

AD Somerset County  
The Allan Deane corp. v Township of Bernards.

12/14/76

Second set of Interrogatories.

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 Newark, New Jersey 07102  
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 Attorneys for Defendants

SUPERIOR COURT OF NEW JERSEY  
 LAW DIVISION: SOMERSET COUNTY  
 DOCKET NO. L 25645-75 P.W.

THE ALLAN-DEANE CORPORATION, a  
 Delaware corporation, qualified  
 to do business in the State of  
 New Jersey,

Plaintiff,

-vs-

THE TOWNSHIP OF BERNARDS, IN  
 THE COUNTY OF SOMERSET, et als.,

Defendants.

:  
 :  
 : Civil Action  
 : SECOND SET OF  
 INTERROGATORIES  
 :  
 :

TO: MASON, GRIFFIN & PIERSON  
 Attorneys for Plaintiff  
 201 Nassau Street  
 Princeton, New Jersey 09540

SIRS:

PLEASE TAKE NOTICE that the undersigned demand that  
 the plaintiff, THE ALLAN-DEANE CORPORATION, give certified  
 answers to the following Interrogatories, based upon the knowledge  
 and information available to them and to their agents and at-  
 torneys, within the time period allowed by the rules of court.

*McCarter & English*  
 McCarter & English  
 Attorneys for Defendants

Dated: Dec. 14, 1976

## DEFINITIONS

Whenever any of the following terms is used in the Interrogatories, the term shall have the following meanings:

"Plaintiff" shall mean THE ALLAN-DEANE CORPORATION and any of its agents, servants or employees, including any attorneys it may have employed or still employs.

"Defendant" shall include THE TOWNSHIP OF BERNARDS, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BERNARDS, and THE PLANNING BOARD OF THE TOWNSHIP OF BERNARDS, or, where applicable, any individual member of the Committee or Planning Board.

"Person" shall mean any individual, corporation, partnership, or unincorporated association, or sole proprietorship.

"Document" or "writing" shall mean all documents as defined in Rule 4:18-1 of the New Jersey Rules of Civil Procedure, all writings of any nature whatsoever and all non-identical copies of different versions of the same document (e.g. copies of a printed document with different handwritten notations), in your possession, custody or control or to which you have or have had access, regardless of location, and includes but is not limited to, agenda, agreements, analyses, announcements, articles, assignments, bills, books, books of account, brochures, bulletins, calendar and diary entries, charts, checks, communications, computer output or input, contracts, correspondence, data sheets, drawings, handwritten notes, inserts, instructions, invoices, indexes, labels, magazines, magnetic tapes, manuals, maps, memoranda of agreements, mechanical reproductions, memoranda,

minutes, motion picture film, notebooks, notes, notices, orders, packages, pamphlets, papers, periodicals, pictures, price lists, receipts, recordings, records, reports, samples, schedules, statements, statistical or informational accumulations, studies, summaries, tabulations, tape recordings, telegrams, teletypes, video tapes, vouchers, working papers, or any other written, recorded, transcribed, taped or photographic matter, however produced or reproduced.

Whenever the words "identify the source" are used, they mean:

1. If the source material is written, specify the author, publisher, date of publication and all information sufficient to identify the writing. If the writing is a letter or other document not exceeding fifteen pages, attach a copy of it to your answers to these Interrogatories. If the writing exceeds fifteen pages, state where the writing may be inspected and copied and the name and address of the person who has possession of it.

2. If the source material was orally given or submitted, state:

- (a) The name and address of the person who gave it
- (b) The date, time and place when given
- (c) The name and address of all persons present when the oral information was given
- (d) Exactly what was said by each person present
- (e) Whether plaintiff has a memorandum or any other writing evidencing said oral material given, and if so, attach a copy thereof to your answers to these Interrogatories.

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1. Set forth all facts upon which plaintiff relies to support or which pertain in any way to the allegations of Paragraph 31 of the First Count of the First Amended Complaint that the Planning Board of the Township of Bernards ("Board") or the Township Committee of Bernards Township ("Committee"), or either of them, or any member thereof, acted "[i]n cynical disregard for their obligation to provide housing for persons of low and moderate income."

2. Without limitation of the answer to the last preceding interrogatory, specify:

(a) what plaintiff contends constitutes "cynical disregard" by such bodies or their members;

(b) each omission to act or action taken by such body, bodies or members thereof which plaintiff contends was in "cynical disregard" of their respective obligations;

(c) whether plaintiff contends such "cynical disregard" constituted an individual or joint action;

(d) if plaintiff contends that such "cynical disregard" was the result of a conscious or formal decision on the part of any body or bodies, state:

(1) all members of such body or bodies who were present when such decision was reached;

(2) the date(s) of all meetings, communication or correspondence in which such decision was reached or which evidence that such a decision was, in fact, reached;

(3) if there are any writings, state with particularity which portions thereof related to the alleged "cynical disregard", the addressee or the person to whom such writing was directed and the person or body who signed such writing or on whose behalf such writing was signed or issued.

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(e) if plaintiff contends that such "cynical disregard" resulted from conferences, communications or meetings at which no written record was made, state:

(1) all persons who were present at each such meeting or conference or participated or received such communications;

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(2) what was said or otherwise communicated by each party to such conferences, communications or meetings, whether it relates to the alleged cynical disregard or not;

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(3) whether plaintiff or any of its agent, employee or attorney was present at such meeting or conference and, if so, what was said by such person on plaintiff's behalf;

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(4) if plaintiff was not present at such meeting or conference or was not an addressee of such communications, state:

(a) the date upon which plaintiff first became aware of the matters referred to during or in such conferences, communications or meetings;

(b) the manner by which plaintiff became so aware;

(c) the name and address of any person who supplied such information to plaintiff;

(d) if written, attach a copy of any writing relating thereto and if oral, supply the substance of such conversations.

(f) in accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answers to this Interrogatory or upon which plaintiff intends to rely to prove that the Board or Committee acted as alleged in Paragraph 31 of First Amended Complaint.



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3a) Set forth all facts upon which plaintiff relies to support its contention that certain provisions of Ordinance 385 "ensure that no [low and moderate] housing can be constructed", as alleged in Paragraph 31 of the First Count of the First Amended Complaint, and furnish a copy pursuant to R.4:17-4(a) of every document supporting the facts stated.

AM  
b) Identify specifically which provision or provisions of Ordinance 385 plaintiff contends "ensure that no such housing can be constructed."

c) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in answer to Interrogatories 3(a) and (b) above, along with the general substance of their knowledge.

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4. Without limitations of the answer to the preceding Interrogatory, specify:

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a) whether plaintiff intends to rely on the provisions of any local ordinance, federal statute or statute of the State of New Jersey, or any regulation promulgated thereunder in support of its allegation that certain provisions of Ordinance 385 "ensure[s] that no such housing can be constructed;"

(b) if the answer to Paragraph 4(a) is in the affirmative, identify the citation to each and every statute, regulation or ordinance which tends to support plaintiff's contention;

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(c) with respect to each such statute, regulation or ordinance:

(1) summarize the relevant provisions thereof;

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(2) identify all reasons which plaintiff contends "ensure[s] that no such housing can be constructed" which is found or which reasonably may be inferred from each such statute, regulation or ordinance.

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(d) describe all conferences, communications or meetings attended by or participated in by plaintiff, plaintiff's consultants, agents or attorneys prior to filing First Amended Complaint to ascertain whether certain provisions of Ordinance 385 "ensure[s] that no such housing can be constructed".

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(e) with respect to every person identified in Paragraph (d) hereof, specify:

(1) the name of the governmental agency or firm by which he is employed;

(2) his title or position;

(3) the date or dates upon which plaintiff, its agents, employees or attorneys conferred or communicated with such persons;

(4) state fully the content of such conference or communication;

5. Without limitation of the answer to Interrogatory 4(e)(4), state:

(a) who initiated the conference or communication;

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(b) whether such conference or communication was as a result of an inquiry of plaintiff, its agents, employees or attorneys;

(c) if so, the exact nature of such inquiry and the reason such inquiry was initiated;

(d) if not, the exact nature of such inquiry and the reason given for such inquiry, if any;

6. If plaintiff contends that any conference or communication referred to in Interrogatory No. 5 is privileged, state:

(a) the nature of the privilege claimed;

(b) the date or dates of such communications;

(c) the names and positions of all parties present or to whom such communication was addressed, or who received copies of such communications;

(d) the name and position of all persons who signed such communications or on whose behalf such communications were signed or issued;

(e) in general, the contents of such conference or communications;

7. If the answer to Paragraph 4(a) is in the negative, set forth with particularity, any basis which plaintiff had at the time it filed the Amended Complaint herein for making the allegation that certain provisions of Ordinance 385 "ensure that no [low and moderate] income housing can be constructed is alleged in Paragraph 31 of the First Count of the First Amended Complaint and furnish a copy, pursuant to Rule 4:17-4(a) of every document supporting the facts or contentions stated.

8. In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answers to Interrogatories 3, 4, 5, 6 and 7, not already identified or attached hereto, or upon which plaintiff intends to rely to prove that certain provisions of Ordinance 385 "ensure that no such housing can be constructed" for which no privilege is claimed.

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9a) Does plaintiff contend that it intends to develop any portion of its tract in such a way that some or all of the dwelling units therein will be realistically available to persons of low and/or moderate income?

b) If so, state the date upon which plaintiff first decided to develop a portion of its tract in such a way that some or all of the dwelling units will be available to persons of low and/or moderate income.

10. If the answer to Interrogatory No. 9(a) is in the affirmative, state:

a) whether such development will be located in the portion of plaintiff's property in Bernards Township or the Township of Bedminster or both;

b) how many units are planned to be realistically available to persons of low income;

c) how many of such units will be one, two, three, four and five or more bedroom units;

d) plaintiff's definition of "low income persons;"

e) will such units for low income persons be rental units or for purchase;

f) if for rental, state the estimated monthly rent on each size unit;

g) if for purchase, state the estimated price of each such units and, if applicable, any estimated monthly maintenance or similar costs for each such unit;

h) how many units are planned to be realistically available to persons of moderate income;

i) how many of such units will be one, two, three, four and five or more bedroom units;

j) plaintiff's definition of "moderate income persons";

k) will such units for moderate income persons be rental units or for purchase;

l) if for rental, state the estimated monthly rent on each size unit;

m) whether plaintiff will administer such low and moderate income housing; and

n) identify the manner in which plaintiff expects such housing to be administered;

o) state the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in answer to Interrogatories 10(a) through (n) above, along with the general substance of their knowledge.

11. State whether plaintiff has considered any form of public assistance or subsidy for the benefit of or which would reduce the cost of housing of the proposed inhabitants of its development.

a) If so, identify all such proposals which plaintiff has considered and the date such proposal was first proposed or discussed by plaintiff, its employee, agents or attorneys;

b) identify the citation to each and every statute, regulation or provision under which such public assistance or subsidy is available;

c) with respect to each such provision, statute or regulation, summarize the relevant provisions thereof;

d) the current status of such proposals, including whether any such proposals have been rejected by plaintiff and, if so, identify which have been rejected and the reasons for such rejection.

12. Identify by title, including either docket number or citation, all cases which plaintiff contends support or which pertain in any way to plaintiff's contention in Paragraph 31(a) of the First Count of First Amended Complaint that a special exception or conditional use for low and moderate income housing is a "mechanism . . . invalid on its face under New Jersey case law."



13. Has plaintiff been legally advised that a special exception or conditional use for low and moderate income housing is a "mechanism . . . invalid on its face under New Jersey case law?"

14. If the answer to the preceding Interrogatory is in the affirmative, state the date or dates upon which plaintiff was so advised.

15. If the answer to Interrogatory 13 is in the negative, identify the source of any document upon which plaintiff bases such contention in Paragraph 31(a) of First Count in First Amended Complaint, and furnish a copy pursuant to R. 4:17-4(a) of every document supporting the facts stated.

16. Has plaintiff ever been legally advised that a special exception or conditional use for low and moderate income housing:

a) is not invalid under New Jersey case law;

b) is not invalid under New Jersey statute;

c) if the answer to either (a) or (b) above, is in the affirmative, state the date or dates upon which plaintiff was so advised.

17. With respect to plaintiff's allegation in Paragraph 31(g) of First Amended Complaint that Bernards Township has met only a portion of its "fair share" of regional housing need, does plaintiff contend that there is any precise standard by which a municipality can ascertain its "fair share"?

a) If so, state what such standard is;

b) if plaintiff contends that there are more than one recognized standards by which a municipality can ascertain such need, identify:

(1) each such standard of which plaintiff, its agents, employees or attorneys are aware;

(2) by whom such standard was originally promulgated or proposed;

(3) any court of general jurisdiction which has adopted such standard as appropriate in particular situation;

(4) with respect to each standard identified in answer to Interrogatory 17(b)(1):

(a) summarize the essential provisions of each such standard;

(b) whether plaintiff contends such standard is reasonable or unreasonable and state all reasons for such contention;

(c) whether plaintiff contends that any of such standards is appropriate for application in the present action and all facts and reasons upon which plaintiff relies to support such contention.

(5) with respect to each standard identified in answer to Interrogatory 17(b)(3)

(a) summarize with particularity the situation which such court was confronted;

(b) any and all facts or circumstances in each such situation which plaintiff contends are similar to those present in the present litigation;

(c) all standards rejected by such courts as inappropriate and the grounds given therefor.

18. Is it plaintiff's contention that the Township of Bernards and its planners and advisors, in determining that its "fair share" of the regional housing need for low and moderate income housing equals 354 units, did not make an honest effort at arriving at such figure?

19a) If the answer to one preceding Interrogatory is in the affirmative, set forth all facts upon which plaintiff relies or which tends to support the contention that the Township of Bernards, its planners and advisors failed to make an honest effort at arriving at Bernard Township's "fair share" of the regional housing needs for low and moderate income housing.

19b) In accordance with R.4:17-4(a), attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 19(a) above.

20. Set forth all facts upon which plaintiff relies to support, or which pertain in any way to, the allegations contained in Paragraph 31(b) of the First Count of First Amended Complaint, furnish a copy of every document supporting the facts stated, pursuant to R.4:17-4(a), and identify the citation of each and every statute, regulation or provision of local, state or federal law which tends to support such contention. Without limitation of the foregoing, state:

a) whether plaintiff contends that the requirement of adequate guarantees of subsidy in Paragraph 3C of Ordinance 385 is unreasonable;

b) if the answer to Interrogatory No. 20(a) is in the affirmative, set forth all facts which tend to support plaintiff's contention that such provision is unreasonable;

c) whether plaintiff contends that the requirement that an applicant for a Balanced Residential Neighborhood "shall provide proof that the . . . subsidies are adequately guaranteed for a minimum of 40 years" prevents the approving authority from granting preliminary approval to such a development with final approval subject to later proof of subsidies;

d) if the answer to Interrogatory 20(c) is in the affirmative, set forth all facts which tend to support such contention.

21. Set forth all facts upon which plaintiff relies to support, or which pertain in any way to, the allegations contained in Paragraph 31(c) of the First Count of First Amended Complaint that the requirement of adequate guarantees of subsidies for a minimum of forty years "effectively precludes all subsidies under any program of the Farmers House Administration [FHA], the Department of Housing and Urban Development [HUD], the New Jersey Mortgage Finance Agency [NJMFA], the New Jersey Housing Finance Agency [NJHFA] or the Housing Grant Program of the State of New Jersey." Without limitation of the foregoing:

a) identify the citation to each and every statute, regulation or provision which tends to support plaintiff's contention that the requirements of Ordinance 385 or any one of them preclude each of the named susidy programs;

b) summarize the relevant provisions of each citation identified in Interrogatory No. 21(a) and state the manner in which it is precluded by one or more of the requirements of Ordinance 385.

22. With respect to plaintiff's statement in Paragraph 31(c) of the First Count of the First Amended Complaint that one method of financing is available to developers who wish to build a Balanced Residential Neighborhood pursuant to Ordinance 385:

a) identify the citation of each and every statute, regulation or provision under which such financing for a forty-year term is available;

b) the manner in which an applicant for such financing may be obtain such financing;

c) whether plaintiff contends that the requirement of "adequate guarantees" in Ordinance 385 is unreasonable as applied to this method of financing, and, if so, set forth all facts which support, or which pertain in any way to, plaintiff's contention that such a requirement is unreasonable.

d) state the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in answer to Interrogatories 22(a), (b) and (c) above, along with the general substance of their knowledge.

23. Set forth all facts upon which plaintiff relies to support, or which pertain in any way to, the allegations contained in Paragraph 31(d) of the First Count of First Amended Complaint. Without limitation of the foregoing:

a) state what plaintiff contends constitutes an "undue concentration of low and moderate income housing" as required in the Ordinance;



b) state whether plaintiff contends that, as a general proposition, a number of smaller developments for persons of low and moderate income can be assimilated more readily and more fully into a community than the same amount of persons located in a single-housing development;

c) specify in detail the "federal housing project selection criteria" which plaintiff contends is contravened by the requirements of Ordinance 385 and identify the citation to each and every statute, regulation or other provision where such criteria may be found;

d) in accordance with R.4:17-4(a), attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

24a) Set forth all facts or authorities upon which plaintiff relies to support, or which pertain in any way to, the allegations contained in Paragraph 31(e) of the First Count of First Amended Complaint.

b) In accordance with R.4:17-4(a), attach a copy of all documents relevant to the facts set forth in answer to Interrogatory 24(a) and identify the citation to each and every authority referred to herein.

25a) Set forth all facts or authorities upon which plaintiff relies to support, or which pertain in any way to, the allegations contained in Paragraph 31(f) of the First Count of First Amended Complaint.

b) In accordance with R.4:17-4(a), attach a copy of all documents relevant to the facts set forth in answer to Interrogatory 25(a) and identify the citation to each and every authority referred to herein.

26a) Set forth all facts or authorities upon which plaintiff relies to support, or which pertain in any way to, the allegations contained in Paragraph 31(g) of the First Count of First Amended Complaint.

b) In accordance with R.4:17-4(a), attach a copy of all documents relevant to the facts set forth in answer to Interrogatory 26(a) and identify the citation to each and every authority referred to herein.

27. Set forth all facts upon which plaintiff relies to support or which pertain in any way to the allegations contained in Paragraph 2 of Fifth Count of First Amended Complaint and furnish a copy pursuant to R.4:17-4(a) of every document supporting the facts stated.

28. With respect to Paragraph 4 of the Fifth Count of First Amended Complaint, state:

a) the name and address of or otherwise identify every person, public or private body, or municipality which plaintiff contends conspired "to preserve the excusionary zoning in [the "Somerset Hills"] area of Somerset County;" whether plaintiff contends that such alleged conspiracy was conducted in a written or oral manner.

29. If plaintiff contends that the conspiracy alleged in Paragraph 4 of Fifth Count of First Amended Complaint was oral, set forth:

a) when and where such conspiracy first was constituted;

b) the name and address of or otherwise identify each and every person present when such alleged conspiracy was constituted;

c) what was said by each person present or what was communicated among such persons present;

d) the date upon which plaintiff, its agents, employees, attorneys or other persons authorized to act on its behalf first became aware of the fact that such a conspiracy, as alleged, existed and the manner in which such an awareness was manifested;

e) with respect to the answer to Interrogatory No. 29(d), identify the source of the information upon which said awareness of such conspiracy, was based;

f) in accordance with R.4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatories Nos. 28 and 29 above, unless privileged;

g) if a privilege is claimed for any document relevant to the facts set forth in the answer to Interrogatories Nos. 28 or 29 of this Interrogatory, state:

- (1) the nature of the privilege claimed;
- (2) the date or dates of such documents;
- (3) the names of all persons to whom such document was addressed;
- (4) the names of all other persons not named in the last preceding Interrogatory who received a copy of such documents;
- (5) in general, the contents of such document;

(6) the names of all persons who are identified as having signed, authorized, dictated or otherwise originated each such document;

(7) the names of all persons, whether individuals, corporations or private public bodies, named in each such document.

30. If plaintiff contends that the conspiracy alleged in Paragraph 4 of the Fifth Count of First Amended Complaint was written:

a) state the date of each document which plaintiff contends indicates the existence of such conspiracy;

b) identify the source of every document referred to in the answer to the last preceding Interrogatory No. 30 (a);

c) summarize the contents of each such document;

d) the date upon which plaintiff, its agents, employees, attorneys or other persons authorized to act on its behalf first

became aware of the fact that such a conspiracy, as alleged, existed and the manner in which such an awareness was manifested;

e) with respect to the answer to the last preceding Interrogatory, identify the source of the information upon which said awareness of such conspiracy was based;

f) in accordance with R.4:17(a), attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No.30 (a)above, unless privileged;

g) if a privilege is claimed for any document relevant to the facts set forth in answer to Interrogatory No. 28 or this Interrogatory, state:

(1) the nature of the privilege claimed;

(2) the date or dates of such documents;

(3) the names of all persons to whom such document was addressed;



- (4) the names of all other persons not named in Interrogatory No. 30(g)(3) who received a copy of such documents;
- (5) in general, the contents of such document;
- (6) the names of all persons who are identified as having signed, authorized, dictated or otherwise originated each such document; and
- (7) the names of all persons, whether individuals, corporations or private or public bodies, named in each such document..

31. Identify the source of any conversation or communication which plaintiff, its agents or employees or its attorneys have received in response to Henry A. Hill's letter of June 4, 1976 to Mr. Stan Smith requesting access, on behalf of plaintiff, to the personnel data maintained by A.T. & T. for the purpose of

ascertaining salary ranges and home addresses of A.T.&T. employees presently working at the A.T.&T. facility in Basking Ridge. Without limitation of the foregoing, specify:

a) the names, positions and addresses of all persons communicating or conferring with plaintiff, its agents or employees or attorneys in response to such request;

b) the date of each such communication or conference;

c) if written, attach a copy of the document or documents provided in response to such request;

d) if oral, state the time, place and all persons present when such communication or conference took place and, in addition, state the general substance of what each person said during each such communication or conference.

32. Specify all facts which support, rebut or pertain in any way to plaintiff's contention that "Allan-Deane is prepared and has offered to work with the Township of Bernards or some other sponsoring agency to assure that a substantial portion of the multi-family homes constructed on the property would be eligible for rent subsidies in order to help Bernards Township to provide fully for its fair share of regional housing needs at all income levels", as alleged in Paragraph 29 of the First Count of First Amended Complaint. Without limitation of the foregoing, specify:

a) the date, time and all persons present when such offers have been made;

b) the person or persons, or public or private bodies to whom such offers have been made;

c) the substance of each such offer or proposal;

d) if oral, what was said by each person present when any such proposal was made;

e) the person or persons who made such proposal on behalf of Allan-Deane;

f) identify all persons who authorized the individuals named in the last preceding Interrogatory to make such proposal or proposals;

g) the precise terms of the proposal made by Allan-Deane;

h) identify the source of any response which plaintiff, its agents, employees or attorneys have received with respect to the proposal alleged to have been made in Paragraph 9 of the First Count of the First Amended Complaint;

i) what percentage or proportion of the multi-family homes constructed on the property which is the subject of this action does Allan-Deane contend is a "substantial portion" and is part of its offer to make such homes eligible for rent subsidies;

j) all means by which Allan-Deane has proposed or does propose to maintain such multi-family homes as eligible for rent subsidies;

k) identify all rent subsidy programs to which Allan-Deane refers herein;

l) with respect to plaintiff's allegation that it "is prepared" to undertake such steps as will assure that a "substantial portion" of its proposed development will be eligible for rent subsidies, state all such preparations which plaintiff has undertaken to the extent not already identified in response to Interrogatory No. 32 and Paragraphs 32(a) through (k), inclusive;

m) in accordance with R.4:17-4(a) identify and attach a copy of all documents relevant to the facts set forth in the answers to Interrogatory No. 32 and Paragraphs 32(a) through (1), inclusive.

33. Identify every meeting attended by anyone representing Allan-Deane Corporation or Johns-Manville Properties, at which the subject of sewerage disposal and/or treatment service for plaintiff's proposed development through facilities located in Bernards Township was discussed. Without limitation of the foregoing, specify with respect to each such meeting:

a) the date;

b) the place;

c) whether such persons were representing Allan-Deane Corporation or Johns-Manville Properties or other entity;

d) the names, addresses and positions of each person representing Allan-Deane who was present at such meetings;

e) the names, addresses and positions of each person representing Johns-Mansville Properties who were present at such meetings;

f) the names, addresses and positions, if known, of everyone else present at such meetings;

g) the substance of the discussion and identify what was said by any individual present;

h) attach hereto any document, including any hand-written notes or stenographic record not exceeding 15 pages in length, which were made at any such meetings;

i) if such record is longer than 15 pages, identify the document and the name and address of any person who has custody thereof;

j) what conclusions, if any, were reached at any such meetings.

34. Identify every meeting attended by anyone representing Allan-Deane Corporation or Johns-Mansville Properties at which the subject of the sewerage disposal and/or treatment service for plaintiff's proposed development through facilities located in Bedminster Township was discussed. Without limitation of the foregoing, specify with respect to each such meeting:

a) the date;

b) the place;



c) whether such persons were representing Allan-Deane Corporation or Johns-Manville Properties;

d) the names, addresses and positions of each person representing Allan-Deane who were present at such meetings;

e) the names, addresses and positions of each person representing Johns-Manville Properties who were present at such meetings;

f) the names, addresses and positions, if know, of everyone else present at such meetings;

g) the substance of the discussion and what was said by any individual present;

h) attach hereto any document including any handwritten or stenographic record not exceeding 15 pages in length which were made at any such meetings;

i) if such record is longer than 15 pages, identify the document and the name and address of any person who has custody thereof;

j) what conclusions, if any, were reached at any such meetings.

35. Identify every meeting attended by anyone representing Allan-Deane Corporation or Johns-Maville Properties at which the subject of sewerage disposal and/or treatment service for plaintiff's proposed development through the facilities of Bridgewater Township was discussed. Without limitation of the foregoing, specify with respect to each such meeting:

- a) the date;
  
- b) the place;
  
  
- c) whether such persons were representing Allan-Deane Corporation or Johns-Manville Properties;
  
  
- d) the names, addresses and positions of each person representing Allan-Deane who was present at such meetings;
  
  
- e) the names, addresses and positions of each person representing Johns-Manville Properties who were present at such meetings;
  
  
  
  
  
  
  
  
  
  
- f) the names, addresses and positions, if known, of everyone else present at such meetings;

g) the substance of the discussion and what was said by any individual present;

h) attach hereto any document including any handwritten notes or stenographic record not exceeding 15 pages in length which were made at any such meetings;

i) if such record is longer than 15 pages, identify the document and the name and address of any person who has custody thereof;

j) what conclusions, if any, were reached at any such meetings.

36. Does plaintiff contend that it will be feasible to provide sewerage facilities for its proposed development tract?

37a) If the answer to Interrogatory No. 36 is in the affirmative, does plaintiff contend that it is economically feasible or technologically feasible, or both, to provide sewerage facilities for its proposed development tract?

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 37(a) above.

38. Has plaintiff ever had cost estimates of providing sewerage facilities referred to in answer to Interrogatories Nos. 36 and 37 to its tract?

39. State the cost of such sewerage facilities and identify the source of any such cost estimates and furnish a copy, pursuant to R.4:17-4(a), of every document supporting such estimate.

40. Does plaintiff contend that the cost and feasibility of providing sewerage facilities for its proposed development tract is irrelevant to the issues raised by its First Amended Complaint?

a) If so, state with particularity, all facts upon which plaintiff relies to support, or which pertain in any way to such contention.

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 40(a) above.

41. Does plaintiff contend that it should be permitted to develop its tract in Bernards Township regardless of the cost or feasibility of providing such tract with sewerage facilities?

(a) If so, state with particularity all facts upon which plaintiff relies to support, or which pertain in any way, to such contention;

(b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 41(a) above.

42. If the answers to Interrogatory No. 37 (a) is in the affirmative, set forth all facts upon which plaintiff will rely or which pertain in any way to such contention. Without limitation of the foregoing, specify:

(a) whether such sewerage facilities would be an onsite by means of private treatment plant or otherwise, or through a municipal sewerage authorities;

(b) the amount of effluent per day that will be discharged from its development tract;

(c) if municipal sewerage authorities, state:

(1) which municipalities would be able to supply such services;

(2) the current capacity of any such municipal sewerage facilities;

(3) any current plans of such facilities to expand their capacities;

(4) whether those authorities have made any allocation of such future capacities and, if so, what those allocations are and whether any provision for plaintiff's development is incorporated in such allocations.

d) if private treatment plant, state:

(1) the estimated cost of such plant or facility;

(2) with particularity, the type of plant or facility plaintiff proposes to use, the level of treatment which will be provided by such plant or facility and the amount by which plaintiff contends the plant or facility will degrade the streams, water courses or underground water supplies which receive the effluent produced thereby;

(3) whether plaintiff has made any preparation to apply or has applied for a permit to regulate the discharge of such pollutants from any governmental agency;

(4) if so, identify the nature of all preparations or applications made by plaintiff and the present status of such preparation or application.

(e) Does plaintiff propose to dispose of any portion or all of the sewerage produced by its proposed development by land application of such waste? If so, state:

(1) the estimated size and cost of such plant or facility;

(2) with particularity, set forth all facts which support, or upon which plaintiff will rely with respect to the feasibility, cost or reasonableness of such proposal.

(f) State the names and addresses of, and otherwise, identify, all persons having knowledge of the facts set forth in answer to Interrogatories 42(a) through (e) above, along with the general substance of their knowledge;

(g) In accordance with R. 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 42 and Paragraphs (a) through (f) thereof, inclusive.

43. Has plaintiff or any agent, employee or other person acting on its behalf, including its attorneys, ever considered commissioning any studies to be made regarding provision of sewerage treatment facilities of any kind for defendants' proposed tracts in Bedminster Township or Bernards Township, whether or not such study has been performed?



44. If the answer to the preceding Interrogatory is in the affirmative, specify:

a) the name and position of the individual who authorized and/or directed that such study be made;

b) the name and address of the person or firm who was to undertake such studies for plaintiff;

c) the dates, place and persons present or participating in any meeting, conference or communication at which the commission of such studies was discussed with the person or firm identified in the last preceding Interrogatory;

d) the substance of such meeting, conference or communication, identifying what was said by each person attending or participating therein;

e) whether such studies ever were undertaken or are presently being undertaken;

f) if so, whether any reports have been submitted to plaintiff or any other person acting on its behalf, either in draft or final form;

g) if such studies were not undertaken, the reasons of plaintiff and/or those given by any other person or firm why such studies would not be undertaken;

h) in accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

45. With respect to the effluent which will be produced if plaintiff's proposed development is constructed, where does plaintiff contend such effluent will be treated?

46. Does plaintiff contend that such effluent presently can be, or in the foreseeable future will be, treated by the Bernards Township Sewerage Authority?

47. Does plaintiff contend that such effluent presently can be, or in the foreseeable future will be, treated by Bedminster Township?

48. Does plaintiff contend that such effluent presently can be, or in the foreseeable future will be, treated by the sewerage authority which serves Bridgewater Township?

49a) Set forth all facts which support, or which pertain in any way to plaintiff's contentions in Interrogatory Nos. 45, 46, 47 and 48.

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 49(a) above.

50. Has plaintiff made any formal or informal arrangement or participated in any negotiations with any municipal sewerage authority or with any state or federal agency with respect to treatment of the sewerage which will be produced by its proposed development?

51. If the answer to Interrogatory No. 50 is in the affirmative, specify:

a) with what authorities or agencies such arrangements or negotiations have been undertaken;

b) the dates on which such arrangements or negotiations took place;

c) all persons present when such arrangements or negotiations took place, along with their title and position;

d) the substance of any writing, communication or correspondence in which such arrangements or negotiations took place;

e) whether an agreement or accomodation as to any matter was reached relevant to the treatment of sewerage produced by plaintiff's proposed development;

f) the exact terms of such agreement or accomodations and the parties thereto;

g) whether any negotiations are still being undertaken by plaintiff, its agents or employees, including its attorneys, with respect to the treatment of such sewerage and the persons, firms, companies or bodies which are conducting such negotiations;

h) In accordance with R.4:17-(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

52. If not answered in response to the preceding Interrogatories, how does plaintiff propose to provide for sewerage disposal for the portion of its proposed development located in Bernards Township.

53. What is plaintiff's contention with respect to the present capacity of the Bernards Township Sewerage Authority?

a) Without limitation of the foregoing, identify the source of such contention.

54. What is plaintiff's contention with respect to the present capacity of the Bedminster Township treatment plant?

a) Without limitation of the foregoing, identify the source of such contention.

55. What is plaintiff's contention with respect to the present capacity of the sewerage authority which presently serves Bridgewater Township?

a) Without limitation of the foregoing, identify the name of such authority and the source of such contention.

56. What is plaintiff's contention with respect to the future sewerage treatment capacity through 1990 of Bernards Township?

57. What is plaintiff's contention with respect to the future sewerage treatment capacity through 1990 of Bedminster Township?

58. What is plaintiff's contention with respect to the future sewerage treatment capacity through 1990 of Bridgewater Township?

59a) Set forth all facts which support, or which pertain in any way to plaintiff's contentions in Interrogatory Nos. 56, 57 and 58.

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory 59(a) above.

60. Has plaintiff ever sold any land owned by it in Bernards Township?

61. If the answer to the preceding Interrogatory is in the affirmative, specify with respect to each such sale:

- a) the date of such sale;
- b) the amount of acreage sold;
- c) the location of the land sold;
- d) the name and address of the purchaser;
- e) the sale price;
- f) the cost of such land to plaintiff and the date on which such land was originally acquired by it;
- g) the zoning regulations and restrictions applicable to each such parcel of land (i) at the time that each such parcel was purchased or otherwise acquired by plaintiff, and (ii) at the time that each such parcel was sold or otherwise disposed of by plaintiff.

62a) State all facts which support or pertain in any way to plaintiff's allegations in the Fourth Count of First Amended Complaint that plaintiff has been deprived of its property without due process of law.

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory 62(a) above.

63. With respect to the answer to the preceding Interrogatory, describe all investigations, conferences or meetings conducted by plaintiff, or on its behalf, with consultants, agents, employees or attorneys to ascertain whether plaintiff has been deprived of its property without due process of law as a result of the zoning in Bernards Township.



a) Without limitation of the foregoing, state the name and address of the person or persons or firms who participated in such conferences or meetings or conducted such investigations;

b) the time and place when each such discussion, conversation or meeting was held;

c) if, as a result or in connection with such meetings, conferences, investigations or communications, there is any written record thereof, or a report was prepared, state in general all facts contained therein or attach hereto a copy thereof;

d) In accordance with R. 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to this Interrogatory or of the preceding Interrogatory.

64a) Set forth the name and address of each and every witness or expert witness whom plaintiff intends to call as a witness at the trial of this action in support of the contention that plaintiff has been deprived of its property without due process;

b) Attach to your answers a true copy of each and every report of such expert.

65. State all facts which support or pertain in any way to plaintiff's allegation in First Count of the First Amended Complaint that plaintiff has been denied equal protection of the laws.

66. With respect to the answer to the preceding Interrogatory, describe all investigations, conferences or meetings conducted by plaintiff, or on its behalf, with consultants, agents, employees or attorneys to ascertain whether plaintiff has been denied equal protection of the law as a result of the zoning in Bernards Township.

a) Without limitation of the foregoing, state the name and address of the person or persons or firms who participated in such conferences or meetings or conducted such investigations;

b) the time and place when each such discussion, conversation or meeting was held;

c) if, as a result of or in connection with such meetings, conferences, investigations or communications, there is any written record thereof, or a report was prepared, state in general all facts contained therein or attach hereto a copy thereof;

d) Set forth the name and address of each and every witness or expert witness whom plaintiff intends to call as a witness at the trial of this action in support of the contention that plaintiff has been denied equal protection of the laws;

e) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to this Interrogatory or of the preceding Interrogatory.

67. If plaintiff contends that any conference or communication referred to in answer to Interrogatory No. 63 or Interrogatory No. 66 above is privileged, state:

- a) the nature of the privilege claimed;
- b) the date or dates of such communications;
- c) the names and positions of all parties present or to whom such communication was addressed, or who received copies of such communications;
- d) the names and positions of all persons who signed such communications or on whose behalf such communications were signed or issued;

e) in general, the contents of such conference or communications;

68. Identify with particularity all of the specific provisions of any ordinance of Bernards Township that plaintiff contends should be declared invalid pursuant to Prayer B of the First Count of the First Amended Complaint.

69. With respect to the lands presently held by plaintiff in Bernards Township, state:

a) where such lands are located;

b) identify each parcel of land by the terms of each purchase if there were more than one purchase;

(c) with respect to each parcel of land, the date upon which the land was purchased;

(d) with respect to each parcel of land, the amount of acres purchased;

(e) with respect to each parcel of land, the price paid therefor and compute the cost per acre paid by plaintiff;

(f) with respect to each parcel of land, identify the source of any and all funds used to purchase such tracts;

(g) if such sums were paid by plaintiff, identify the manner in which such funds were raised by plaintiff;

h) Are any mortgages or other encumbrances presently held upon any such parcel of land or were such mortgages or encumbrances previously held and are now satisfied;

i) If so, identify such mortgage or encumbrance, the terms thereof, the parties thereto and whether they are still outstanding;

j) With respect to any mortgages or encumbrances referred to in Interrogatory Nos. 69(h) or 69(i), identify the source of any and all funds used to reduce such mortgages or encumbrances and the manner in which such funds were raised by plaintiff;

k) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

70. How many employees does plaintiff contend are presently employed by A.T.&T. in the facility located in Basking Ridge?

71. How many employees does plaintiff contend will ultimately be employed by A.T.&T. in the facility located in Basking Ridge when the full capacity is reached?



72. How many employees does plaintiff contend are presently employed by A.T.&T. in the Long Lines facility located in Bedminster?

73. How many employees does plaintiff contend will ultimately be employed by A.T.&T. at the Long Lines facility in Bedminster upon its completion?

74. In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory Nos. 70, 71, 72 and 73 above.

75. With respect to the answers to Interrogatory Nos. 70, 71, 72 and 73 how many employees of A.T.&T. employed at the facility in Basking Ridge does plaintiff contend will require new housing and what portion of such new housing is Bernards Township's "fair share"?

76. Without limitation of the preceding Interrogatories, set forth all facts which support or pertain in any way to plaintiff's contention as set forth in Interrogatory No. 75.

a) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

b) Describe all investigations, conferences or meetings conducted by plaintiff, or its consultants, agents, employees, or attorneys to ascertain the figure stated above as the number of A.T.&T. employees at the facility in Basking Ridge who will require new housing.

77. With respect to the answers to Interrogatory Nos. 70, 71, 72 and 73, specify how many employees of A.T.&T. at the Long Lines facility in Bedminster, does plaintiff contend will require new housing and what portion of such new housing is Bernards Township's "fair share"?

78. Without limitation of the preceding Interrogatories, set forth all facts which support or pertain in any way to plaintiff's contention as set forth in Interrogatory No. 77.

a) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

b) Describe all investigations, conferences or meetings conducted by plaintiff, or its consultants, agents, employees or attorneys to ascertain the figure stated above as the number of A.T.&T. employees at the Long Lines facility in Bedminster who will require new housing.

79. Identify each municipality on which "The Bernards Township Zoning Ordinance and its entire system of land use regulation . . . has a substantial external impact contrary to the general welfare" as alleged in Paragraph 44 of the First Count of the First Amended Complaint.

80. With respect to each municipality mentioned in answer to Interrogatory 79, state specifically every way in which plaintiff contends the Bernards Township Zoning Ordinance ". . . has a substantial external impact contrary to the general welfare."

81. Without limitation of the answer to Interrogatory No. 80, state:

a) the particular provision of the Bernards Township Zoning Ordinance which causes such external impact;

b) the manner in which each such provision causes such impact;

c) what plaintiff means by the phrase "entire system of land use regulation," identifying how such regulation is exercised, by whom it is exercised, the manner in which such exercise has a substantial external impact and every way and example in which the impact of such regulation is contrary to the general welfare.

82. Without limitation of the answer to Interrogatory Nos. 80 and 81, identify all municipalities upon which the zoning ordinance has "imposed an unfair burden" as alleged in Paragraph 44(a) of the First Count of the First Amended Complaint.

a) With respect to each municipality, define:

(1) the burden which has been imposed upon it;

(2) the respects in which such alleged burden is unfair.

83. Identify all communities, cities, and urban areas which plaintiff contends are "already providing more than their fair share of housing for all categories of persons" as alleged in Paragraph 44(b) of the First Count of the First Amended Complaint. Without limitation of the foregoing:

a) state what the "fair share" of each and every one of those municipalities is;

b) the steps which each such municipality has taken to meet its "fair share";

c) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

84. Specify all facts which support or pertain in any way to plaintiff's allegation in Paragraph 44(c) that the Bernards Township Zoning Ordinance has "contributed adversely to a national and local energy crisis by creating a physical and economic need for long distance commuting for persons employed within Bernards Township." Without limitation of the foregoing, specify:

a) all expert or technical reports, studies, findings or data of any kind which support such allegations;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

85. Specify all facts which support or pertain in any way to plaintiff's allegation in Paragraph 44(d) of the First Amended Complaint that the Bernards Township Zoning Ordinance has "imposed an unfair burden on workers employed in the Bernards Township housing region." Without limitation of the foregoing, specify:

a) all expert or technical reports, studies, findings or data of any kind which support such allegations;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to this Interrogatory.

86. Identify the cities which plaintiff contends have been deprived of tax ratables as alleged in Paragraph 44(b) and (e) of the First Count of the First Amended Complaint as a result of the Bernards Township Zoning Ordinance or other actions of Bernards Township.

87. With respect to each city mentioned in the answer to the preceding Interrogatory, specify with particularity:

a) every tax ratable of which it has been deprived;

b) the particular provision of the Bernards Township Zoning Ordinance which caused such deprivation;

c) all other actions of Bernards Township that caused such deprivation.

88(a) Identify by name each and every city in which plaintiff contends "urban decay" has been contributed to, as alleged in paragraph 44(e) of the First Count of First Amended Complaint.

(b) without limitation of the foregoing, with respect to each city identified in answer to Interrogatory 88(a), above, state with specificity:



(1) the precise extent to which such decay has been caused by the Bernards Township Zoning Ordinance or by the actions of Bernards Township;

(2) specify each action or omission to act which plaintiff contends caused or contributed to the process of urban decay as alleged therein;

(3) the particular provision of the Bernards Township Zoning Ordinance which has contributed to such decay;

(4) the extent or portion of that decay which plaintiff contends is caused by the Bernards Township Zoning Ordinance;

(5) any and all other factors recognized by plaintiff as contributing to such urban decay affecting the cities referred to herein, the sources of such contributing factors and the extent or portion of that decay which plaintiff contends is caused by the Bernards Township Zoning Ordinance.

89a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 5 of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 89(a) above.

90a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 6 of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 90(a) above.

91a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 7 of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 91(a) above.

92a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 8 of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 92(a) above.

93a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 9(a) of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 93(a) above.

94a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 9(b) of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 94(a) above.

95a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 9(c) of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 95(a) above.

96a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 9(d) of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 96(a) above.

97a) Set forth all facts which support, or which pertain in any way, to the allegations contained in Paragraph 9(e) of the Fifth Count of the First Amended Complaint;

b) In accordance with R.4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in answer to Interrogatory No. 97(a) above.