AF General 28-Any-1987

Regness for Ord argument - re: appeal

81 denied of attorneys' Sees.

With appellate division forms

1/4 filed by different attorneys

1/4 = 16

1/6

1/64 : Some Sheets double-Sides

A#000097M

KIRSTEN, SIMON, FRIEDMAN, **ALLEN, CHERIN & LINKEN**

ONE GATEWAY CENTER **NEWARK, NEW JERSEY 07102** (201) 623-3600 ATTORNEYS FOR DEFENDANTS-RESPONDENTS SUPERIOR COURT OF NEW JERSEY URBAN LEAGUE OF GREATER NEW APPELLATE DIVISION BRUNSWICK, ET AL., PLAINTIFFS-APPELLANTS, DOCKET NO. A-3416-86T1 VS. REQUEST FOR ORAL ARGUMENT THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, ET AL., DEFENDANTS-RESPONDENTS. Defendants-Respondents request oral argument of this

Appeal in the Superior Court of New Jersey, Appellate Division.

KIRSTEN, SIMON, FRIEDMAN, ALLEN, CHERIN AND LINKEN ATTORNEYS FOR THE TOWNSHIPS OF CRANBURY, EAST BRUNSWICK, MONROE, NORTH BRUNSWICK, OLD BRIDGE, PISCATAWAY, PLAINSBORO AND SOUTH BRUNSWICK AND THE BOROUGH OF SOUTH PLAINFIELD

LIONEL J. FRANK

DATED: August 28, 1987

CIVIL	CASE	INFORMATION	STATEM

URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als, v. THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et al.	APPEAL DOCKET NO. A-3416-86T1 NOTICE OF APPEAL FILED:			
	DATE SENT:			
APPELLANT'S ATTORNEY(S):PlaintiffDefendant	Other (Specify)			
NAME ADDRESS TELEPHONE	CLIENT			
Barbara Stark, Esq. 15 Washington Street (201) 6 Newark, N.J. 07102	48-5687 Urban League of Greater New Bruns.			
RESPONDENT'S ATTORNEY(S)*:				
NAME ADDRESS TELEPHONE	CLIENT			
Huff, Moran and Balint, Esqs. (609) 655-3600 ATTN: WILLIAM C. MORAN, JR., Esq. Cranbury-South River Road Cranbury, N.J. 08512	Township of Cranbury			
[*INDICATE WHICH PARTIES, IF ANY, DID NOT PARTICIPATE BELOW OF THE ACTION AT THE TIME OF ENTRY OF THE ORDER/JUDGMENT BEING GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW:	OR WHO WERE NO LONGER PARTY TO G APPEALED.]			
Does this determination dispose of all issues as to all partile If not, has it been certified as final pursuant to $R.4:42-2?$ (If not, leave to appeal must be sought. $R.2:2-4$, $\overline{2}:5-6$.) Is the validity of a statute, executive order, franchise or constitutional provision of the state questioned? ($R.2:5-1(h)$)	YesNo			
GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY: Plaintiffs and Defendants were parties in the litigation commonly involving Mt. Laurel issues. Upon information and belief, the question of entitlement to legal fees was raised before Judge Furman at the trial level and was decided adversely to Plaintiffs at that time. The subject was never briefed on appeal. Cranbury's case was transferred to the Affordable Housing Council by a Judgment of the New Jersey Supreme Court. No Final Judgment was ever entered in the favor of Plaintiff in this matter.				
TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R.2:6- appellant only. 1. Whether issue was already decided by Judge F subject of an appeal.	2(a)(5). Appellant or cross			
 Whether Plaintiff is estopped from bringing this late date. 	civil rights issues at			
 Whether Plaintiffs complied with the rules of fees. 	n application for counsel			
4. Entitlement to counsel fees. 5. Whether counsel fees can be awarded on the c Form A (Rev. 1/84)	ase pending before Council on (OVER) Affordable Housing			

All civil appeals will be screened under the Catheir potential for settlement or, in the alterabbreviation of transcript and any other matter of the appeal. Please consider these when response	rnative, a simplification of issues, rs that may aid in the disposition or handling
State whether you think this case may benefit at A negative response will not necessarily rule of	from a conference. Yes No X out the scheduling of a pre-argument conference
Explain your answer: Cranbury is not prepared to voluntaril counsel fees or expert fees.	y pay any sums toward Plaintiff's
IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BE	COUGHT BEFORE THIS COURT WHICH:
(A) Arises from substantially the same of as this appeal?	case or controversy Yes No_X
(B) Involves an issue that is substantial similar or related to an issue in the	
IF YES, STATE:	
Case Name:	Docket No:
DO YOU EXPECT FO FILE A LETTER BRIEF (Rule 2:6-	-2(b))? Yes No X
The time in which to file your brief and append by <u>court order</u> . If any circumstances exist whi of time within which to file your brief and app give a detailed explanation. Your answer does Rules of Court.	ch might justify a shorter or longer period endix other than that provided by Rule 2:6-11,
u, po un en	
In the event there is any change with respect tappellant shall have a continuing obligation to on the prescribed form.	
Township of Cranbury Name of Appellant or Respondent May 26, 1987	William G. Movan, Jr., Esq.
Date Date	of Counsel of Record

رو درو العراض الأراحة



TITLE IN FULL: URBAN LEAGUE OF GREATER NEW BRUNSWICK,		FOR OFFICIAL USE ONLY APPEAL DOCKET NO.
profit Corporation of the State of New	Jersey,	17-
et al. vs. MAYOR AND COUNCIL OF THE BOOK OF CARTERET, et al.		NOTICE OF APPEAL FILED:
		DATE SENT:
APPELLANT'S ATTORNEY(S):Plaintiff	Defendant	Other (Specify)
NAME ADDRESS	TELEPHONE	CLIENT
Barbara Stark, Esq. 15 Washington St. Newark, NJ 07101	201-648-568	7 Urban League of Greater New Brunswick
RESPONDENT'S ATTORNEY(S)*:		
NAME ADDRESS	TELEPHONE	CLIENT
Thomas J. Shamy, Esq. 146 Livingston Av New Brunswick, NJ		-1133 Township of North Brunswick
[*INDICATE WHICH PARTIES, IF ANY, DID NOT PARTI THE ACTION AT THE TIME OF ENTRY OF THE ORDER/	CIPATE BELOW OF	R WHO WERE NO LONGER PARTY TO APPEALED.]
GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTER		
Does this determination dispose of all issues as If not, has it been certified as final pursuant (If not, leave to appeal must be sought. R.2:2-ls the validity of a statute, executive order, it constitutional provision of the state questioned	to $\frac{R}{2}$:4:42-2? -4, $\frac{R}{2}$:5-6.) franchise or	YesNo
GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDUR		
fees from defendant Municipalities as a The Honorable Eugene Serpentelli denied case.	a result of 1	Mount Laurel II litigation.
TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES	TO BE BATSED	
BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSU	JANT TO $\underline{R}.2:6 \div 2$	(a)(5). Appellant or cross
appellant only.	•	
	·	
,		

All civil appeals will be screened under the Civil Appeals Settlement Program to determine their potential for settlement or, in the alternative, a simplification of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.					
State whether you think this case may benefit from A negative response will not necessarily rule out		sNo_> pre-argument co			
Explain your answer: This is simply a legal fees post-judgment. As attorney for the Monot believe this issue can be settled.					
IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGH	IT BEFORE THIS COURT	WHICH:			
(A) Arises from substantially the same case as this appeal?	_	es No	X		
(B) Involves an issue that is substantially similar or related to an issue in this a		es No	x.		
IF YES, STATE:					
Case Name:	Docket No:				
DO YOU EXPECT FO FILE A LETTER BRIEF (Rule 2:6-2(b)) The time in which to file your brief and appendix is by court order. If any circumstances exist which no filme within which to file your brief and appending give a detailed explanation. Your answer does not Rules of Court.	s governed by court sight justify a shor a other than that p	ter or longer provided by Rule	period 2:6-11,		
	<i>2</i>				
In the event there is any change with respect to ar appellant shall have a continuing obligation to fil on the prescribed form.					
TOWNSHIP OF NORTH BRUNSWICK Name of Appellant or Respondent	THOMAS J. SHA	MY, Townshir of Record	Attorney		
May 1, 1987					
Date	Signature of Cour	nsel of Record			

Form A (Rev. 1/84)

(OVER)

		•	
CIVIL	CASE	INFORMATION	STATEMENT

TITLE IN FULL:				FOR OFFIC	CIAL USE ONL	Y
URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als, v. THE MAYOR AND COUNCEIL OF THE BOROUGH OF CARTERET, et al.				APPEAL DOCKET NO. A-3416-86T1		
			OUGH OF	NOTICE OF	FAPPEAL	
:				DATE SENT		•
APPELLANT'S ATTOR	NEY(S):	Plaintiff	Defendant		Other	(Specify)
NAME	ADDRI	ESS	TELEPHONE		CLIENT	
Barbara Stark	, Esquire	15 Washington Stre Newark, NJ 07102	et (201) 64	48-5687		League of er New Bruns
RESPONDENT'S ATTO	DNEV/CI*					
NAME	• •	766	TEL EDUANE		CT TENT	
	ADDRI	200	TELEPHONE		CLIENT	
Stonaker &		41 Leigh Avenue P.O. Box 570		55 7	Township of	Plainsboro
		Princeton, NJ 0854	0			
[*INDICATE WHICH THE ACTION AT	PARTIES, THE TIME O	IF ANY, DID NOT PAR' F ENTRY OF THE ORDE	TICIPATE BELOW (R/JUDGMEN' BEING	OR WHO WER	E NO LONGER	PARTY TO
Defendant mu Does this determi If not, has it be (If not, leave to Is the validity of	nicipali nation di en certif appeal m of a statu	of costs, expert ties in the above spose of all issues led as final pursuant be sought. R.23 te, executive order, of the state question	re litigation as to all partint to $R.4:42-2?$ $2:5-6.$), franchise or	• es?	Yes X Yes Yes Yes	No No
Plaintiffs a Mt. Laurel i to legal fee decided adverse on appeal.	ind Defer ssues. s was ra ersely to Plainsboro	THE FACTS AND PROCEST Adapts were particularly upon information ised before Judgo Plaintiffs at the reached a final seed between Plainsbor	les in the line and belief, ge Furman at that time. The ettlement with P	the que the tria he subje laintiffs	stion of all level a ct was ne	entitlement nd was ver briefed urt. A
		ST THE PROPOSED ISSU E POINT HEADINGS PUI				
	issue wa of an ap	as already decide ppeal.	ed by Judge F	urman an	d was not	the
	Plainti: ce date.	ff is estopped fr	rom bringing	civil ri	.ghts issu	es at
after Pl	ainsboro '	ffs can bring a G Township settled the Mt. laurel housing,	e case and in			

All civil appeals will be screened under the their potential for settlement or, in the al abbreviation of transcript and any other mat of the appeal. Please consider these when r	ternative, a simplification of issues, ters that may aid in the disposition or hand	
State whether you think this case may benefi A negative response will not necessarily rul		erence
Explain your answer: Plainsboro Township is not prepared to volu Counsel fees or expert fees.	intarily pay any sums toward Plaintiff's	
IS THERE ANY CASE NOW PENDING OR ABOUT TO BE	BROUGHT BEFORE THIS COURT WHICH:	•
(A) Arises from substantially the sam as this appeal?	de case or controversy YesNoX	,
(B) Involves an issue that is substan similar or related to an issue in		
IF YES, STATE:	·	
Case Name:	Docket No:	
DO YOU EXPECT FO FILE A LETTER BRIEF (Rule 2	2:6-2(b))? Yes No X	\
The time in which to file your brief and app by court order. If any circumstances exist of time within which to file your brief and give a detailed explanation. Your answer do Rules of Court.	which might justify a shorter or longer perappendix other than that provided by Rule 2	iod :6-11,
	į	
	ct to any entry on the Case Information Statem to file an amended Case Information Statem	
Township of Plainsboro	Joseph L. Stonaker, Esquire	
Name of Appellant or Respondent	Name of Counsel of Record	
April 29, 1987	Arial de	-
Date '	Signature of Counsel of Record	

		•	
CIVI	L CASE	INFORMATION	STATEMENT

TITLE IN FULL:	FOR OFFICIAL USE ONLY
URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als,	APPEAL DOCKET NO. A-3416-86T1
v. THE MAYOR AND COUNCEIL OF THE BOROUGH OF CARTERET, et al.	NOTICE OF APPEAL FILED:
	DATE SENT:
APPELLANT'S ATTORNEY(S):Plaintiff	
NAME ADDRESS TELEPHONE	CLIENT
Barbara Stark, Esq. 15 Washington Street (201 Newark, NJ 07102) 648-5687 Urban League of Greater New Bruns
RESPONDENT'S ATTORNEY(S):	
NAME ADDRESS TELEPHONE	CLIENT
Busch and Busch, Esqs. (201) 247-1017 ATTN: Bertram E. Busch, Esq. P.O. Box 33 New Brunswick, NJ 08903	Township of East Brunswick
new Branewicky no coses	
[*INDICATE WHICH PARTIES, IF ANY, DID NOT PARTICIPATE BELOW THE ACTION AT THE TIME OF ENTRY OF THE ORDER/JUDGMENT BEIN	OR WHO WERE NO LONGER PARTY TO G APPEALED.]
GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW: On February 13, 1987, Judge Serpentelli entered motion for an award of costs, expert fees and at Defendant municipalities in the above litigation	torneys fees as against
Does this determination dispose of all issues as to all part If not, has it been certified as final pursuant to R.4:42-2?	
(If not, leave to appeal must be sought. $R.2:2-4$, $\overline{2}:5-6$.)	,
Is the validity of a statute, executive order, franchise or	
constitutional provision of the state questioned? (R.2:5-1(h)). Yes No X
CIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY: Plaintiffs and Defendants were parties in the li Mt. Laurel issues. Upon information and belief, to legal fees was raised before Judge Furman at decided adversely to Plaintiffs at that time. I on appeal. East Brunswick reached a final settl open Court on or about April 23, 1984. A Conser East Brunswick and Plaintiffs on July 12, 1984	the question of entitlement the trial level and was The subject was never briefed lement with Plaintiffs in at Order was entered between (continued on attached page)
TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISE BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO $\underline{R}.2:6$	D ON THIS APPEAL, AS THEY WILL -2(a)(5). Appellant or cross
appellant only.	
1. Whether issue was already decided by Judge I subject of an appeal.	Furman and was not the
2. Whether Plaintiff is estopped from bringing this late date.	civil rights issues at
3. Whether Plaintiffs can bring a claim for construction of significant Mt. Laurel house	n fact has enabled the

All civil appeals will be screened under the Civil Appeals Settlement Program to determine their potential for settlement or, in the alternative, a simplification of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.				
State whether you think this case may benefit from a conference. Yes No \overline{X} A negative response will not necessarily rule out the scheduling of a pre-argument conference				
Explain your answer: East Brunswick is not prepared to voluntarily pay any sums toward Plaintiff counsel fees or expert fees.				
IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:				
(A) Arises from substantially the same case or controversy as this appeal? Yes No X				
(B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes No_ χ				
IF YES, STATE:				
Case Name: Docket No:				
DO YOU EXPECT FO FILE A LETTER BRIEF (Rule 2:6-2(b))? Yes No_X_				
The time in which to file your brief and appendix is governed by court rule unless modified by court order. If any circumstances exist which might justify a shorter or longer period of time within which to file your brief and appendix other than that provided by Rule 2:6-11, give a detailed explanation. Your answer does not alter the time limit set forth in the Rules of Court.				
In the event there is any change with respect to any entry on the Case Information Statement appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.				
appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.				
appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.				
appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.				

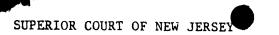
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BRIEF STATEMENT OF FACTS AND PROCEDURAL HISTORY: (continued)

and an Order of Compliance was signed in March of 1985. Plaintiffs moved for an award of costs, experts fees and attorneys fees which motion was denied on February 13, 1987.



CIVIL CASE INFORMATION STATEMENT

TITLE IN FULL:	FOR OFFICIAL USE ONLY APPEAL DOCKET NO.			
URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al., v. THE MAYOR AND COUNCIL OF THE BOROUGH OF	NOTICE OF APPEAL			
CARTERET, et al.	FILED:			
	DATE SENT:			
APPELLANT'S ATTORNEY(S):PlaintiffDefendant	Other (Specify)			
NAME ADDRESS TELEPHONE	CLIENT			
Barbara Stark, Esq. 15 Washington Street (201) Newark, NJ 07102	648-5687 Urban League of Greater New Bruns			
RESPONDENT'S ATTORNEY(S)*:				
NAME ADDRESS TELEPHONE	CLIENT			
Joseph J. Benedict, Esq. (201) 745-9000 247 Livingston Avenue New Brunswick, NJ 08901	Township of South Brunswick			
[*INDICATE WHICH PARTIES, IF ANY, DID NOT PARTICIPATE BELOW OF THE ACTION AT THE TIME OF ENTRY OF THE ORDER/JUDGMENT BEING	R WHO WERE NO LONGER PARTY TO APPEALED.]			
GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW:				
On February 13, 1987, Judge Serpentelli entereed a motion for an award of costs, expert fees and atto Defendant muncipalities in the above litigation. Does this determination dispose of all issues as to all partie	rnevs fees as against			
If not, has it been certified as final pursuant to $\underline{R}.4:42-2?$ (If not, leave to appeal must be sought. $\underline{R}.2:2-4$, $\overline{2}:5-6$.)	Yes No No Yes No			
Is the validity of a statute, executive order, franchise or constitutional provision of the state questioned? (R.2:5-1(h))	. Yes No_X			
GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:				
Plaintiffs and Defendants were parties in the litigation commonly known as "Mt. Laurel II". Following transfer of each of the cases to the Council on Affordable Housing, Plaintiffs moved for an award of costs, experts fees and attorneys fees. Following oral argument, Judge Serpentelli denied the motion by an order entered February 13, 1987.				
TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO $\underline{R}.2:6-2$ appellant only.				
,				
,				
	I			

<i>(2 </i>	
All civil appeals will be screened under the Civil Appearance their potential for settlement or, in the alternative abbreviation of transcript and any other matters that of the appeal. Please consider these when responding	, a simplification of issues, may aid in the disposition or handling
State whether you think this case may benefit from a case A negative response will not necessarily rule out the	
Explain your answer: There is no factual dispute, but rather mere award of costs, expert fees and attorneys fee denying the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur unless Plaintiffs were prepared to according to the award does not appear assailable occur.	ees. Judge Serpentelli's decision e and settlement would not likely
IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT	BEFORE THIS COURT WHICH:
(A) Arises from substantially the same case or as this appeal?	controversy YesNo_X
(B) Involves an issue that is substantially the similar or related to an issue in this appo	
IF YES, STATE:	
Case Name:	Docket No:
DO YOU EXPECT FO FILE A LETTER BRIEF (Rule 2:6-2(b))?	YesNo_X
The time in which to file your brief and appendix is by court order. If any circumstances exist which might of time within which to file your brief and appendix give a detailed explanation. Your answer does not alknown of Court.	nt justify a shorter or longer period other than that provided by Rule 2:6-11,
In the event there is any change with respect to any	entry on the Case Information Statement,
appellant shall have a continuing obligation to file on the prescribed form.	an amended Case Information Statement
Township of south Brusnwick Name of AppaxXXXXXX Respondent	Name of founces of Record
April 17, 1987	Joseph J. Benedict, Esq.
Date	Signature of Counsel of Record

	CIVIL CASE	INFORMATION STATE	MENT
TITLE IN FULL: URBAN LEAGUE OF GREATER NEW BRUNSWICK, a nonprofit corporation of the State of New Jersey, et al vs. THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et al		FOR OFFICIAL USE ONLY APPEAL DOCKET NO. NOTICE OF APPEAL FILED:	
	·		DATE SENT:
APPELLANT'S ATTORNEY	(S):Plaintiff	Defendant	Other (Specify)
NAME	ADDRESS	TELEPHONE	CLIENT
BARBARA STARK, ESQ,	15 Washington Street Newark, NJ 07102	(201) 648-5687	7 URBAN LEAGUE OF GREATER NEW BRUNSWICK
RESPONDENT'S ATTORNE	Y(S)*:		
NAME	ADDRESS	TELEPHONE	CLIENT
JEROME J. CONVERY, E	SQ. 151 Route 516 P.O. Box 642 Old Bridge, NJ 08857	(201) 679-0010	TOWNSHIP OF OLD BRIDGE
[*INDICATE WHICH PAR THE ACTION AT THE	TIES, IF ANY, DID NOT PARTIME OF ENTRY OF THE ORDE	RTICIPATE BELOW OF ER/JUDGMENT BEING	R WHO WERE NO LONGER PARTY TO APPEALED.]
GIVE DATE AND SUMMAR entered an Order in	Y OF TERMS OF JUDGMENT EN	TERED BELOW: On F	February 13, 1987, Judge Serpenteling award of attorneys fees to
If not, has it been of If not, leave to app	ion dispose of <u>all issues</u> certified as final pursua peal must be sought. R.2	nt to R.4:42-2? :2-4, 2:5-6.)	Yes X No
constitutional provi	statute, executive order sion of the state question	, franchise or ned? (R.2:5-1(h))	. YesNo_X
GIVE A BRIEF STATEMEN from Defendant Muni	NT OF THE FACTS AND PROCE	DURAL HISTORY: P	Plaintiffs sought attorneys fees I litigation. The Honorable Eugen

erpentelli, H.J.S.C., denied award of attorneys fees in this case.

TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THIS APPEAL, AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R.2:6-2(a)(5). Appellant or cross appellant only.

april 14the see back

All civil appeals will be screened under the Civil Appeals Settlement Program to determine their potential for settlement or, in the alternative, a simplification of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.				
State whether you think this case may benefit from A negative response will not necessarily rule out				
Explain your answer: This is simply a legal quest post-judgment. As attorney for the Municipality issue can be settled.	stion regarding award of counsel fees of Old Bridge, I do not believe this			
IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUG	HT BEFORE THIS COURT WHICH:			
(A) Arises from substantially the same case as this appeal?	or controversy YesNo_X			
(B) Involves an issue that is substantially similar or related to an issue in this				
IF YES, STATE:				
Case Name:	Docket No:			
DO YOU EXPECT FO FILE A LETTER BRIEF (Rule 2:6-2(b))? Yes X No			
The time in which to file your brief and appendix by court order. If any circumstances exist which of time within which to file your brief and append give a detailed explanation. Your answer does not Rules of Court.	might justify a shorter or longer period ix other than that provided by Rule 2:6-11,			
In the event there is any change with respect to a appellant shall have a continuing obligation to find on the prescribed form.				
TOWNSHIP OF OLD BRIDGE	JEROME J. CONVERY, Township Attorney			
Name of Appellant or Respondent	Name of Counsel of Record OLD BRIDGE TOWNSHIP			
April 14, 1987	OLD BRIDGE TOWNSHIP			
Date	Signature of Counsel of Record			

SUPERIOR COURT OF NEW JERSEY

APPELLATE DIVISION

CIVIL CASE INFORMATION STATEMENT

NEW BRUNSWICK, et al. v. THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, ET AL.		Notice of Appeal Filed: Date Sent: 3/27/87	
RESPONDENT'S ATTOM NAME William C. Moran, Jr., Esq.	RNEY: ADDRESS Township of Cranbury Huff, Moran & Balint Cranbury, NJ 07512	TELEPHONE 609-655-3600	CLIENT Township of Cranbury
Joseph Stonaker, Esq.	Stonaker & Stonaker 41 Leigh Ave. Princeton, NJ 08540	609-921-2155	Township of Plainsboro
Leslie Lefkowitz, Esq.	Township of North Brur 1500 Finnegans Lane North Brunswick, NJ 08902		Township of North Brunswick
Frank A. Santoro, Esq.	Borough of South Plainfield 1500 Park Ave. South Plainfield, NJ 07080	201-561-6868	Borough of South Plainfield
Mario Apuzzo, Esq.	Township of Monroe Municipal Complex Perrineville Rd. Jamesburgh, NJ 08331	201-521-1900	Townshpip of Monroe
Jerome J. Convery Esq.	, Township of Old Brid 151 Rte. 516, Box 87 Old Bridge, NJ 08857	dge 201-679-001 72	.0 Township of Old Bridge
Phillip Paley, Esq.	Township of Piscataway Kirsten, Friedman & Cherin 17 Academy St. Newark, NJ 07102	y 201-623-3600	Townshiop of Piscataway

NAME

ADDRESS

TELEPHONE

CLIENT

Joseph Benedict,

Township of South Brunswick

201-745-9000 Township of South

Brunswick

Esq.

Benedict & Altman 247 Livingston Ave.

New Brunswick, NJ

08901

Bertram Busch, Esq.

Busch & Busch 99 Bayard St.

201-247-1017 Township of East

Brunswick

New Brunswick, NJ

08903

155 Livingston Ave. Robert J. Lecky, Esq.

New Brunswick,

201-545-3838 Township of North

Brunswick

NJ 08901

]*INDICATE WHICH PARTIES, IF ANY, DID NOT PARTICIPATE BELOW OR WHO WERE NO LONGER PARTY TO THE ACTION AT THE TIME OF ENTRY OF THE ORDER/JUDGMENT BEING APPEALED.]

GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW:

Order of February 13, 1987 denied the request of the Civic League of Greater New Brunswick plaintiffs for reasonable attorneys fees, experts' fees, and costs.

Does this determination dispose of all issues as to all parties? Yes.

If not, has it been certified as final pursuant to R. 4:42-2?

(If not, leave to appeal must be sought. R. 2:2-4, 2:5-6.)

Is the validity of a statute, executive order, franchise or constitutional provision of the state questioned? (R. 2:5-1(h). No.

GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:

The Civic League plaintiffs requested fees incurred, since their retention of the ACLU. The application was opposed by defendant municipalities and denied by the court below.

TO THE EXTENT POSSIBLE LIST THE PROPOSED ISSUES TO BE RAISED ON THIS APPEAL, AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(a)(5). Appellant or cross appellant only.

The determination by the court below that plaintiffs who prevailed on a state claim were not entitled to statutory fees under their substantial and related federal fee claim, which was not adjudicated, was error.

II. Denial of costs to the prevailing party was error.

III. In the alternative, the denial of attorneys fees, costs, and reimbursement for the court appointed expert's fee was an abuse of discretion.

All civil appeals will be screened under the Civil Appeals Settlement Program to determine their potential for settlement or, in the alternative, a simpliciation of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.

State whether you think this case may benefit from a conference. Yes

A negative response will not necessiarly rule out the scheduling of a pre-argument conference.

Explain your answer:

Although defendant municipalities have refused to discuss settlement, plaintiffs remain willing to discuss the possibility.

IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

- (A) Arises from substantially the same case or controvery as this appeal? No
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal?

IF YES, STATE:

Case Name:

Docket No.:

DO YOU EXPECT TO FILE A LETTER BRIEF (Rule 2:6-2(b))? No.

The time in which to file your brief and appendix is governed by court rule unless modified by court order. If any circumstances exist which might justify a shorter or longer period of time within which to file your brief and appendix other than that provided by Rule 2:6-11, give a detailed explanation. Your answer does not alter the time limit set forth in the Rules of Court. In the event there is any change with respect to any entry on the Case Information Statement, appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.

<u>Civic League of Greater New Brunswick</u> Name of Appellant or Respondent

Barbara Stark and John Payne Name of Counsel of Record

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Signature of Counsel of Record