deny as conclusion.
19. Deny as conclusion.
- 20-21. Admit existence of document. Deny projection as conclusory.
- 22-24. Admit existence of document. Source of data in documents not given.
- 25-28. Deny as conclusions.

I. - C. Deny.

- 1-5. Admit.
6. Deny as conclusions.
7. Admit.
8. Admit statistics. Deny conclusions.

9. Admit.
10. Admit statistics for given years. Deny comparability because of differing definitions of 'covered employment' in various years.
11. Deny. See paragraph 10.
12. Deny comparability. Deny as conclusion.
13. Admit statistics for given yeazs. Deny comparability because of differing definitions of 'covered employment' in various years.
14. See paragraph 13.
15. Admit statistics. Deny conclusions.
16. Admit statistics. Deny conclusions.
17. Deny as conclusion.
18. See paragraph 13.
19. Deny conclusion.
20. Admit existence of document. Deny conclusions.
21. Deny as conclusion.
22. Deny as conclusion.
23. Deny.
24. Deny as conclusion.
25. Deny as conclusion.
26. Deny as conclusion.
27. Admit existence of document. Deny conclusions.
28. Deny as conclusions.
29. Admit existence of document. Deny conclusions.
30. Admit existence of document.

31. Admit existence of data.
32. Deny as conclusions.
33. Deny as conclusions.
34. Deny as conclusions.
35. Deny as conclusions.
36. Admit existence of document. Deny conclusion.
37. Deny as conclusions.
38. Deny as conclusions.
- 39-40,40A. Admit existence of document. Deny conclusion.
- 41-45. Admit.
- 46-47. Admit existence of document. Deny conclusions.
48. Deny as conclusion.
- 49-53. Admit existence of documents. Deny conclusions.
54. Admit plan. Deny conclusion.
55. Admit plan.
56. Deny as conclusion.
57. Deny as conclusion.
58. Deny as conclusion.
59. Deny as conclusion.
60. Deny as conclusion.
61. Deny as conclusion.
62. Admit.
63. Admit.
64. Admit existence of committees when list was compiled.

- 65. Admit existence of document. Deny conclusion.
- 66. Deny as conclusion.
- 67-69. Deny as conclusion.

I.- D. Deny.

- 1. Deny. The documents list 'vacant developable land' in 1970 as defined by DCA.
- 2. Deny as conclusion.
- 3. Deny as conclusion.
- 4. Admit.
- 5. Admit.
- 6-13. Admit existence of document. Deny conclusions.
- 14-16. Deny as conclusions.

I.- E. Deny.

- 1-26. Admit existence of roads. Deny conclusions such as "accessible" and "nearby".
- 27. Admit existence of plans. Deny conclusions.
- 28-52. Admit existence of rail service. Deny conclusions such as "accessible", "nearest access."
- 53. Omitted.
- 54-79. Admit existence of bus service in 1979. Deny conclusions such as "accessible" and "nearest access."
- 80-104. Admit existence of documents and proposals. Deny conclusions.
- 105. Admit that Special Bus service existed in 1978.
- 106. Admit existence of airports. Deny conclusion that they "provide air service from the county to the Newark-New York metropolitan area."

107. Admit existence of freight lines in 1978.
108. Omitted.
- 109-112. Admit existence of proposals. Deny conclusions.
- 113-120. Deny as conclusions.
121. Admit.
122. Admit.
- 123-132. Admit existence of document. Deny conclusion.
- 133-136. Deny as conclusion.

I.- F. Deny.

- 1-7. Admit.
8. Deny as conclusion. "Rural" not defined.
- 9-10. Admit that DCA has designated the referenced areas as 'appropriate' for agricultural uses.
11. Admit first sentence. Deny second.
12. Admit.
- 13-16. Admit existence of documents. Deny conclusions.
17. Admit as to DCA reference. Insufficient information to admit or deny as to MCPB.
18. Admit.
19. Deny as conclusion.
20. Deny as conclusion.
21. Deny as conclusion.
22. Deny as conclusion.
23. Deny as conclusion.

I.- G. Deny.

1. Admit.

2. Admit.

3. Admit.

4. Admit.

5. Deny as conclusion.

6-11. Deny as conclusions.

II. Deny:

A. Deny:

1-8. See responses to I, G-1 to I, G-8.

9. Deny as conclusion.

B. Deny:

1-134. See responses to I, E-1 to I, E-134.

135. Deny as conclusion.

136. Deny as conclusion.

C. Deny:

1-37. See responses to I, A-1 to I, A-37.

38-42. Deny as conclusions.

D. Deny:

1-68. See responses to I, C-1 to I, C-68.

69-73. Deny as conclusions.

E. Deny:

1-14. See responses to I, D-1 to I, D-14.

15-18. Deny as conclusions.

F. Deny. DCA has designated the eight county region not as a "housing region" but as a housing allocation region specifically for the purpose of allocating low and moderate income housing units.

1-3. Admit.

4-8. Admit representations of DCA methodology. Deny methodology as conclusory.

9. Admit 10-15. Deny as conclusions.

G. Deny:

1-6. Conclusions.

7-8. Deny as conclusions.

H. Deny:

1-6. Admit existence of documents. Deny conclusions.

7. Admit.

8. Admit existence of document. Deny conclusions.

9-10. Admit existence of document. Deny conclusions.

11. Deny as conclusions.

III.- Deny.

A. Deny.

1-36. Incorporate by reference I; A 1-36.

37. Admit.

38. Admit.
39. Admit census statistics. Deny expert's projections.
40. Deny as conclusion.
41. Deny as conclusion.
42. Deny as conclusion.
43. Deny as conclusion.
44. Deny as conclusion.
45. Deny as conclusion.
46. Admit existence of document; deny projections as conclusory.
47. Admit existence of document; deny predictions as conclusory.
48. Admit existence of document; deny predictions as conclusory; deny characterization of "the New Jersey subregion."
49. Admit existence of document; deny predictions, projections and estimates as conclusory.
50. Admit existence of document; deny accuracy of statement.
51. Admit existence of document. Deny conclusions and deny characterization of "The nine-county New Jersey subregion."
52. Admit existence of document; deny defendants' need for additional housing due to population growth, changes in household size, and the desirability of maintaining a 4% vacancy rate; deny projection as conclusory.
53. Admit existence of document; deny predictions as conclusory.

54. Admit existence of document; admit statistics; deny statement that "People marry later and postpone their first child, more couples opt for no children, separation and divorce rates are rising and more people live alone, particularly in New York City" as conclusory.
55. Admit existence of document; deny expectations and predictions as conclusory.
56. Deny as conclusory.
57. Admit.
58. Admit statistics; deny characterization of "The Morris County area."
59. Admit.
60. Admit statistics; deny characterizations of "The Morris County area."
61. Deny as conclusory.
62. Admit statistics; deny characterization of the "Morris County Region."
63. Admit census data.
64. Admit census data.
65. Admit statistical methodology.
66. Admit statistics.
67. Deny as conclusory.
68. Omitted.
69. Admit the uniqueness of individual quintile distribution patterns; admit that 20% of the states population is contained in each quintile; deny that quintile income distribution differences illustrate relative differences in wealth and poverty.
70. Admit statistics.
71. Admit statistics.

72. Admit statistics.
73. Admit statistics; deny assertion of "very large low and moderate income population - DCA Region II" as conclusory.
74. Admit statistics; deny assertion regarding "a much smaller but still significant low and moderate income population in Morris County and defendant municipalities" as conclusory. (emphasis supplied).
75. Admit statistics
76. Admit statistics; deny that "defendant municipalities have had and continue to have a significant and increasingly large elderly population..." as conclusory. (Emphasis supplied).
77. Admit statistics; deny that "there are large numbers of low and moderate income elderly - DCA region II, in Morris County and in defendant municipalities" as conclusory. (emphasis supplied).

III.- B. Deny:

- 1-68. Incorporate by reference I, C, 1-68.
69. Admit statistics.
70. Admit statistics.
71. Deny.
72. Deny.
73. Deny.
74. Deny.
75. Admit statistics.
76. Admit statistics.
77. Admit statistics.
78. Cannot admit or deny from data presented.

79. Admit statistics; deny conclusions.
80. Admit existence of document; deny projections as conclusory.
81. Deny as conclusion.
82. Deny as conclusion.
83. Deny as conclusion.

III.- C. Deny

- 1-28. Incorporates by reference paragraphs I, B, 1-28.
29. Admit existence of documents.
30. Admit existence of documents; deny DCA estimate.
31. Admit existence of document; deny assertion as conclusion.
32. Admit existence of document; deny assertion as conclusion.
33. Admit existence of document; deny assertion as conclusion.
34. Admit existence of document; deny assertion as conclusion.
35. Admit existence of document; deny assertion as conclusion.
36. Admit statistics.
37. Admit existence of document; deny assertion as conclusion.
38. Admit existence of document; deny assertion as conclusion.
39. Admit existence of document; deny assertion as conclusion.
40. Admit existence of document; deny assertion as conclusion.

41. Admit existence of document; deny assertion as conclusion.
42. Admit existence of document; deny assertion as conclusion.
43. Admit statistics.
44. Admit that Morris County had a higher percentage of owner-occupied and single family dwellings than either the state or region II in 1970.
45. Admit statistics.
46. Admit statistics in 1970 census. Deny 1976 data.
47. Admit statistics. Deny that they are current.
48. Admit.
49. Admit statistics.
50. Admit.
51. Admit statistics (should read "As indicated in paragraph 14; "not as indicated in paragraph 15.")
52. Admit statistics.
53. Admit statistics.
54. Admit statistics.
55. Admit that "less than one-fifth of [Morris County] total housing stock was in structures with three or more units per structure." Deny conclusion re: "concentration in a few jurisdictions."
56. Admit statistics on covered jobs and building permits. Deny conclusion "Number of Jobs in Excess of Housing."
57. Deny as conclusions.
58. Admit statistics.
59. Admit statistics.

60. Admit existence of document. Deny conclusions.
61. Admit statistics.
62. Deny. Description does not describe table.
63. Deny as conclusory.
64. Admit statistics.
65. Admit statistics.
66. Admit statistics.
67. Deny as conclusory. (Note also, paragraph 67 should read "As indicated by paragraph 66," not "As indicated by paragraph 68.")
68. Deny as conclusions.
69. Deny as conclusory.
70. Deny as conclusions. Data are estimates.
71. Deny as conclusions.
72. Deny as conclusions.
73. Deny as conclusion.
74. Deny as conclusions.
75. Admit statistics. Deny accuracy of 1979 data.
76. If "paragraph 62" is intended to read "paragraph 75," admit.
77. Deny as conclusions.
78. Deny.
79. Deny as conclusory.
80. Deny as conclusory.
81. Admit existence of document; deny assertion as conclusory.

82. Deny as conclusion.
83. Deny as conclusion.
84. Deny as conclusion.
85. Deny as conclusion.
86. Deny as conclusion.
87. Deny as conclusion.
88. Omitted.
89. Admit statistics.
90. Cannot admit nor deny. Source not given.
91. Deny. See ¶90.
92. Cannot admit nor deny. Paragraphs apparently misnumbered.
93. Deny as conclusion.
94. Deny as conclusion.
95. Deny as conclusion.
96. Admit existence of document; deny asseztion as conclusion.
97. Admit existence of doucment; deny assertion as conclusion.
98. Admit existence of document; deny assertion as conclusion.
99. Deny as conclusion.
100. Deny as conclusion.
101. Admit existence of document; deny assertion as conclusory.
102. Admit existence of document; deny assertion as conclusory.

103. Admit existence of document; deny assertion as conclusory.
104. Admit existence of document; deny asseztion as conclusory.
105. Admit existence of document; deny assertion as conclusory.
106. Admit existence of document; deny assertion as conclusory.
107. Admit existence of document; deny assertion as conclusory.
108. Deny as conclusion.
109. Deny as conclusion.
110. Admit existence of document; deny assertion as conclusory.
111. Admit existence of document; deny assertion as conclusory.
112. Admit existence of document; deny assertion as conclusory.
113. Admit existence of document; deny assertion as conclusory.
114. Admit existence of document; deny assertion as conclusory.
115. Deny as conclusion.
116. Deny as conclusion.
117. Admit existence of document; deny assertion as conclusory.
118. Deny as conclusion.
119. Deny as conclusion.
120. Admit existence of document; deny "housing problems" as conclusory.

121. Admit existence of document; deny assertion as conclusory.
122. Admit existence of document; deny assertion as conclusory.
123. Admit existence of document; deny assertion as conclusory.
124. Admit statistics.
125. Admit existence of document; deny assertion as conclusory.
126. Admit existence of document; deny assertion as conclusory.
127. Admit existence of document; deny assertion as conclusory.
128. Admit existence of document; deny assertion as conclusory.
129. Admit existence of document; deny assertion as conclusory.
130. Admit existence of document; deny assertion as conclusory.
131. Admit existence of document; deny assertion as conclusory.
132. Admit existence of document; deny assertion as conclusory.
133. Admit existence of document; deny assertion as conclusory.
134. Admit existence of document; deny assertion as conclusory.
135. Admit existence of document; deny assertion as conclusory.
136. Admit existence of document; deny assertion as conclusory.
137. Admit existence of document; deny assertion as conclusory.

138. Deny as conclusion.
139. Deny as conclusion.
140. Deny as conclusion.
141. Deny as conclusion.

III.- D. Deny:

1. Admit.
2. Admit.
3. Admit existence of document; deny estimate as conclusory.
4. Admit existence of document; deny estimate as conclusory.
5. Admit existence of document; deny estimate as conclusory.
6. Admit existence of document; deny estimate as conclusory.
7. Admit existence of document; deny estimate as conclusory.
8. Deny as conclusion.
9. Deny as conclusion.
10. Deny as conclusion.
11. Deny as conclusion.
12. Admit existence of calculation; deny conclusions.
13. Deny as conclusion.
14. Deny as conclusion.
15. Deny as conclusion.
16. Deny as conclusion.

17. Deny as conclusion.
18. Deny as conclusion.
19. Admit existence of calculations; deny conclusions.
20. Admit existence of calculations; deny conclusions.
21. Deny as conclusion.
22. Admit existence of methodology.
23. Deny as conclusion.
24. Deny as conclusion.
25. Deny as conclusion.
26. Deny as conclusion.
27. Deny as conclusion.
28. Deny as conclusion.
29. Deny as conclusion.
30. Admit existence of statistics; deny conclusions.
31. Admit existence of methodology.
32. Deny as conclusion.
33. Deny as conclusion.
34. Deny as conclusion.
35. Deny as conclusion.

IV.- Deny:

A. Deny:

- 1-9. Deny as conclusions.
- 10-81. Deny opinions and conclusions. No factual basis presented. Deny.
- 82-88. Admit HUD regulations. Deny characterization and opinions.

- 89. Deny.
- 90-91. Deny. Insufficient information.
- 92. Opinions and conclusions. Deny.
- 93-94. Deny. Inadequate definitions (e.g. "suburban")
- 95-98. Deny as conclusions.
- 99-102. Admit existence of documents. Deny conclusions.
- 103. Deny. The cited quotations do not imply use of fair share planning "as a means of measuring" municipal compliance.
- 104. Admit.
- 105. Deny. See paragraph 103.
- 106-109. Admit existence of documents. Deny substance as conclusions.
- 110. Deny as conclusion.

IV.- B. Deny:

- 1-11. See responses to I, G-1 to I, G-11.
- 12-15. Omitted.
- 16-22. See responses to III, D-1 to III, D-7.
- 17-24. Admit description of methodology of DCA Housing Allocation Plan and existence of data generated by the methodology. Deny assumptions and conclusions of methodology and data.
- 25. Deny as conclusions.
- 26. Deny as conclusion.
- 27-51. See responses to III, D-8 to III, D-33.
- 52. Deny as conclusion.

53. Admit description of DCA Housing Allocation methodology. Deny its assumptions and conclusions.
- 54-56. Deny as conclusion.
57. Admit description of DCA Housing Allocation methodology. Deny its assumptions and conclusions.
58. Deny as conclusion.
- 59-62. Deny as conclusions.
- 63-65. Admit description of DCA methodology. Deny its assumptions and conclusions.
66. Deny as conclusions.
- 67-69. Admit description of DCA methodology. Deny its assumptions and conclusions.
70. Deny as conclusion.
- 71-72. Deny as conclusion.
- 73-76. Admit.
- 77-78. Deny as conclusions.

IV.- C. Deny:

- 1-6. Deny as conclusions.
7. Admit existence of document. Deny conclusions.
8. Deny as conclusion.

V. Deny:

A. Deny:

1. Admit existence of document; deny prediction and conclusion.
2. Admit existence of document; admit statistics deny predictions and conclusion.
3. Admit existence of document; deny estimate and conclusions.

4. Admit existence of document; deny characterization and conclusions.
- 4a. Admit existence of documents; deny conclusions.
5. Admit existence of documents; deny conclusion.
6. Admit existence of document; deny conclusions.
7. Admit existence of document; deny conclusions.
8. Admit existence of document; deny conclusions.
9. Admit existence of document; deny conclusions; can neither admit nor deny reference to "accompanying charts" which do not accompany plaintiffs' submission.
10. Admit existence of documents; deny conclusions.
11. Admit existence of document; admit statistics; deny conclusion.
12. Admit existence of document; admit statistics; deny conclusion.
13. Admit existence of document; deny characterization and conclusions.
14. Admit existence of document; deny conclusions.
15. Admit existence of document; deny conclusions.
16. Admit existence of document; deny conclusions.
17. Admit existence of documents; deny conclusions.
18. Admit existence of document; deny conclusions.
19. Admit existence of document; deny conclusions.
20. Admit existence of document; deny conclusions.
21. Insufficient information; can neither admit nor deny ("vacant developable land" has not been defined).

22. Insufficient information; can neither admit nor deny ("vacant developable land" has not been defined).
23. Admit existence of document; deny conclusion.
24. Admit existence of documents; deny conclusions.
25. Admit existence of documents; deny conclusions.
26. Admit existence of documents; deny conclusions.
27. Admit existence of documents; deny conclusions.
28. Admit existence of documents; deny conclusions.
29. Admit existence of documents; deny conclusions.
30. Admit existence of documents; deny conclusions.
31. Admit existence of documents; deny conclusions.
32. Admit existence of documents; deny conclusions.
33. Admit existence of documents; deny conclusions.
34. Admit existence of documents; deny conclusions.
35. Admit existence of documents; deny conclusions.
36. Admit existence of documents; deny conclusions.
37. Admit existence of documents; deny conclusions.
38. Admit existence of documents; deny conclusions.
39. Admit existence and issuance of Executive Order No. 35.
40. Admit existence of documents; deny conclusions.
41. Admit existence of documents.
42. Admit existence of documents.
43. Admit existence of documents.
44. Admit.

45. Admit existence of documents; deny conclusions.
46. Admit existence of documents.
47. Admit existence of documents; deny conclusions.
48. Admit existence of documents; deny conclusion and prediction.
49. Admit existence of document; deny conclusion.
50. Admit existence of document; deny conclusion.
51. Admit existence of document and statistics; deny DCA estimate as conclusory.
52. Admit existence of document; deny conclusions.
53. Admit existence of document; deny conclusions.
54. Admit existence of document; deny conclusions.
55. Deny as conclusion.
- 56-68. Incorporate by reference III, C, 29 & 41.
69. Deny as conclusion.
70. Admit existence of document; deny conclusions.
71. Admit existence of document; deny conclusions.
72. Admit existence of document; deny conclusion.
73. Admit existence of document; deny conclusions.
74. Admit existence of document; deny conclusions.
75. Admit existence of document; deny prediction as conclusory.
76. Admit existence of documents; deny conclusions.
77. Admit statistics within methodology limitations described on pp. 1, 2 of Residential Land Supply.
78. Admit existence of document; deny conclusion.

79. See ¶77.
80. See ¶77.
- 81-104. Admit existence of documents; deny conclusions.
- 105-111. Incorporate by reference III, C, 96-98, 101-108.
112. Deny as conclusion.
- 113-115. Admit existence of documents; deny conclusions.
116. Admit.
117. Admit.
- 118-123. Admit existence of documents; deny conclusions.
- 124-131. Incorporate by reference III, C, 110-114, 125-126.
132. Deny as conclusion.
- 133-134. Admit existence of documents; deny conclusions.
- 135-138. Incorporates by reference IV, A 99-102.
139. Deny as conclusion.
- 140-142. Omitted.
- 143-154. Incorporate by reference III, C, 127-135.
155. Deny as conclusion.
- 156-163. Admit existence of documents; deny conclusions.
164. Deny as conclusion.
165. Admit existence of document. Deny conclusions.
166. Deny as conclusions.
- 167-171. Incorporates by reference IV, A, 106-109.
- 172-174. Deny as conclusions.

V.- B. Deny.

- 1-19. Deny as conclusions.
- 20. Can neither admit nor deny without further information.
- 21-29. Deny as conclusions.
- 30. Admit existence of programs.
- 31-35. Deny as conclusions.
- 36. Admit existence of programs.
- 37-43. Deny as conclusions.
- 44. Admit existence of programs.
- 45-50. Deny as conclusions.
- 51. Admit existence of programs.
- 52. Deny as conclusion.
- 53-54. Admit existence of program. Deny conclusions.
- 55-56. Deny as conclusions.
- 57. Admit existence of programs.
- 58-63. Deny as conclusions.
- 64. Admit existence of programs.
- 65-68. Deny as conclusions.
- 69. Admit existence of programs.
- 70-78. Deny as conclusions.
- 79-84. Incorporate by reference V, A, 99-103.
- 85. Deny as conclusion.

V.- C. Deny.

1. Deny as legal conclusion.
- 2-14. Deny as conclusions.
- 15-19. Admit existence of HUD standards; deny opinions and conclusions.
20. Admit existence of Farmers Home Administration programs; deny opinions and conclusions.
21. Admit.
22. Deny as conclusion.
- 23-49. Deny as conclusions.
50. Deny as conclusion.
51. Can neither admit or deny without further information.
52. Admit.
53. Admit statistics.
54. Admit.
55. Admit.
56. Admit statistics.
57. Admit statistics.
58. Admit.
59. Admit.
60. Deny as conclusion
61. Cannot admit nor deny. Insufficient data.
62. Admit statistics.
63. Incorporate by reference I, B 15
64. Deny as conclusion.

65. Admit.
- 66-69. Incorporate by reference III, C, 45-48.
70. Deny as conclusion.
71. Deny as conclusion.
72. Deny as conclusion.
73. Admit statistics.
74. Admit statistics.
75. Deny as conclusion. Source not provided.
76. Admit statistics; deny conclusions.
77. Deny as conclusion.
78. Deny as conclusion.
79. Deny as conclusion.
80. Admit.
81. Admit.
82. Admit.
- 83-84. Admit existence of documents and legislation; deny opinions and conclusions.
85. Can neither admit nor deny without further information.
86. Admit.
87. Deny as opinion.
88. Deny as opinion.
89. Deny as opinion.
90. Admit.
91. Deny as conclusion.

92. Admit statistics.
93. Admit statistics.
94. Deny as conclusion.
95. Cannot admit nor deny. Insufficient information.
96. Deny as opinion.
97. Deny.
98. Cannot admit nor deny. Insufficient information.
99. Admit.
100. Admit.
101. Admit.
102. Admit.
103. Admit.
104. Deny as conclusion.
105. Admit.
106. Cannot admit nor deny. Insufficient information.
107. Admit.
108. Deny as conclusion.
109. Admit.
110. Admit.
111. Admit.
112. Can neither admit nor deny without more specific information.
113. Admit statistics.
114. Can neither admit nor deny without more specific information.

115. Deny as conclusion.
116. Admit statistics.
117. Deny as conclusion.
118. Deny as conclusion.
119. Admit statistics.
120. Deny as conclusions.
121. Deny as conclusions.
122. Deny as conclusions.
123. Deny as conclusion.
124. Deny as conclusion.
125. Deny as conclusion.
126. Deny as conclusion.
127. Deny as conclusion.
128. Deny as conclusion.
129. Admit existence of HUD methodology.
130. Admit existence of HUD methodology. Deny conclusions.
131. Admit existence of HUD methodology. Deny conclusions.
132. Deny as conclusion.
133. Deny as conclusion.
134. Deny as conclusion.
135. Admit existence of court opinion.
136. Deny as conclusion.
- 137-144. Deny opinions and conclusions.

145-169. Incorporate by reference V, A, 70-81, 88-98.

170. Deny as conclusion.

171-180. Incorporates by reference V, A 113-122.

181. Deny as conclusion.

182-183. Incorporates by reference V, A, 133-134.

184. Deny as conclusion.

185-195. Incorporates by reference V, A, 156-166.

196-199. Deny as conclusions.

V.- D. Deny.

1-3. Incorporates by reference II, C, 46-48.

4. Admit.

5. Admit.

6. Admit statistics; deny "increased significantly" as opinion.

7. Admit; deny "steadily."

8. Admit.

9. Admit.

10. Deny as conclusions. Data are only estimates.

11. Deny as conclusions. Data are only estimates.

12. Deny as conclusions. Data are only estimates.

13. Deny as conclusions. Data are only estimates.

14. Incorporates by reference I, C, 15.

15. Deny; I, C, 15 does not relate to Newark SMSA.

16. Deny conclusions.

- 17-22. Incorporates by reference IV, A, 49-54.
- 23. Admit.
- 24. Admit.
- 25. Admit methodology.
- 26. Admit.
- 27. Deny as per 1-26.
- 28. Deny as conclusion.
- 29. Deny as conclusion.
- 30. Admit.
- 31. Admit.
- 32. Admit statistics; deny characterizations.
- 33. Admit statistics; deny characterizations.
- 34. Admit.
- 35-39. Admit statistics; deny conclusions.
- 40. Deny as conclusion.
- 41-48. Admit existence of documents; deny predictions and conclusions.
- 49. Deny as conclusion.
- 50. Deny characterization and deny conclusions.
- 51-59. Deny as conclusion.

VI. Deny:

- 1-6. Admit.
- 7-8. Deny as conclusions.
- 9-13. Admit.
- 14-17. Deny as conclusions.