

Donald J. Sears, Esq.
Township of South Brunswick
540 Ridge Road
P.O. Box 190
Monmouth Junction, NJ 08852
Phone No.: (732) 329-4000

Attorney for Declaratory Plaintiff,
Township of South Brunswick

IN THE MATTER OF THE APPLICATION OF TOWNSHIP OF SOUTH BRUNSWICK FOR A JUDGMENT OF COMPLIANCE AND REPOSE AND TEMPORARY IMMUNITY FROM <u>MOUNT</u> <u>LAUREL LAWSUITS</u>
SOUTH BRUNSWICK CENTER, LLC v. MAYOR AND MUNICIPAL COUNCIL OF THE TOWNSHIP OF SOUTH BRUNSWICK IN THEIR OFFICIAL CAPACITIES; TOWNSHIP OF SOUTH BRUNSWICK; PLANNING BOARD OF TOWNSHIP OF SOUTH BRUNSWICK

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
Middlesex County

Docket No. MID-L-3878-15

Docket No. MID-L-3669-14

ANSWER TO COUNTERCLAIM
FILED BY FAIR SHARE HOUSING
CENTER

Declaratory Plaintiff, Township of South Brunswick (hereinafter "Township") a municipal corporation of the State of New Jersey, County of Middlesex, with principal offices located at 540 Ridge Road, Monmouth Junction, New Jersey, by way of Answer to the Counterclaim filed by Defendant-Intervenor Fair Share Housing Center (hereinafter "FSHC"), says:

The Parties

1. The Township does not have sufficient knowledge to admit or deny the allegations contained in this paragraph and leaves FSHC to its proofs.
2. Admitted.

First Count Preliminary Determination

3. The Township hereby repeats and reiterates the answers to the preceding allegations as if set forth fully herein.
4. The Township neither admits nor denies the allegations contained in this Paragraph since the Supreme Court's decision of March 10, 2015, in In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) speaks for itself.
5. The Township neither admits nor denies the allegations contained in this Paragraph since the Supreme Court's decision of March 10, 2015, in In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) speaks for itself, except that the Township denies any allegation that it is required to prepare and provide its fair share obligation for adjudication in the trial court.
6. The Township neither admits nor denies the allegations contained in this Paragraph since the Supreme Court's decision of March 10, 2015, in In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) speaks for itself, except that the Township denies any allegation that it is required to prepare and provide its fair share obligation for adjudication in the trial court.
7. Denied.

WHEREFORE, the Township demands judgment against FSHC, dismissing Count One of its counterclaim, denying all of the requested relief therein, an award of attorney's fees and costs and such other relief as the court deems just and equitable.

Second Count
Mount Laurel Compliance by the Township

1. The Township hereby repeats and reiterates the answers to the preceding allegations as if set forth fully herein.
2. The Township neither admits nor denies the allegations contained in this Paragraph since the Supreme Court's decision of March 10, 2015, in In Re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) speaks for itself, except that the Township denies that it is required to identify and respond to its fair share of the present and prospective municipal and regional housing needs.
3. Admitted.
4. Denied.
5. Denied.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. Denied.

WHEREFORE, the Township demands judgment against FSHC, dismissing Count Two of its counterclaim, denying all of the requested relief therein, an award of attorney's fees and costs and such other relief as the court deems just and equitable.

Third Count
New Jersey Civil Rights Act

1. The Township hereby repeats and reiterates the answers to the preceding allegations as if set forth fully herein.
2. The Township neither admits nor denies the allegations contained in this Paragraph since the New Jersey Civil Rights Act, N.J.S.A. 10:6-2, speaks for itself.
3. Denied.
4. Denied.
5. Denied.

WHEREFORE, the Township demands judgment against FSHC, dismissing Count Three of its counterclaim, denying all of the requested relief therein, an award of attorney's fees and costs and such other relief as the court deems just and equitable.

Dated: 8/13/15

TOWNSHIP OF SOUTH BRUNSWICK

By: 
DONALD J. SEARS

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Donald J. Sears is hereby designated as trial counsel on behalf of the Township of South Brunswick.

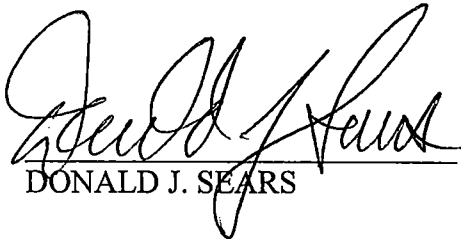
DATED: 8/13/15

By: 
DONALD J. SEARS

R. 4:5-1 CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that this matter does not form the basis of any other action presently pending in any court or arbitration proceeding. To the best of my knowledge, information and belief, no other action or arbitration proceeding is contemplated at this time, and I know of no other party who should be joined in this action at this time.

DATED: 8/13/15

By: 
DONALD J. SEARS