

Notice of motion for leave to appeal an
interlocutory order, for stay of trial
ct proceedings pending appeal and
for consolidation

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ATTORNEYS FOR Defendant, TOWNSHIP OF PISCATAWAY

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY/OCEAN COUNTY

URBAN LEAGUE OF GREATER :
NEW BRUNSWICK, ET AL., :

Plaintiffs, :

vs. :

THE MAYOR AND COUNCIL :
OF CARTERET, ET AL., :

Defendants. :
_____ x

DOCKET NO. C-4122-73

Civil Action

NOTICE OF MOTION FOR LEAVE
TO APPEAL AN INTERLOCUTORY
ORDER, FOR STAY OF TRIAL
COURT PROCEEDINGS PENDING
APPEAL AND FOR CONSOLIDATION

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Hon. Eugene D. Serpentelli
Superior Court of New Jersey
Ocean County Courthouse
CN-2191
Toms River, New Jersey 08753

PLEASE TAKE NOTICE that on the date and time to be
set by the Court, the undersigned, attorneys for the defen-
dant/appellant, Township of Piscataway (herein "Piscataway")

will move for an Order (a) granting Piscataway leave to appeal an interlocutory order dated October 11, 1985, issued by the Superior Court of New Jersey, Chancery Division, Middlesex/Ocean Counties, denying Piscataway's application to transfer litigation presently pending in this matter before the Honorable Eugene D. Serpentelli, Judge of the Superior Court of New Jersey, to the Affordable Housing Council, (b) staying further proceedings pending in the trial court pending the resolution of the within application, and (c) consolidating this matter with applications brought or to be brought by other municipalities similarly situated, including, but not limited to, Cranbury, Monroe, South Plainfield, Warren, Holmdel and Bernardsville.

The basis for the within application is that the decision of the trial court denying Piscataway's application to transfer this matter to the Affordable Housing Council is contrary to the intent of the Legislature in adopting the Fair Housing Act, promotes manifest injustice against Piscataway and other defendant municipalities similarly situated, will cause irreparable harm to Piscataway and, further, that the requested interlocutory appeal is mandated by the interest of justice, as is more particularly set forth in the accompanying brief in support of motion for leave to appeal an interlocutory order and for stay of enforcement pending appeal and in the accompanying Certification of the undersigned in support of this application.

The defendant Township of Piscataway respectfully requests oral argument on this application.

Respectfully submitted,

KIRSTEN, FRIEDMAN & CHERIN
A Professional Corporation
Attorneys for Defendant Township of
Piscataway

By:



PHILLIP LEWIS PALEY

Dated: October 21, 1985