

AMG

1-24-86

Memo re: Turp motions
-w/order from 2-11-86 staying proceedings.

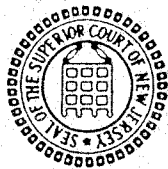
PSS. 3

AM0002500

Superior Court of New Jersey

AM0002500

File
CHAMBERS OF
JUDGE EUGENE D. SERPENTELLI
ASSIGNMENT JUDGE



OCEAN COUNTY COURT HOUSE
C.N. 2191
TOMS RIVER, N.J. 08754

January 24, 1986

MEMORANDUM

Joseph E. Murray, Esq.
Raymond E. Trombadore, Esq.
John E. Coley, Esq.

J. Albert Mastro, Esq.
Eugene W. Jacobs, Esq.

RE: WARREN TOWNSHIP MOTIONS

Gentlemen:

With regard to the three motions pending before me, by copy of this letter I am asking Mr. John Coley to kindly prepare an order providing for the following:

1. The stay of any further trial court proceedings pending the Supreme Court's determination of the appeal of the denial of the motion to transfer.
2. The motion to sever is denied without prejudice pending the Supreme Court's action.
3. The motion to dismiss the complaint of the intervenor is denied.

EDS:RDH
cc: Philip B. Caton

Eugene D. Serpentelli,
A. J. S. C.

File

FILED 2-11-86
IN CLERK'S OFFICE
EUGENE D. SERPENTELLI, A.J.S.C.

KUNZMAN, COLEY, YOSPIN & BERNSTEIN, P.A.
15 Mountain Boulevard
Warren, New Jersey 07060
(201) 757-7800
Attorneys for Township of Warren

AMG REALTY COMPANY and SKYTOP LAND CORP.,)	SUPERIOR COURT OF NEW JERSEY
)	LAW DIVISION
)	SOMERSET COUNTY
Plaintiffs,)	
)	Docket No. L-23277-80 P.W.
vs.)	L-67820-80 P.W.
)	
JOHN H. FACEY, et als.,)	
)	
Intervenors,)	(Mt. Laurel II)
)	
-vs-)	
)	
THE TOWNSHIP OF WARREN,)	
)	
Defendant.)	
)	
<u>Consolidated with</u>)	
)	
TIMBER PROPERTIES,)	
)	
Plaintiff,)	
)	
-vs-)	
)	
THE TOWNSHIP OF WARREN,)	Civil Action
et als.,)	
)	ORDER
Defendants.)	

This matter having been opened to the Court by Kunzman, Coley, Yospin & Bernstein, P.A., attorneys for the Township of Warren, upon notice to all counsel, on a motion to stay trial court proceedings, and crossmotions having been filed by Leib, Kraus & Grispin on behalf of Intervenor, John H. Facey, to sever claims of the Intervenors, and crossmotion having been filed by the

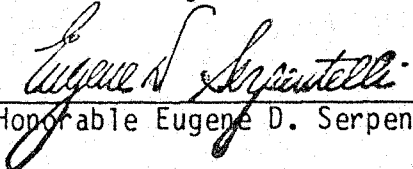
Township of Warren to dismiss the claims of the Intervenors, and the Court having considered the position presented by all parties;

IT IS HEREBY ORDERED that any further trial court proceedings in the within matter are hereby stayed pending the determination by the Supreme Court of the State of New Jersey on the appeal of the denial of the motions to transfer the within matter to the Council on Affordable Housing, and

IT IS HEREBY FURTHER ORDERED that the motion to sever the claims of Intervenor, John H. Facey, is hereby denied without prejudice pending the determination of the Supreme Court on the aforesaid motion to transfer, and

IT IS FURTHER ORDERED that the motion to dismiss the Complaint of the Intervenor, John H. Facey, is hereby denied, and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all parties to the within matter within 10 days of the date hereof.


Honorable Eugene D. Serpentelli, A.J.S.C.