

AM - Howers v. Far Hills

6/28/83

Order - remanding case to Judge David G.

↳ Lucas for completion of the trial

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FILED

7-25-83 PMH
SERPENTELLI, J.S.D.

JUN 28 11 32 AM '83

SOMERSET COUNTY
L.R. OLSON, CLERK

Entered Indexed

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ATTORNEYS FOR Plaintiffs

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY

Plaintiff

ALOIS HAUEIS, ERNA HAUEIS, JOHN OCHS and
PRISCILLA OCHS,

vs.

Defendant

THE BOROUGH OF FAR HILLS, THE PLANNING BOARD
OF FAR HILLS, THE BOROUGH COUNCIL OF FAR HILLS,
AND HENRY ARGENTIO, THE MAYOR OF FAR HILLS.

Docket No. L-73360-80

CIVIL ACTION

ORDER

The trial of this matter having occurred during the months of December, 1982 and January, 1983 before Hon. David G. Lucas, Superior Court Law Division, Somerset County, and the court having adjourned said trial immediately prior to the conclusion thereof as a result of the Supreme Court's decision in Southern Burlington County NAACP v. Mt. Laurel Township, 92 N.J. 158 (1983) (commonly referred to as Mt. Laurel II) and the file of this matter having been referred to Hon. Eugene D. Serpentelli, the Judge designated by the Chief Justice to hear and decide Mt. Laurel II cases

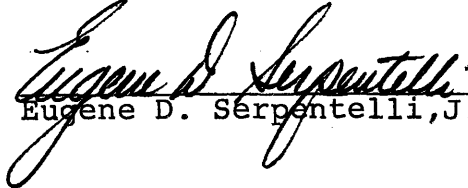
within the central portion of New Jersey, including cases arising out of Somerset County, and Judge Serpentelli having reviewed the file in this matter and having communicated directly with Chief Justice Wilentz as well as Judge Lucas, and the attorneys of record in this case and having concluded that this case should be returned to Judge Lucas for completion of the trial as well as the making of findings of fact and recommended findings of law, and for good cause;

It is on this 25 day of JULY, 1983

ORDERED as follows:

1. This matter is hereby remanded to Judge David G. Lucas for completion of the trial.
2. Upon completion of the trial, Judge Lucas shall make findings of fact and recommended findings of law.
3. Counsel for all parties shall have the opportunity within the time set by Judge Lucas to request any modifications or supplementation of the findings of fact but shall not address to Judge Lucas any arguments to the recommended findings of law.
4. Upon completion of the above procedure, Judge Lucas shall forward his findings of fact and recommendations of law together with the entire file in this matter to Judge Eugene D. Serpentelli for purposes of rendering a final Order and/or Judgment in the case.

5. Before Judge Serpentelli renders his final decision, counsel will be given an opportunity to supplement the record by way of submission of post trial briefs, or memoranda, oral argument and if requested, the presentation of testimony that Judge Serpentelli deems appropriate or necessary for the court's purposes.
6. There is hereby incorporated by reference a letter dated July 5, 1983 from Hon. Eugene D. Serpentelli, J.S.C. to the attorneys of record in this case, which letter specifies the intent of the Court with respect to this Order.


Eugene D. Serpentelli, J.S.C.