

**Lessons Learned from Losses
November 2009**

MEL CORNER, THIRD QUARTER

The MEL reports that for the 3rd quarter of 2009, 34 cases were resolved from 17 MEL JIF funds. The MEL paid a total of **\$7,130,229.00**. This was a significant increase over the 2nd quarter of 2009 where 29 cases across 11 MEL funds resolved for a total of **\$1,570,000.00** in MEL loss payments.

On behalf of the Burlington County Municipal JIF, one case resolved for a total MEL payment of **\$21,571.45** in legal fees. In that case, a land developer filed a claim against Springfield Township alleging that the enactment of an ordinance changing zoning from a three acre to a ten acre minimum violated the plaintiff's civil rights. The plaintiff alleged that the ordinance was arbitrary and in violation of the New Jersey Civil Rights Act, the Fair Housing Act and a taking of property without compensation. Ethics violations allegations were also made against board members who voted on the ordinance.

The ordinance was ruled invalid by the Court. No damages were actually sought in that aspect of the case. As to the allegations against board members, Summary Judgment was entered on behalf of the defendants. No further appeal was filed and the entire case is now resolved.

Thank you and Happy Thanksgiving!

