

RULS-AD-1985-20

1/21/85

Letters to Judge re dispute over inclusion of
Dobbs caption

pg. 5

File

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JAN 21 1985

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January 21, 1985

Honorable Eugene D. Serpentelli
Ocean County Courthouse
CN-2191
Toms River, New Jersey 08754

Re: Dobbs v. Township of Bedminster et. al.

Dear Judge Serpentelli:

I enclose herewith an original and one copy of the Brief and Appendix of the plaintiff, Leonard Dobbs, with respect to the builder's remedy issue. By copy of this letter, I am serving all counsel with a copy of the Brief and the Appendix.

If, as a result of this Brief, the Brief to be filed by opposing counsel, and our reply Brief, this Court desires to hear testimony from any witness, we will of course make any such witness available to the Court. In the absence of such testimony, we would however request the opportunity for oral argument (summations) at such time as all Briefs have been submitted.

Respectfully,

Raymond R. Wiss
RAYMOND R. WISS

RRW/AB
ENCLOSURES

RULS - AD - 1985 - 20

Honorable Eugene D. Serpentelli
Re: Dobbs v. Township of Bedminster et. al.

Page 2

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January 22, 1985

Re: Bedminster Township ads Allan-Deane
Docket Nos. L-36896-70 PW & L-28061-71 PW

The Honorable Eugene D. Serpentelli
Superior Court of New Jersey
Ocean County Court House
CN 2191
Toms River, New Jersey 08753

My dear Judge Serpentelli:

We strenuously object to the inclusion of the separate Dobbs case in the caption of the Brief and Appendix submitted on behalf of Mr. Dobbs. The Dobbs litigation has been stayed since July 17, 1981, pursuant to an order entered by Judge Gaynor. That stay was continued by Your Honor pursuant to an order entered on November 3, 1983. That stay remains in effect at the present time.

Consequently, we believe that it is improper for Mr. Dobbs to submit papers in the within action which contain a caption which incorrectly indicates that the stay has been lifted in the Dobbs action and that the Dobbs action has been consolidated with the Allan-Deane and Cieswick actions. Mr. Dobbs can, and has, characterized his role in the Allan-Deane litigation as he sees fit in his brief, but the caption which he uses must be accurate. We accordingly ask that this Court direct Mr. Dobbs to resubmit his Brief and Appendix with accurate captions.

Respectfully submitted,


Alfred L. Ferguson

ALF/nw

cc: Daniel F. O'Connell, Esq.; Roger Thomas, Esq.;
Kenneth E. Meiser, Esq.; Thomas Hall, Esq.;
Raymond Wiss, Esq.; and Peter J. O'Connor, Esq.

JAN 24 1985

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January 24, 1985

The Honorable Eugene D. Serpentelli
Superior court of New Jersey
Ocean County Court House
CN 2191
Toms River, New Jersey 08753

Re: Bedminster Township ads. Allan-Deane

Dear Judge Serpentelli:

I have received Mr. Ferguson's letter of January 22, 1985.

In light of the participation of Mr. Dobbs in the within litigation, including full participation in the compliance aspect of this case, it may indeed be appropriate for the Court to consider each of the actions as consolidated for the purpose of the Rulings which Your Honor has made and is about to make. We trust that the entry of a formal Order of Consolidation would alleviate any problems such as those raised by Mr. Ferguson in his letter.

We would, of course, welcome the opportunity to orally argue our position at such date as may be fixed by the Court.

Respectfully,


RAYMOND R. WISS

RRW:AB

cc: Daniel F. O'Connell, Esq.; Kenneth E. Meiser, Esq.
Peter J. O'Connor, Esq.; Henry A. Hill, Esq.
Roger Thomas, Esq.; Thomas Hall, Esq.
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January 30, 1985

Re: Bedminster Township ads Allan-Deane

The Honorable Eugene D. Serpentelli
Superior Court of New Jersey
Ocean County Court House
CN 2191
Toms River, New Jersey 08753

My dear Judge Serpentelli:

In reply to Mr. Wiss' letter of January 24, 1985, we would object most strenuously to any order of consolidation of the Allan-Deane litigation with the Dobbs litigation. Mr. Wiss would no doubt argue that any order of consolidation would give him the status of a Mt. Laurel plaintiff and thus would justify a builder's-remedy. This is a significant procedural point, as is argued in our brief, which will be filed shortly.

Respectfully,


Alfred L. Ferguson

ALF/nw

cc: Daniel F. O'Connell, Esq.
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