

AF - South Plainfield

9/29/86

Certification of Frank Santoro in opposition
to certifications in support of their
application for attorneys fees and costs

pg. 3

p. i. Santoro cert p.2.

AF 000 112 z

FRANK A. SANTORO, ESQ.
1500 Park Avenue
P.O. Box 272
South Plainfield, New Jersey 07080
(201) 561-7778
Attorney for Defendant, Borough of
South Plainfield

Plaintiffs,

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, et al

vs.

Defendants,

THE MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, et al

:SUPERIOR COURT OF NEW JERSEY
:CHANCERY DIVISION
:MIDDLESEX/OCEAN COUNTY
:
:CIVIL NO. C 4122-73
: (Mount Laurel)
:
:
:
: CERTIFICATION OF
: FRANK A. SANTORO
:
:

Frank A. Santoro, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey and the Municipal Attorney for the Borough of South Plainfield and have since January 1, 1985 been the Municipal Attorney responsible for the handling of the within-captioned matter on behalf of the Borough of South Plainfield. I am therefore fully familiar with the facts and circumstances of this case.

2. I make this Certification in opposition to the Certifications of Barbara Stark, C. Roy Epps, and their Memorandum

in Support of their application for attorneys fees and costs.

3. In reviewing the plaintiff's application, particularly with regard to attorneys fees, I find that this is the first instance of the plaintiff's application for such attorneys fees being brought before this Court. None of the documents submitted include any Affidavits of Service prepared in the usual manner when attorneys fees are being requested to be awarded by trial court's discretion.

4. With regard to the expert fees of Carla Lerman and Alan Mallach and Rogers, Golden & Halpern, it is submitted that each and all of these experts were either retained by plaintiff or appointed by the Court under the guidelines set forth in Mount Laurel II.

5. The Borough of South Plainfield has expended so far in excess of \$200,000.00 in their defense of this matter since the date of the inception of Mount Laurel I up to and including this Certification and Memorandum of Law submitted in opposition to the plaintiff's hereinabove mentioned application.

6. Pursuant to the decision of the Supreme Court of New Jersey in the Hills Development Co. vs. Township of Bernards case, the Borough of South Plainfield's case, along with all other pending Urban League vs. The Mayor and Council of the Borough of Carteret, et al. cases have been transferred to the Council on

Affordable Housing.

7. A Resolution of Participation in the Council on Affordable Housing's proceedings with the transferred case involving the defendant Borough of South Plainfield was adopted on October 21, 1985 and a Letter of Intent to the Council on Affordable Housing has been submitted on or before September 3, 1986; the latter being in accordance with the Council on Affordable Housing's most recently adopted guidelines and criteria.

8. The Judgment entered in this litigation against the Borough of South Plainfield on May 22, 1984 in the nature of a Summary Judgment was not a final Judgment and the Borough of South Plainfield has never had a final Judgment, as such final Judgment is defined in the Rules governing the Courts of the State of New Jersey, particularly Rule 2:2-3.

9. Defendant Borough of South Plainfield shall further rely upon the Memorandum of Law submitted herewith in opposition to the relief sought by plaintiff.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


FRANK A. SANTORO

Date: September 29, 1986