

LAULETTA BIRNBAUM, LLC

A New Jersey Limited Liability Company

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*IN THE MATTER OF THE
APPLICATION OF THE
TOWNSHIP OF MOORESTOWN,
COUNTY OF BURLINGTON*

SUPERIOR COURT OF NEW JERSEY
BURLINGTON COUNTY
LAW DIVISION

DOCKET NO. BUR-L-1604-15

CIVIL ACTION
(Mount Laurel)

**DEFENDANT-INTERVENOR'S ANSWER TO
PLAINTIFF'S, THE TOWNSHIP OF
MOORESTOWN, COMPLAINT FOR
DECLARATORY RELIEF PURSUANT TO
MOUNT LAUREL DOCTRINE**

Defendant-Intervenor, MRD Limited Partnership, a New Jersey limited partnership (the "Answering Party"), by way of Answer, state as follows:

BACKGROUND

1. The allegations of paragraph 1 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

2. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 2 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

3. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 3 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

4. The allegations stated in paragraph 4 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

5. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 5 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

6. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 6 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

7. The allegations stated in paragraph 7 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

8. The allegations of paragraph 8 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied. By way of further response, the allegations stated in paragraph 8 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

9. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 9 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

10. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 10 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

11. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 11 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

12. The allegations stated in paragraph 12 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

13. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 13 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations stated in paragraph 13 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

14. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 14 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations stated in paragraph 14 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

15. Answering party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 15 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

16. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 16 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations stated in paragraph 16 of the Complaint appear to be directed exclusively to

describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

17. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 17 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

18. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 18 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

19. The allegations of paragraph 19 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

20. The allegations of paragraph 20 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

21. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 21 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations stated in paragraph 21 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is

incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

22. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 22 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

23. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 23 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

JUDICIAL DECISIONS AND SUBSEQUENT COAH ACTIONS

24. The allegations of paragraph 24 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

25. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 25 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

26. The allegations of paragraph 26 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

27. The allegations of paragraph 27 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

28. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 28 of the Complaint, and thus

deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations stated in paragraph 28 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

29. The allegations of paragraph 29 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

30. The allegations of paragraph 30 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

31. The allegations of paragraph 31 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

32. The allegations of paragraph 32 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

33. The allegations of paragraph 33 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

34. The allegations of paragraph 34 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

35. The allegations of paragraph 35 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

36. The allegations of paragraph 36 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

37. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 37 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

38. The allegations of paragraph 38 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

39. The allegations of paragraph 39 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

40. The allegations of paragraph 40 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

41. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 41 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

42. The allegations of paragraph 42 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

43. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 43 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

44. The allegations of paragraph 44 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

45. The allegations of paragraph 45 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

46. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 46 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations of paragraph 46 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

47. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 47 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

48. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 48 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations of paragraph 48 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

49. The allegations of paragraph 49 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

50. The allegations of paragraph 50 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

51. The allegations of paragraph 51 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

52. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 52 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

53. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 53 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

54. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 54 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

55. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 55 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

56. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 56 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

57. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 57 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

58. The allegations of paragraph 58 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

59. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 59 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

60. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 60 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

61. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 61 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations of paragraph 61 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied. Further, the

allegations stated in paragraph 61 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

62. The allegations of paragraph 62 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied. By way of further response, the Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 62 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. Further, the allegations stated in paragraph 62 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

63. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 63 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

64. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 64 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

65. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 65 of the Complaint, and thus

deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations stated in paragraph 65 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

DETERMINATION OF FAIR SHARE NUMBERS

66. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 66 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

67. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 67 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

68. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 68 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

69. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 69 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

70. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 70 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

IMMUNITY DOCTRINE

71. The allegations of paragraph 71 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

72. The allegations of paragraph 72 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

73. The allegations of paragraph 73 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

74. The allegations of paragraph 74 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

75. The allegations of paragraph 75 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

CLAIM FOR RELIEF

76. The allegations stated in paragraph 76 of the Complaint appear to be directed exclusively to describing one or more writings. Answering Party denies those allegations to the extent that they purport to describe the writing(s) referenced therein in any manner that is incomplete, contrary to/inconsistent with the actual contents of said writing(s), or that otherwise is not supported by the referenced writing(s).

77. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 77 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations of paragraph 77 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

78. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 78 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

79. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 79 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial. By way of further response, the allegations of paragraph 79 of the Complaint state facts or conclusions of law to which no answer is required. To the extent a response is required, they are denied.

80. Answering Party is without knowledge and information sufficient to form a belief as to the truth of the allegations made in paragraph 80 of the Complaint, and thus deny same. Strict Proof thereof is demanded at trial.

WHEREFORE, Answering Party respectfully requests that the Court grant the following relief:

- a. DENYING all relief sought by Plaintiff in its declaratory judgment Complaint.
- b. DENYING Plaintiff's request for immunity, for the Plaintiff and its Planning Board, from all Mount Laurel lawsuits while the Court determines the

Plaintiff's fair share obligations and the other standards with which municipalities must comply.

c. DENYING Plaintiff's request for the entry of a Judgment of Compliance and Repose upon the review and approval of the Plaintiff's amended Affordable Housing Plan as initially proposed or as may evolve over time, thus insulating the Plaintiff and its Land Use Boards from any Mount Laurel suit for a period of 10 years from the date the amended Affordable Housing Plan is filed with the Court.

d. DENYING Plaintiff's request for approval of the Plaintiff's Mount Laurel Spending Plan, in its current form or as amended in the future and declaring that the Plaintiff is free to expend the funds consistent with the programs contemplated in its Spending Plan.

e. DENYING Plaintiff's request for the entry of an Order defining the circumstances and proofs needed to demonstrate when Mount Laurel funds are properly committed pursuant to N.J.S.A. 52:27D-329.2.

f. DECLARING that Plaintiff is in violation of its constitutional duty to create sufficient realistic opportunities for the construction of safe, decent housing affordable to low and moderate income families to satisfy Plaintiff's fair share of the unmet regional need for such housing, and invalidating Plaintiff's land use ordinances.

g. AWARDING Answering Party's site-specific relief, namely the right to construct an appropriate inclusionary development which would result in the construction of a reasonable amount of housing affordable to, and reserved for, low and moderate income households, upon the Answering Party's property.

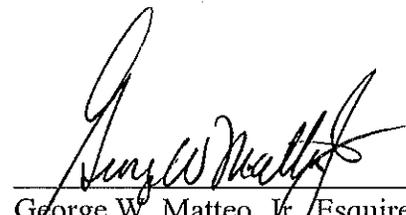
h. ORDERING Plaintiff to submit to the Court within 90 days a compliance plan and zoning ordinances that will bring Plaintiff into compliance with the requirements of the Constitution.

i. APPOINTING a special master to oversee the implementation of the foregoing remedies.

j. AWARDING Answering Party costs of suit and reasonable attorney's fees.

k. ORDERING such additional relief as the Court deems just and equitable.

Dated: October 20, 2015



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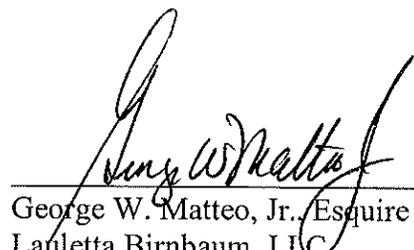
DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, George W. Matteo, Jr., Esquire, is hereby designated as trial counsel for Defendant-Intervenor, MRD Limited Partnership.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify in accordance with R. 4:5-1 that I am not aware of any other civil proceedings either pending or contemplated with respect to the matter in controversy herein, and that there are no other parties who shall be joined in this action at this time.

DATED: October 20, 2015


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