

RULS-AD-1985-410

11/21/85

Certification of James E. Davidson

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REC'D & FILED
SUPERIOR COURT
OF NEW JERSEY

NOV 25 1985

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JOHN M. MAYSON
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Attorneys for Defendants, Township of Bernards, et als.

THE HILLS DEVELOPMENT COMPANY,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
Plaintiff,	:	SOMERSET/OCEAN COUNTY
	:	Docket No. L-030039-84 P.W.
vs.	:	
	:	
THE TOWNSHIP OF BERNARDS in the	:	
COUNTY OF SOMERSET, a municipal	:	
corporation of the State of New	:	
Jersey, THE TOWNSHIP COMMITTEE	:	
OF THE TOWNSHIP OF BERNARDS, THE	:	Civil Action
PLANNING BOARD OF THE TOWNSHIP	:	
OF BERNARDS and the SEWERAGE	:	
AUTHORITY OF THE TOWNSHIP OF	:	
BERNARDS,	:	
	:	
Defendants.	:	CERTIFICATION OF
	:	<u>JAMES E. DAVIDSON</u>
	:	

I, JAMES E. DAVIDSON, certify as follows:

1. I am an attorney-at-law of the State of New Jersey and am a partner in the law firm of Farrell, Curtis, Carlin & Davidson responsible for the representation of the Defendants. I make this Certification in response to papers submitted by plaintiff on its motion to enjoin enactment of Ordinance #746.

2. The document attached as Exhibit C to plaintiff's moving papers is not part of any "final Memorandum of Agreement" among the parties, because the parties never reached any final agreement nor did counsel ever reach agreement on what should be submitted to the parties. This fact is made clear by the fact that said Exhibit C includes handwritten and pasted-on deletions and insertions which were proposed by plaintiff's counsel. Defendant's counsel did not indicate a willingness to incorporate such modification in the proposed document.

3. Moreover, the document from which Exhibit C was taken is a draft document which I, as attorney for Bernards Township, never submitted to the Township Committee for review, comment, or approval or rejection, in part because the attorneys for the two sides never settled upon a final form of such draft. (For further detail on this point, see my Certification dated October 1, 1985 which was submitted in opposition to plaintiff's motion to enter a compliance order.)

4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



JAMES E. DAVIDSON

Dated: November 21, 1985