

Attorney's Fees

9-1-83

- letter re: retainer

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September 1, 1983

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JUDGE SERPENTELLI'S CHAMBERS

Honorable Eugene D. Serpentelli, J.S.C.
Ocean County Court House
CN 2191
Toms River, New Jersey 08753Re: Urban League of Greater New Brunswick
v. Mayor of Carteret, et als.
Middlesex County Docket No. C-4122-73

My dear Judge Serpentelli:

I am in receipt of recent correspondence from Bruce Gelber, Esq., attorney for the plaintiffs, regarding the question of the retainer for the expert, as well as the response to that letter by Bertram Busch, Esq., attorney for the Township of East Brunswick, a defendant in this matter.

It seems to me, as attorney for the Township of Piscataway in this matter, that the position taken by Mr. Busch is apt. Indeed, we discussed the specific subject of the bearing of the cost of the expert at our conference with the court in late July 1983, and several of the defendant municipalities who argued that the post-1975 actions rendered their ordinances in compliance with Mount Laurel II should not have to bear the costs of the court-appointed expert. My recollection was that the court left all matters relating to the allocation of the expert's fee for a later date.

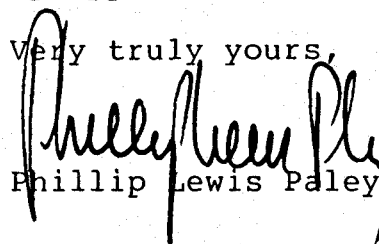
In any event, speaking for my client only, it strikes me as unfair that Piscataway should have to contribute to the cost of any expert, as we can contend that we already complied to Mount Laurel II standards, and that a fair review of the exhibits and documentation already submitted to the plaintiff will affirm that position. Therefore, I certainly object to any position which would insulate plaintiff from contributing in any respect to the costs of the expert, and I

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further object to an allocation on behalf of the expert based upon a one-eighth share being assigned to the plaintiff.

Your Honor's usual courtesy and cooperation in considering this position will be greatly appreciated.

Very truly yours,



Phillip Lewis Paley

PLP:CFC