

TOWNSHIP OF SOUTH BRUNSWICK

Municipal Building • P.O. Box 190 • Monmouth Junction, NJ 08852-0190

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July 29, 2015

Via email and regular mail

Honorable Douglas K. Wolfson, J.S.C.
Superior Court of New Jersey
Middlesex County Courthouse
56 Paterson Street
P.O. Box 964
New Brunswick, NJ 08903-0964

Re: South Brunswick Declaratory Action and Motion for
Temporary Immunity from Mount Laurel Lawsuits
Docket No. MID-L-3878-15
Our File No. L1347

Dear Judge Wolfson:

As you are aware, as part of its motion for temporary immunity (currently returnable before Your Honor on July 31, 2015) the Township of South Brunswick has argued that the five (5) month period of immunity from Builder's Remedy lawsuits should begin to run from the date upon which the trial court determines the Township's obligation for affordable housing. The Township recognizes, however, that this court has already determined that the five (5) month period of immunity begins to run from the date of filing of the Declaratory Judgment Action. In the Matter of the Adoption of the Monroe Township Housing Element and Fair Share Plan and Implementing Ordinances, unpublished opinion dated July 9, 2015, Superior Court of New Jersey, Law Division, Docket # MID-L-3365-15 ("In Re Monroe").

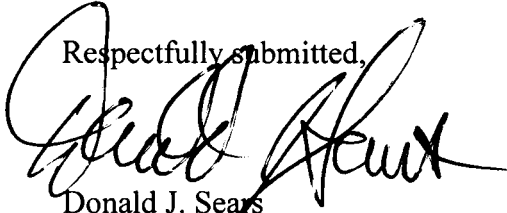
Without making any admissions or concessions related to the arguments previously presented on this issue, and reserving all rights the Township may have in the pending litigation, based on this court's decision in In Re Monroe, the Township would agree to abide by the court's ruling in In Re Monroe as to this issue.

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Thank you for your considerations in this matter.

Respectfully submitted,



Donald J. Sears
Director of Law

Cc: Middlesex County Superior Court Clerk
Robert A. Kasuba, Esq., attorney for AVB
Henry Kent-Smith, Esq., attorney for Richardson
Kenneth D. McPherson, Jr., attorney for SBC
Kevin Walsh, Esq., and Adam Gordon, Esq., attorneys for FSHC
Benjamin Bucca, Jr., Esq., attorney for SB Planning Board
Christine Nazzaro-Cofone, PP, Special Master