

ML2 - Denville (Sieglar Assoc. v. Two of Denville) 6/14/84

pretrial memorandum of π , Sieglar
Associates

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Attorney(s): GREENBAUM, GREENBAUM, ROWE, SMITH, BERGSTEIN, YOHALEM & BRUCK
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Attorney(s) for Plaintiffs, Siegler Associates

SIEGLER ASSOCIATES, a partnership existing under the laws of the State of New Jersey,

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION
MORRIS/MIDDLESEX COUNTY
(MOUNT LAUREL II LITIGATION)

Plaintiff(s)

vs.

Docket No. L-029176-84 PW

MAYOR AND COUNCIL OF THE TOWNSHIP OF DENVILLE,

Defendant(s)

CIVIL ACTION

PRETRIAL MEMORANDUM OF

PLAINTIFF, SIEGLER ASSOCIATES

- 1. **NATURE OF ACTION:** Mount Laurel II litigation filed by builder/developer Siegler Associates against the Township of Denville seeking to vindicate the constitutional obligation of Denville to provide by way of its land use regulations its fair share of the region's need of low and moderate income housing.
- 2. **ADMISSIONS AND STIPULATIONS:** See attached Rider.

3-4. **FACTUAL AND LEGAL CONTENTIONS:** (Annexed hereto).

5. **DAMAGE AND INJURY CLAIMS:** None other than claim for builder's remedy pursuant to Mount Laurel II.

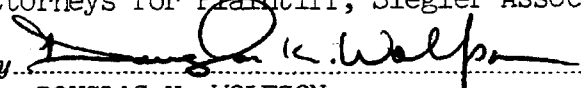
6. **AMENDMENTS:** None.

7. **ISSUES AND EVIDENCE PROBLEMS:** Applicability of environmental or site specific environmental constraints to the compliance issue and the satisfaction of the fair share obligation.

8. **LEGAL ISSUES ABANDONED:** None.

9. **EXHIBITS:** See list of exhibits identified by Public Advocate in Morris County Fair Housing Council, et al. v. Boonton Township, into which action this matter has been consolidated per Order dated June 8, 1984.
10. **EXPERT WITNESSES:** As per Order of Consolidation dated June 8, 1984. Plaintiff Siegler Associates will introduce no expert testimony with regard to region, regional need or fair share. To the extent the Court permits environmental testimony in a site specific context, plaintiff reserves the right to apply to the Court for leave to introduce rebuttal testimony from environmental/planning experts.
11. **BRIEFS:** As directed by the Court.
12. **ORDER OF OPENING AND CLOSING:** Burden of going forward and burden of proof as to fair share number and satisfaction thereof is on the Township of Denville, and accordingly, Denville should open, followed by plaintiffs.
13. **ANY OTHER MATTERS AGREED UPON:** None.
14. **TRIAL COUNSEL:** Douglas K. Wolfson or Peter J. Herzberg.
15. **ESTIMATED LENGTH OF TRIAL:** One week as to Denville on compliance issue.
16. **WEEKLY CALL OR TRIAL DATE:** To be set by the Court.
17. **ATTORNEYS FOR PARTIES CONFERRED ON** June 13, 19 84 .
MATTERS THEN AGREED UPON: None.
18. **IT IS HEREBY CERTIFIED THAT ALL PRETRIAL DISCOVERY HAS BEEN COMPLETED,** *except* pursuant to Condolidation Order, plaintiff Siegler Associates has not been served with answers to Interrogatories of the various parties.
19. **PARTIES WHO HAVE NOT BEEN SERVED:** None.
- PARTIES WHO HAVE DEFAULTED:** None.

GREENBAUM, GREENBAUM, ROWE, SMITH,
 BERGSTEIN, YOHALEM & BRUCK
 Attorneys for Plaintiff, Siegler Associates

By 
 DOUGLAS K. WOLFSON

Dated: June 14, 19 84 .