

letter brief in support of denying Twps
motion for leave to appeal and for
a stay of order denying transfer to
COAH

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November 11, 1985

Honorable Judges of the Appellate Division
Superior Court of New Jersey
Hughes Justice Complex
CN 006
Trenton, New Jersey 08625

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JUDGE SERPENTELLI'S CHAMBERS

Re: Urban League of Greater New Brunswick, et al. v. The Mayor and Council of the Borough of Carteret, et al., and Lori Associates and HABD Associates v. Monroe Township (consolidated case), on Motion for Leave to Appeal by Monroe Township from Order of Superior Court of New Jersey, Chancery Division (Mount Laurel), Docket No. C-4122-73, entered by Honorable Eugene D. Serpentelli, on October 11, 1985; Appellate Division Docket No. AM

Your Honors:

Only a brief response is required to Monroe Township's frivolous motion for leave to appeal and for a stay of Judge Serpentelli's Order denying transfer of this eleven year old case to the newly established Council on Affordable Housing pursuant to P.L. 1985, c.222, §16.

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We represent Lori Associates and HABD Associates, landowner-plaintiffs seeking Mount Laurel relief against Monroe Township. The Monroe facet of the captioned Urban League case is on the eve of final judgment. See Judge Serpentelli's opinion, reproduced in Movant's appendix at pages 48a-50a.

The statutory standard applicable to transfer motions is "manifest injustice." As Judge Serpentelli held, characterizing the Monroe transfer motion and those of four other municipalities as "at the one extreme of the transfer spectrum":

"If manifest injustice is to be found in any transfer motions before this Court, it must include all five here today....The mere recitation of the procedural history of these cases compels that conclusion....They have been in the system a long time, particularly, of course, the four Urban League cases [including Monroe Township], which are nearly teenagers. They have been arduous, they have been complex, they have taxed the resources of all of the parties involved. To repeat even a portion of the process before the Council [on Affordable Housing] seems unnecessarily burdensome and unfair to all of the parties...."(Ma55-56).

As we said below:

"Where litigants have labored for more than eleven years to achieve a result that simple morality should have compelled at the outset, where hundreds of hours of trial and appellate time have been expended on essentially frivolous defenses, where

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solemn moral and legal obligation to provide housing for the poor.

The motion for leave to appeal should be denied. Alternatively, at the very least, if the motion is granted, no stay should be allowed.

Respectfully submitted,

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and HADB Associates

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