

ML - Morris County Fair Housing Council
vs. Boonton

Jan. 13, 1984

- Parsippany - Troy Hills

Pretrial Memorandum of Defendant, Parsippany - Troy Hills

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MLCC0658D

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MORRIS COUNTY FAIR HOUSING)	SUPERIOR COURT OF NEW JERSEY
COUNCIL, et als.,)	LAW DIVISION - MORRIS COUNTY
)	DOCKET NO. L-6001-78 P.W.
Plaintiff,)	
)	
vs.)	
)	Civil Action
BOONTON TOWNSHIP, et als.,)	
)	
Defendants.)	PRETRIAL MEMORANDUM OF
)	DEFENDANT, PARSIPPANY-
)	TROY HILLS

1. NATURE OF ACTION:

Prerogative writ action under Mt. Laurel II by Plaintiff, Public Advocate of New Jersey, against defendant, Parsippany-Troy Hills and others. Additionally, plaintiff Van Dalen Associates, a contract purchaser-developer, also asserts a claim for relief under Mt. Laurel II and seeks a builder's remedy in conjunction therewith. Defendants counterclaim for damages against the Public Advocate for having violated the applicable enabling statute and ignoring or misrepresenting the public interest in prosecuting this action.

The first phase of this matter is limited to the issues of: REGION, REGIONAL NEED, METHODOLOGY FOR ASSESSING FAIR SHARE OBLIGATIONS OF EACH defendant municipality. (Review of requirements for each municipality to meet fair share obligation is reserved for the second phase of the trial.)

2. ADMISSIONS AND STIPULATIONS:

None at this time.

3. FACTUAL AND LEGAL CONTENTIONS OF THE PLAINTIFF:

As contained in the pretrial order.

4. FACTUAL AND LEGAL CONTENTIONS OF PARSIPPANY TROY-HILLS

See attached.

5. DAMAGE AND INJURY CLAIMS:

Defendant, Parsippany-Troy Hills, seeks counsel fees incurred in defending this action; plaintiffs claim no damages.

6. AMENDMENTS:

None.

7. SPECIFICATION OF THE ISSUES TO BE DETERMINED:

See attached.

8. LEGAL ISSUES ABANDONED:

None.

9. EXHIBITS:

Please refer to correspondence previously forwarded to the Court with respect to the identification and source of exhibits.

10. WITNESSES:

Please refer to correspondence previously submitted to the Court with respect to the identification of witnesses and scope of their testimony.

11. BRIEFS:

As directed by the Court.

12. ORDER OF OPENING AND CLOSING:

Usual order for openings and closings.

13. OTHER MATTERS WHICH HAVE BEEN AGREED UPON:

None.

14. TRIAL COUNSEL:

John G. Gilfillan, III, Esq.

Peter G. Stewart, Esq.

Laurence M. Shevland, Esq.

15. ESTIMATED LENGTHS OF THE TRIAL:

Four (4) weeks.

16. TRIAL DATE

July 2, 1984

17. DATE THE ATTORNEY FOR THE PARTIES CONFERRED AND
MATTERS THEN AGREED UPON:

Present counsel for Parsippany-Troy Hills have not met with plaintiff's counsel with respect to any settlement proposals or prospects.

18. PRE-TRIAL DISCOVERY NOT COMPLETED:

Certain matters in the Court's Order of March 30, 1984 with respect to the filing of supplemental expert reports remain unresolved. Additionally, the continued deposition of the Court's appointed expert, Carla Lerman, is presently scheduled for Monday, June 18, 1984.

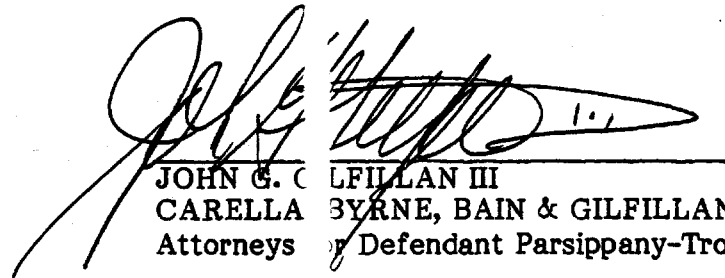
19. PARTIES WHO HAVE NOT BEEN SERVED:

None.

PARTIES WHO HAVE DEFAULTED:

None.

June 13, 1984


JOHN G. GILFILLAN III
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Attorneys for Defendant Parsippany-Troy Hills