

Municipalities fight COAH Transfer
South Plainfield

8/28/85

Letter to Judge re UL's opposition papers to S. Plainfield's
Motion to transfer

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August 28, 1985

The Honorable Eugene D. Serpentelli
Assignment Judge, Superior Court
Ocean County Court House
CN 2191
Toms River, N.J. 08754

Re: Urban League vs. Carteret, et al. (South Plainfield)
No. C 4122-73

Dear Judge Serpentelli:

Enclosed please find two copies of the Urban League plaintiffs' opposition papers to South Plainfield's Motion to Transfer this Case to the Council on Affordable Housing, consisting of Affidavits of Alan Mallach, Lawrence J. Massaro and Eric Neisser, and Urban League Plaintiffs' Memorandum of Law in Opposition.

As noted in the Neisser Affidavit and Memorandum of Law, plaintiffs have still not received from Mr. Santoro the necessary documentation concerning the Borough's land sales and subdivision of lots specified in the Judgment or the current ownership of the parcels constituting the Morris Avenue site. These matters are relevant to the defendant's bad faith, one of the factors to be considered in determining "manifest injustice." I have been informed that Mr. Santoro will not return to the office until September 3, too late for me to include them with these papers. I must, therefore, request the right to supplement the record on the return date with any such material, or thereafter if the materials are not provided earlier and the Court believes that further evidence of the defendant's conduct is necessary to resolution of this motion.

I would request that the Court set down this motion for oral argument at a specific time on Friday, September 6. On behalf of the plaintiffs, I request 10 a.m.

Finally, I was contacted on Tuesday, August 27 by Nancy Stiles of the Attorney General's office. In response to her inquiry, I stated that our opposition papers did not raise any

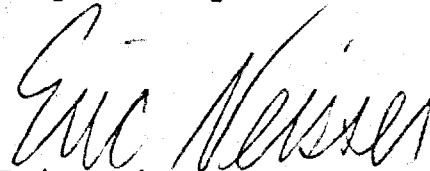
The Honorable Eugene D. Serpentelli

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constitutional questions as to the Fair Housing Act and therefore we did not intend to provide formal notice to the Attorney General. I told her that the first footnote in the brief would so state.

Respectfully submitted,



Eric Neisser

Co-Counsel for Urban League
Plaintiffs

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cc/Carla Lerman
South Plainfield Service List