

AF

General

28-Aug-1987

Request for Oral Argument - re: appeal
of denial of attorneys' fees.

With appellate division forms
filed by different attorneys
pgs = 16

Note: some sheets double-sided

AF000097M

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

ONE GATEWAY CENTER
NEWARK, NEW JERSEY 07102
(201) 623-3600

ATTORNEYS FOR DEFENDANTS-RESPONDENTS

- - - - - X

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, ET AL., :

PLAINTIFFS-APPELLANTS, :

VS. :

THE MAYOR AND COUNCIL OF THE BOROUGH
OF CARTERET, ET AL., :

DEFENDANTS-RESPONDENTS. :

- - - - - X

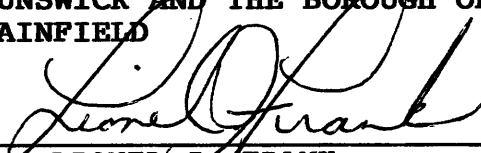
SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

DOCKET NO. A-3416-86T1

REQUEST FOR ORAL ARGUMENT

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**

By 
LIONEL J. FRANK

DATED: August 28, 1987

CIVIL CASE INFORMATION STATEMENT

TITLE IN FULL: URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als, v. THE MAYOR AND COUNCIL OF THE BOROUGH OF CARTERET, et al.	FOR OFFICIAL USE ONLY APPEAL DOCKET NO. A-3416-86T1
	NOTICE OF APPEAL FILED:
	DATE SENT:

APPELLANT'S ATTORNEY(S): <u>Plaintiff</u> Defendant Other (Specify)			
NAME	ADDRESS	TELEPHONE	CLIENT
Barbara Stark, Esq.	15 Washington Street Newark, N.J. 07102	(201) 648-5687	Urban League of Greater New Bruns.

RESPONDENT'S ATTORNEY(S)*:			
NAME	ADDRESS	TELEPHONE	CLIENT
Huff, Moran and Balint, Esqs. ATTN: WILLIAM C. MORAN, JR., Esq.	Cranbury-South River Road Cranbury, N.J. 08512	(609) 655-3600	Township of Cranbury

[*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:

Does this determination dispose of <u>all issues as to all parties</u> ?	Yes <u>X</u>	No <u> </u>
If not, has it been certified as final pursuant to R.4:42-2?	Yes <u> </u>	No <u> </u>
(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)).	Yes <u> </u>	No <u>X</u>

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 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.
- Whether issue was already decided by Judge Furman and was not the subject of an appeal.
 - Whether Plaintiff is estopped from bringing civil rights issues at this late date.
 - Whether Plaintiffs complied with the rules on application for counsel fees.
 - Entitlement to counsel fees.
 - Whether counsel fees can be awarded on the case pending before Council on Affordable Housing.

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

Explain your answer:

Cranbury is not prepared to voluntarily pay any sums toward Plaintiff's 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 X

IF YES, STATE:

Case Name:

Docket No:

DO YOU EXPECT TO 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.

Township of Cranbury
Name of Appellant or Respondent

May 26, 1987
Date

William G. Moran, Jr., Esq.
Name of Counsel of Record

[Signature]
Name of Counsel of Record

CIVIL CASE INFORMATION STATEMENT

TITLE IN FULL: URBAN LEAGUE OF GREATER NEW BRUNSWICK, a non-profit Corporation of the State of New Jersey, et al. vs. 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): <u> </u> Plaintiff <u> </u> Defendant <u> </u> Other (Specify)			
NAME	ADDRESS	TELEPHONE	CLIENT
Barbara Stark, Esq.	15 Washington St. Newark, NJ 07101	201-648-5687	Urban League of Greater New Brunswick
RESPONDENT'S ATTORNEY(S)*:			
NAME	ADDRESS	TELEPHONE	CLIENT
Thomas J. Shamy, Esq.	146 Livingston Ave., New Brunswick, NJ 08901	201-247-1133	Township of North Brunswick
[*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:			
Does this determination dispose of <u>all issues as to all parties?</u>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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.)		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the validity of a statute, executive order, franchise or constitutional provision of the state questioned? (R.2:5-1(h)).		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY: Plaintiffs sought attorneys fees from defendant Municipalities as a result of Mount Laurel II litigation. The Honorable Eugene Serpentelli 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.			

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

Explain your answer: This is simply a legal question regarding award of counsel fees post-judgment. As attorney for the Municipality of North Brunswick, I do not believe this issue can be settled.

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 X

IF YES, STATE:

Case Name:

Docket No:

DO YOU EXPECT TO FILE A LETTER BRIEF (Rule 2:6-2(b))? Yes X 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.

TOWNSHIP OF NORTH BRUNSWICK
Name of Appellant or Respondent

THOMAS J. SHAMY, Township Attorney
Name of Counsel of Record

May 1, 1987

Date

Signature of Counsel of Record

CIVIL CASE INFORMATION STATEMENT

TITLE IN FULL: URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als, v. THE MAYOR AND COUNCEIL OF THE BOROUGH OF CARTERET, et al.		FOR OFFICIAL USE ONLY APPEAL DOCKET NO. A-3416-86T1 NOTICE OF APPEAL FILED: DATE SENT:	
APPELLANT'S ATTORNEY(S): <u> </u> Plaintiff <u> </u> Defendant <u> </u> Other (Specify)			
NAME	ADDRESS	TELEPHONE	CLIENT
Barbara Stark, Esquire	15 Washington Street Newark, NJ 07102	(201) 648-5687	Urban League of Greater New Bruns.
RESPONDENT'S ATTORNEY(S)*:			
NAME	ADDRESS	TELEPHONE	CLIENT
Stonaker & Stonaker Joseph L. Stonaker	41 Leigh Avenue P.O. Box 570 Princeton, NJ 08540	(609) 921-2155	Township of <u>Plainsboro</u>
[*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: On February 13, 1987, Judge Serpentelli entered an order denying Plaintiff's motion for an award of costs, expert fees and attorneys fees as against Defendant municipalities in the above litigation.			
Does this determination dispose of <u>all issues as to all parties?</u>		Yes <u>X</u>	No <u> </u>
If not, has it been certified as final pursuant to R.4:42-2?		Yes <u> </u>	No <u> </u>
(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)).		Yes <u> </u>	No <u>X</u>
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. Plainsboro reached a final settlement with Plaintiffs in open Court. A Consent Order was entered between Plainsboro Township and Plaintiffs on July 10, 1985.			
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.			
1. Whether issue was already decided by Judge Furman and was not the subject of an appeal.			
2. Whether Plaintiff is estopped from bringing civil rights issues at this late date.			
3. Whether Plaintiffs can bring a claim for counsel fees and expert fees after Plainsboro Township settled the case and in fact has enabled the construction of Mt. laurel housing.			

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

Explain your answer:

Plainsboro Township is not prepared to voluntarily pay any sums toward Plaintiff's 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 X

IF YES, STATE:

Case Name:

Docket No:

DO YOU EXPECT TO 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.

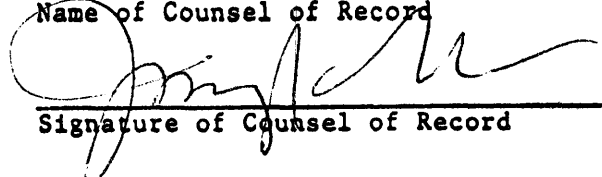
In the event there is any change with respect to any entry on the Case Information Statement, appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.

Township of Plainsboro
Name of Appellant or Respondent

April 29, 1987

Date

Joseph L. Stonaker, Esquire
Name of Counsel of Record


Signature of Counsel of Record

CIVIL CASE INFORMATION STATEMENT

TITLE IN FULL: URBAN LEAGUE OF GREATER NEW BRUNSWICK, et als, v. THE MAYOR AND COUNCEIL OF THE BOROUGH OF CARTERET, et al.		FOR OFFICIAL USE ONLY APPEAL DOCKET NO. A-3416-86T1 NOTICE OF APPEAL FILED: DATE SENT:	
APPELLANT'S ATTORNEY(S): <u> </u> Plaintiff <u> </u> Defendant <u> </u> Other (Specify)			
NAME	ADDRESS	TELEPHONE	CLIENT
Barbara Stark, Esq.	15 Washington Street Newark, NJ 07102	(201) 648-5687	Urban League of Greater New Bruns.
RESPONDENT'S ATTORNEY(S):*			
NAME	ADDRESS	TELEPHONE	CLIENT
Busch and Busch, Esqs. ATTN: Bertram E. Busch, Esq.	P.O. Box 33 New Brunswick, NJ 08903	(201) 247-1017	Township of East Brunswick
[*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: On February 13, 1987, Judge Serpentelli entered an order denying Plaintiff's motion for an award of costs, expert fees and attorneys fees as against Defendant municipalities in the above litigation.			
Does this determination dispose of <u>all</u> issues as to all parties?		Yes <u>X</u>	No <u> </u>
If not, has it been certified as final pursuant to R.4:42-2?		Yes <u> </u>	No <u> </u>
(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)).		Yes <u> </u>	No <u>X</u>
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. East Brunswick reached a final settlement with Plaintiffs in open Court on or about April 23, 1984. A Consent Order was entered between East Brunswick and Plaintiffs on July 12, 1984 (continued on attached page)			
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.			
1. Whether issue was already decided by Judge Furman and was not the subject of an appeal.			
2. Whether Plaintiff is estopped from bringing civil rights issues at this late date.			
3. Whether Plaintiffs can bring a claim for counsel fees and expert fees after East Brunswick settled the case and in fact has enabled the construction of significant Mt. Laurel housing.			

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 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's 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 X

IF YES, STATE:

Case Name:

Docket No:

DO YOU EXPECT TO 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.

Township of East Brunswick
Name of Appellant or Respondent

Bertram E. Busch, Esq.
Name of Counsel of Record

April 21, 1987

Date

Bertram E. Busch
Signature of Counsel of Record

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: URBAN LEAGUE OF GREATER NEW BRUNSWICK, et al., v. 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): <u> </u> Plaintiff <u> </u> Defendant <u> </u> Other (Specify)			
NAME	ADDRESS	TELEPHONE	CLIENT
Barbara Stark, Esq.	15 Washington Street Newark, NJ 07102	(201) 648-5687	Urban League of Greater New Bruns
RESPONDENT'S ATTORNEY(S)*:			
NAME	ADDRESS	TELEPHONE	CLIENT
Joseph J. Benedict, Esq.	247 Livingston Avenue New Brunswick, NJ 08901	(201) 745-9000	Township of South Brunswick
[*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:			
On February 13, 1987, Judge Serpentelli entered an order denying Plaintiff's motion for an award of costs, expert fees and attorneys fees as against Defendant municipalities in the above litigation.			
Does this determination dispose of <u>all</u> issues as to <u>all</u> parties?		Yes <u>x</u>	No <u> </u>
If not, has it been certified as final pursuant to R.4:42-2?		Yes <u> </u>	No <u> </u>
(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)).		Yes <u> </u>	No <u>x</u>
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 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.			

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

Explain your answer:
There is no factual dispute, but rather merely a legal issue regarding the award of costs, expert fees and attorneys fees. Judge Serpentelli's decision denying the award does not appear assailable and settlement would not likely occur unless Plaintiffs were prepared to accept nominal sums.

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 X

IF YES, STATE:

Case Name:

Docket No:

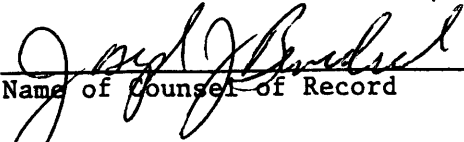
DO YOU EXPECT TO FILE A LETTER BRIEF (Rule 2:6-2(b))? Yes _____ No X

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.

Township of south Bruswick
XXXXXXXXXX
Name of Appellant ~~XXXX~~ Respondent

April 17, 1987
Date


Name of Counsel of Record
Joseph J. Benedict, Esq.
Signature of Counsel of Record

CIVIL CASE INFORMATION STATEMENT

<p>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</p>	<p>FOR OFFICIAL USE ONLY APPEAL DOCKET NO. NOTICE OF APPEAL FILED: DATE SENT:</p>		
<p>APPELLANT'S ATTORNEY(S): <u> </u> Plaintiff <u> </u> Defendant <u> </u> Other (Specify)</p>			
<p>NAME</p>	<p>ADDRESS</p>	<p>TELEPHONE</p>	<p>CLIENT</p>
<p>BARBARA STARK, ESQ,</p>	<p>15 Washington Street Newark, NJ 07102</p>	<p>(201) 648-5687</p>	<p>URBAN LEAGUE OF GREATER NEW BRUNSWICK</p>
<p>RESPONDENT'S ATTORNEY(S)*:</p>			
<p>NAME</p>	<p>ADDRESS</p>	<p>TELEPHONE</p>	<p>CLIENT</p>
<p>JEROME J. CONVERY, ESQ.</p>	<p>151 Route 516 P.O. Box 642 Old Bridge, NJ 08857</p>	<p>(201) 679-0010</p>	<p>TOWNSHIP OF OLD BRIDGE</p>
<p>[*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.]</p>			
<p>GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW: On February 13, 1987, Judge Serpentelli entered an Order in favor of Defendant Municipalities denying award of attorneys fees to Plaintiff in above referenced litigation.</p>			
<p>Does this determination dispose of <u>all issues as to all parties</u>?</p>			<p>Yes <u>X</u> No <u> </u></p>
<p>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.)</p>			<p>Yes <u> </u> No <u> </u></p>
<p>Is the validity of a statute, executive order, franchise or constitutional provision of the state questioned? (R.2:5-1(h)).</p>			<p>Yes <u> </u> No <u>X</u></p>
<p>GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY: Plaintiffs sought attorneys fees from Defendant Municipalities as a result of Mount Laurel II litigation. The Honorable Eugene Serpentelli, H.J.S.C., denied award of attorneys fees in this case.</p>			
<p>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.</p>			
<p><i>April 14th - see back</i></p>			

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

Explain your answer: This is simply a legal question regarding award of counsel fees post-judgment. As attorney for the Municipality of Old Bridge, I do not believe this issue can be settled.

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 X

IF YES, STATE:

Case Name:

Docket No:

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

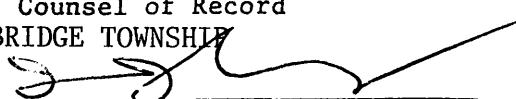
The time in which to file your brief and appendix is governed by court rule unless modified by court order. If any circumstances exist which might justify a shorter or longer period of time within which to file your brief and appendix other than that provided by Rule 2:6-11, give a detailed explanation. 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.

TOWNSHIP OF OLD BRIDGE
Name of Appellant or Respondent

April 14, 1987
Date

JEROME J. CONVERY, Township Attorney
Name of Counsel of Record
OLD BRIDGE TOWNSHIP


Signature of Counsel of Record

CIVIL CASE INFORMATION STATEMENT

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.

v.

THE MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, ET AL.

Appeal Docket No.

Notice of Appeal
Filed:

Date Sent: 3/27/87

APPELLANT'S ATTORNEY(S) NAME	X Plaintiff ADDRESS	Defendant TELEPHONE	Other CLIENT
John Payne, Esq. and Barbara Stark, Esq.	Constitutional Liti- gation Clinic Rutgers Law School 15 Washington St. Newark, NJ 07102	201-648-5687	Civic League of Greater New Brunswick
RESPONDENT'S ATTORNEY:			
NAME	ADDRESS	TELEPHONE	CLIENT
William C. Moran, Jr., Esq.	Township of Cranbury Huff, Moran & Balint Cranbury, NJ 07512	609-655-3600	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 Brunswick 1500 Finnegans Lane North Brunswick, NJ 08902	201-246-3333	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	Townshpип of Monroe
Jerome J. Convery, Esq.	Township of Old Bridge 151 Rte. 516, Box 872 Old Bridge, NJ 08857	201-679-0010	Township of Old Bridge
Phillip Paley, Esq.	Township of Piscataway Kirsten, Friedman & Cherin 17 Academy St. Newark, NJ 07102	201-623-3600	Township of Piscataway

NAME	ADDRESS	TELEPHONE	CLIENT
Joseph Benedict, Esq.	Township of South Brunswick Benedict & Altman 247 Livingston Ave. New Brunswick, NJ 08901	201-745-9000	Township of South Brunswick
Bertram Busch, Esq.	Busch & Busch 99 Bayard St. New Brunswick, NJ 08903	201-247-1017	Township of East Brunswick
Robert J. Lecky, Esq.	155 Livingston Ave. New Brunswick, NJ 08901	201-545-3838	Township of North Brunswick

] *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.

I. 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 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

A negative response will not necessarily 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 controversy as this appeal? No
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? No

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.

Civic League of Greater New Brunswick
Name of Appellant or Respondent

Barbara Stark and John Payne
Name of Counsel of Record

March 27, 1987
Date


Barbara Stark and John Payne
Signature of Counsel of Record