

AMB

5-8-85

letter re: oppo'sy consolidation
from Twp. of Gran Brook.

PSS. 2

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JUDGE SERPENTELLI'S CHAMBERS

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AREA CODE 201

May 8, 1985

AM000227L

Hon. Eugene D. Serpentelli
Ocean County Court House
C. N. 2191
Toms River, N.J. 08753

Re: TOP O' THE WORLD CORP. RENO D. SANSONE KAPLAN & SONS
vs. vs. vs.
TWP. OF GREEN BROOK TWP. OF GREEN BROOK TWP. OF GREEN BROOK
Dkt No. L-068913-84 Dkt No. L-074178-84 Dkt No. L-083093-84

Dear Judge Serpentelli:

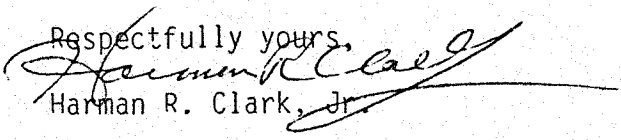
I have received Mr. Coley's Motion to Consolidate, Mr. Mezey's Motion partially to sever, and the various papers responding thereto.

As attorney for the Township of Green Brook, I can understand the motivations behind the Motions and responses, and have reached the conclusion that the best interests of the litigation, as well as the Township, would be served by keeping the status quo.

(1) This litigation is not in the same stage as that of Warren Township's. While Warren is properly concerned about the impact development of the Top O' The World tract will have on that Township (which is one reason we joined Warren as a Third-Party Defendant), those concerns may be addressed in the Green Brook litigation since Warren is a party thereto.

(2) It is my understanding that Mr. Mezey suggests severance of Sansone and Kaplan if Top O' The World is consolidated with Warren. One reason for objecting to Mr. Mezey's motion is that we object to the consolidation. Secondly, however, severance would defeat the Court's purpose in consolidating the three Green Brook cases in the first place. The Township of Green Brook, at this juncture, should not be faced with having to handle separate cases in litigation.

(3) We have received a rather detailed (though still in conceptual stage) presentation from Top O' The World, and it may be that that tract (if the substantial access and sanitary sewer questions can be resolved) will provide the means for Green Brook to meet its obligations, and provide a basis for settlement with that Plaintiff. If settlement is brought about with Top O' The World, but not with Sansone or Kaplan, then a severance may then be in order, but we respectfully submit that such action now would be premature.

Respectfully yours,

Harman R. Clark, Jr.

cc: as per list attached

cc: Joseph E. Murray, Jr., Esq.
Frizell & Pozycki, Esqs.
Mezey & Mezey, Esqs.
John E. Coley, Jr., Esq.
Elizabeth C. McKenzie, P.P.
William T. Sutphin, Esq.
J. Albert Mastro, Esq.
William E. Ozzard, Esq.
Lanigan, O'Connell & Chazin, Esqs.