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5-18-81

order denying ps application
to strike certain defenses

ps. 2

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MAY 22 1981

D-16

Dr. Louis Pantrich
Clerk

JUN 3 11 05 AM 1981

SOMERSET COUNTY
C. R. OLSON, CLERK

Entered Indorsed

McDONOUGH, MURRAY & KORN
A Professional Corporation
555 Westfield Avenue
Westfield, New Jersey 07090
(201) 233-9040
Attorneys for Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-23277-80

A.M.G. REALTY COMPANY, A part-
nership organized under the Laws
of the State of New Jersey,

CIVIL ACTION

Plaintiff,

ORDER

-vs-

THE TOWNSHIP OF WARREN, A
Municipal Corporation of the
State of New Jersey,

Defendant.

This matter having been presented to the Court upon the application of McDonough, Murray & Korn, P.A. (Joseph E. Murray, Esq.) appearing on behalf of the plaintiff and John E. Coley, Esq. appearing as attorney for the defendant, Township of Warren upon the application of plaintiff to strike the First, Second

and Sixth separate defenses of the defendant, and the Court having considered the briefs filed by the respective parties and the argument of counsel and for good cause shown thereby,

IT IS on this 18th day of May, 1981 Ordered as follows:

(a) Plaintiff's application to strike the First separate defense of the defendant (failure to exhaust administrative remedies) is denied without prejudice.

(b) Plaintiff's application to strike the second separate defense of the defendant (application of 45 day time limit) is denied without prejudice.

(c) The sixth separate defense of the defendant (failure to join the Planning Board and Zoning Board of the Township of Warren as defendants) is hereby stricken.

Michael R. Imbriani

MICHAEL R. IMBRIANI, J.S.C.

We hereby consent to the above Order as to form.

MCDONOUGH, MURRAY & KORN, P.A.

BY: _____

Joseph E. Murray
Attorney for Plaintiff

KUNZMAN, COLEY, YOSPIN & BERNSTEIN, P.A.

BY: _____

John E. Coley, Jr.
John E. Coley, Jr.
Attorney for Defendant