

Attorney's Fees

5/26 (1988)

UL v. Carteret

Cover letter

Proposed Draft Consent order as to Attorney's fees

pgs 4

P.i. #5059

A# 000070 L

RUTGERS • THE STATE UNIVERSITY

INTERDEPARTMENT COMMUNICATION

school of law-newark

John, Eric, Roy:

For your review.

Barbara

5/26/88

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

D R A F T

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

May 26, 1988

Joseph Stonaker, Esq.
41 Leigh Avenue
Princeton, NJ 08540

RE: Urban League, et al. v. Carteret, et al.

Dear Joe:

This is in response to your settlement proposal. As you know, we have substantially compromised our original settlement offer, which was itself modest. Plainsboro has not budged. A settlement requires some compromise on everyone's part. We feel that \$30,000 is a minimal sum for the Township, especially since we are agreeing to language which may significantly diminish the impact of this settlement on the other towns.

Enclosed please find proposed draft Consent Order as to Attorneys' Fees to be attached to the Consent Order and made a part thereof. Please call me with your comments. Assuming this basically reflects your understanding of our agreement, Plainsboro's check should be made payable to the Civic League of Greater New Brunswick and the American Civil Liberties Union of New Jersey and tendered simultaneously with the execution of the Consent Order.

This letter and enclosure are submitted solely for purposes of settlement, naturally, and shall not be used in any litigation.

Very truly yours,



encls

PROPOSED DRAFT CONSENT ORDER

Wherefore, plaintiffs have sought counsel fees and costs for all services rendered in connection with the matter entitled Urban League v. Carteret, Docket No. , and the Appellate Division having remanded the matter for a determination whether plaintiffs can show a prima facie case entitling them to such fees (___N.J. Super. ___) and the New Jersey Supreme Court having granted defendants' Petition for Certification and plaintiffs' Cross Petition for Certification on March 21, 1988; and defendant Plainsboro having settled the underlying litigation by Consent Order filed herewith, the Civic League plaintiffs and defendant Plainsboro agree as follows:

1. Defendant Plainsboro shall pay the Civic League plaintiffs \$30,000 in full and final settlement of all claims for attorneys' fees to date. Defendant Plainsboro does not acknowledge any liability for plaintiffs' attorneys' fees and Plainsboro is entering into this Agreement solely in order to avoid future litigation costs in connection with plaintiffs' claims for attorneys' fees.
2. Plaintiffs agree that they shall not settle claims for attorneys' fees with any other defendant in this litigation for less than \$30,000 unless there is a

change in the law justifying a lesser settlement. If plaintiffs settle the attorneys' fee issue with another defendant municipality for a lesser amount, defendant Plainsboro shall have the right to seek indemnification from plaintiffs for the difference.

3. Nothing set forth herein shall be construed to constitute a waiver of fees to which plaintiffs may be entitled in connection with the enforcement of the Consent Order annexed hereto.