

AMG

9-23-83

Judge's letter acknowledges some discrepancy in fair share determination

PSS-2

AM000076L



# Superior Court of New Jersey

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CHAMBERS OF  
JUDGE EUGENE D. SERPENTELLI

OCEAN COUNTY COURT HOUSE  
C. N. 2191  
TOMS RIVER, N. J. 08753

September 23, 1983

John E. Coley, Jr., Esquire  
Kunzman, Coley, Yospin & Bernstein, Esqs.  
15 Mountain Blvd.  
Warren, N. J. 07060

Re: AMG Realty Co. v. Warren Twp - Somerset County Docket No. L-23277-80  
Timber Properties v. Warren Twp - Somerset County Docket No L-67820-80

Dear Mr. Coley:

I wish to acknowledge your letter of September 19, 1983.

I regret to say that I cannot give you any definitive answer to the questions you raise. Based upon my most recent discussion with Judge Skillman, I understand that no trial date has been set in the Morris County matter. Since we have a pretrial on October 25, 1983 with respect to the above referenced cases, I would anticipate setting a trial date at that time.

With respect to any determination by Judge Skillman in the Morris County matter and its effect on non-participating litigants, I believe that he would agree with me that it has presumptive validity but that it would not be binding on me since we are both trial level judges.

The problem which you raise exists in numerous Mount Laurel cases. I can only assure you that the three Mount Laurel judges are keenly aware of conflicting regional definitions and that we are striving for uniformity within the limits of our abilities to reach a just result in each individual case.

John E. Coley, Jr., Esquire

September 23, 1983

Re: AMG Realty Co. v. Warren Township  
Timber Properties v. Warren Township

Please feel free to initiate a conference call concerning this question if my letter is not sufficiently responsive.

Very truly yours,

EDS:RDH

Eugene D. Serpentelli, J.S.C.

cc: Joseph E. Murray, Esq.

Leib, Kraus & Gripin, Esqs.

John T. Lynch, Esq.

Raymond E. Trombadore, Esq.

J. Albert Mastro, Esq.

Eugene W. Jacobs, Esq.

Honorable L. Anthony Gibson, J.S.C.

Honorable Stephen Skillman, J.S.C.