

RONALD K. CHEN  
PUBLIC ADVOCATE OF NEW JERSEY  
CATHERINE WEISS  
Director, Division of Public Interest Advocacy

By: BRIAN WEEKS, Deputy Public Advocate  
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HARRISON REDEVELOPMENT AGENCY,	:	SUPERIOR COURT OF NEW JERSEY
	:	APPELLATE DIVISION
<i>Plaintiff-Respondent,</i>	:	
v.	:	Docket Nos. A-958-06T2, A-3862-06T2,
	:	A-4474-06T2, A-382-07T2
ANTHONY DeROSE,	:	
	:	
<i>Defendants-Appellant.</i>	:	
HARRISON REDEVELOPMENT AGENCY,	:	NOTICE OF MOTION TO APPEAR
	:	AS AMICUS CURIAE, TO
<i>Plaintiff-Respondent,</i>	:	PARTICIPATE IN ORAL ARGUMENT
v.	:	AND TO FILE A SINGLE BRIEF
	:	
AMARAL AUTO CENTER, INC., <i>et al.,</i>	:	
	:	
<i>Defendants-Appellants.</i>	:	
HARRISON REDEVELOPMENT AGENCY,	:	
	:	
<i>Plaintiff-Respondent,</i>	:	
v.	:	
	:	
HARRISON EAGLE LLP, <i>et al.,</i>	:	
	:	
<i>Defendants-Appellants.</i>	:	


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PLEASE TAKE NOTICE that Ronald K. Chen, Public Advocate of New Jersey, hereby moves before the Superior Court of New Jersey, Appellate Division, pursuant to R. 1:13-9, for entry of an Order permitting the Department of the Public Advocate to participate as amicus curiae in this matter, to present oral argument in support of the Defendants-Appellants, and to file a single brief in the three consolidated appeals, Harrison Redevelopment Agency v. Anthony DeRose, No. A-0958-06T2; Harrison Redevelopment Agency v. Amaral Auto Center, Inc., et al., No. A-3862-06T2; Harrison Redevelopment Agency v. Harrison Eagle LLP, et al., No. A-4474-06T2, and Harrison Redevelopment Agency v. Anthony DeRose, No. A-382-07T2.

Movant respectfully requests permission to file its merits brief by January 31, 2008, and for the Court to consider its brief along with the briefs of the parties in each of these appeals. In support of this motion, the Department of the Public Advocate relies on the Certification of Ronald K. Chen, filed herewith. Movant respectfully requests that the requirement of a brief in support of this motion, under R. 2:8-1, be dispensed with as unnecessary.

Respectfully submitted,

RONALD K. CHEN  
PUBLIC ADVOCATE OF NEW JERSEY

By:   
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Date: November 27, 2007

RONALD K. CHEN  
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HARRISON REDEVELOPMENT AGENCY, <i>Plaintiff-Respondent,</i>	:	SUPERIOR COURT OF NEW JERSEY
	:	APPELLATE DIVISION
v.	:	
ANTHONY DeROSE, <i>Defendants-Appellant.</i>	:	Docket Nos. A-958-06T2, A-3862-06T2, A-4474-06T2, A-382-07T2
	:	
HARRISON REDEVELOPMENT AGENCY, <i>Plaintiff-Respondent,</i>	:	
v.	:	
AMARAL AUTO CENTER, INC., <i>et al.,</i> <i>Defendants-Appellants.</i>	:	CERTIFICATION OF RONALD K. CHEN IN SUPPORT OF MOTION TO APPEAR AS AMICUS CURIAE
	:	
HARRISON REDEVELOPMENT AGENCY, <i>Plaintiff-Respondent,</i>	:	
v.	:	
HARRISON EAGLE LLP, <i>et al.,</i> <i>Defendants-Appellants.</i>	:	

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RONALD K. CHEN, deposes and says:

1. I am an attorney admitted to practice in this State, and I am the Public Advocate of New Jersey pursuant to P.L. 2005, c.155, N.J.S.A. 52:27EE-1 et seq. (Public Advocate

Restoration Act of 2005). I make this certification in support of my application to appear as *amicus curiae* in the matter captioned above.

2. In accordance with the authorizing legislation, the Department of the Public Advocate was reconstituted on January 17, 2006, and I took the oath of office on March 27, 2006.

3. As Public Advocate, I am authorized by statute to intervene in any administrative or court proceedings in order to represent the public interest. N.J.S.A. 52:27EE-57. The public interest is defined as “an interest or right arising from the Constitution, decisions of court, common law or other laws of the United States or of this State inhering in the citizens of this State or in a broad class of such citizens.” N.J.S.A. 52:27EE-12.

4. As Public Advocate, I also am charged with representing the interests of those who may be unable to advocate effectively for themselves. N.J.S.A. 52:27EE-2.

5. The issue presented in these appeals, whether the City of Harrison’s efforts to seize private land through eminent domain violates statutory and constitutional limits, directly involves the public interest. This litigation involves pressing issues that affect not only the citizens of New Jersey as a whole, but particularly vulnerable groups who may not have access to effective advocacy on their behalf.

6. Because the appeals before the court involve almost identical factual and procedural histories, the Public Advocate can most efficiently present the common issues of public interest to the court by filing a single brief rather than three briefs. The Public Advocate respectfully requests leave to file a single brief in the consolidated appeals, Harrison

Redevelopment Agency v. Anthony DeRose, No. A-958-06T2, Harrison Redevelopment Agency v. Amaral Auto Center, Inc., et al., No. A-3862-06T2, Harrison Redevelopment Agency v. Harrison Eagle LLP, et al., No. A-4474-06T2, and Harrison Redevelopment Agency v. Anthony DeRose, No. A-382-07T2.

7. The Public Advocate has been studying the use of eminent domain in New Jersey. On May 18, 2006, the Public Advocate released a report entitled Reforming the Use of Eminent Domain for Private Redevelopment in New Jersey, and on May 29, 2007, the Public Advocate released a report entitled In Need of Redevelopment: Repairing New Jersey's Eminent Domain Laws, Abuses and Remedies, A Follow-Up Report. The legal analysis in these reports, especially as it pertains to state constitutional limitations on the use of eminent domain in New Jersey, touches on the issues in the present cases.

8. In addition, the Public Advocate has appeared as amicus curiae in four recent eminent domain cases: Gallenthin Realty Development Corp. v. Borough of Paulsboro, 191 N.J. 344 (2007); LBK Assocs. LLC v. Borough of Lodi, No. A-1829-05T2 (N.J. Super. Ct. App. Div. July 24, 2007); City of Long Branch v. Brower and City of Long Branch v. Anzalone, Nos. A-191-06, A-192-06, A-194-06, A-195-06, A-196-06, A-197-06, A-198-06, A-199-06, A-654-06, and A-067-06 (N.J. Super. Ct. App. Div., filed Aug. 30, 2006). Thus, the Public Advocate is well positioned to assist the court in resolving the appeals before it.

9. To allow us to respond to the arguments of the Attorney General, whose brief this Court has ordered to be filed on January 8, 2008, and to give my staff time to learn the facts and assess the law relevant to this case, I respectfully ask that the brief be due on January 31, 2008.

10. I express a belief, based on considered professional judgment, that participation by the Public Advocate as amicus curiae will assist the court in the resolution of the issues of

public importance presented in these matters, and that no party to the litigation will be unduly prejudiced thereby.

11. I am aware that if any statements made herein are willfully false, I am subject to punishment.



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