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FOR LEGAL SERVICES

Middlesex County Legal Services  
Paul V. Mullin, Director  
78 New Street, 3rd Floor  
New Brunswick, New Jersey 08901-2584  
(908) 249-7600  
By: Rabbia Ashraf, Esquire  
Attorney for Appellants

Superior Court of New Jersey  
Appellate Division

Barbara Newby,

Appellant

v.

Department of Human Services,

Respondent

NOTICE OF MOTION TO CONSOLIDATE  
AND EXPEDITE APPEALS

*Certification of David Sciana*

Docket No. A-2149-94T3

Rimma Buadze,

Appellant

v.

Department of Human Services,

Respondent ,

Docket No. A-826-94T2

Diane Smith,

Appellant

v.

Department of Human Services,

Respondent

Docket No. A-222-94T2

Kathy Devine,

Appellant

v.

Department of Human Services,

Respondent

Docket No. A-827-94T5



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J.A.,

Appellant

Docket No. A-3236-94T2

v.

Somerset County Board of  
Social Services,

Respondent

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M.B.,

Appellant

Docket No. A-2742-94T2

V.

Somerset County Board of  
Social Services,

Respondent

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Polina Biniashvill,

Appellant

Docket No. A-2127-94T5

V.

Department of Human Services, :

Respondent

---

TO: Dennis J. Conklin, Senior Deputy Attorney General  
State of New Jersey  
Department of Law and Public Safety  
Division of Law  
Richard J. Hughes Justice Complex  
25 Market Street  
CN 112  
Trenton, N.J. 08625  
Attorney for Respondent

PLEASE TAKE NOTICE that Appellants in each of the above captioned appeals move for an order to consolidate these appeals and to establish an expedited schedule for filing briefs and oral and argument of the consolidated appeal.

PLEASE TAKE FURTHER NOTICE that, in support of the Motion, Appellants rely on the attached brief and Certification of David G. Sciarra.

Rabbia Ashraf, Esquire  
Middlesex County Legal Services  
Counsel for Rimma Buadze, Kathy  
Devine and Polina Biniashvill

Kenneth M. Goldman, Esquire  
Cape Atlantic Legal Services  
Counsel for Barbara Newby

Elizabeth Szabo, Esquire  
Somerset Sussex Legal Services  
Counsel for Jenea Averette  
and Makita Best

Richard Foard, Esquire  
Essex-Newark Legal Services  
Counsel for Diane Smith

Dated:

8/23/95

By:

Rabbia Ashraf  
Rabbia Ashraf, Esquire

#### CERTIFICATION OF SERVICE

I certify that two copies of the within Motion were mailed to Dennis J. Conklin, Senior Deputy Attorney General, counsel for respondent Department of Human Services, at the office of the Attorney General, State of New Jersey, Department of Law and Public Safety, Division of Law, Richard J. Hughes Justice Complex, 25 Market Street, CN 112, Trenton, New Jersey, 08625, on August 1995.

I certify that the preceding statements made by me are true. I am aware that if any of these statements are willfully false, I am subject to punishment.

Rabbia Ashraf  
Rabbia Ashraf, Esquire

Dated:

8/23/95

Middlesex County Legal Services  
Paul V. Mullin, Director  
78 New Street, 3rd Floor  
New Brunswick, New Jersey 08901-2584  
(908) 249-7600  
By: Rabbia Ashraf, Esquire  
Attorney For Appellants

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Barbara Newby, et. al.,

Appellants  
v.

Superior Court of New Jersey  
Appellate Division

Department of Human Services,  
Respondent

Docket Nos. A-2149-94T3;  
A-826-94T2; A-222-94T2;  
A-827-94T5; A-3236-94T2;  
A-2742-94T2; 2127-94T5

CERTIFICATION OF  
DAVID G. SCIARRA

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I, David G. Sciarra, of full age, do hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and I am a Senior Attorney at Legal Services of New Jersey (LSNJ). I make this Certification in support of appellants' Motion to Consolidate the above-captioned appeals and to expedite the schedule for briefs and oral argument of the consolidated appeal.

2. LSNJ provides consultation, information, training and other assistance to New Jersey's fourteen Legal Services programs. LSNJ supports these programs in providing representation to low income persons and families in a wide range of civil matters, including cases involving homeless families who are denied emergency assistance (EA). As Senior Attorney, I specialize in housing, welfare and homelessness issues and I assist Legal Services attorneys in representing clients in these areas.

3. During the course of my work at LSNJ, I became aware that there were several appeals by homeless families pending in this Court who are represented by Legal Services' counsel. Each of these appeals involve the termination of temporary rental assistance (TRA), a form of EA, by the Department of Human Services (DHS) under a twelve month limit contained in the EA regulation for families receiving Aid to Families With Dependent Children (AFDC). See N.J.A.C. 10:82-5.10(f)5i1.

4. The appeals also raise an identical legal question: whether DHS' imposition of this twelve month time limit on AFDC/TRA conflicts with the Supreme Court's ruling in L.T. v. DHS, 134 N.J. 304 (1993). In L.T., the Court invalidated the same time limit in the General Assistance EA program, as applied to homeless GA recipients who had made efforts to comply with service plans to resolve their homelessness.

4. I canvassed all of the Legal Services programs and I determined that there are seven pending appeals by homeless AFDC recipients involving this issue. A schedule for briefs has been set in only three of these appeals but, under those schedules, appellants' have yet to file a brief on the merits.

5. Legal Services\* counsel for appellants have expressed their desire to consolidate these appeals and to establish an expedited schedule for filing briefs and conducting oral argument. Consolidation of these appeals would conserve limited Legal Services resources since only one set of briefs would have to be filed and the appeal could be argued to the Court in a single proceeding. I agreed to assist appellants' counsel in coordinating

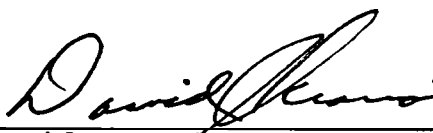
the filing of the within motion, along with the preparation of a briefs and oral argument in a consolidated appeal, if this motion is granted.

6. On or about June 28, 1995, I discussed appellant's intention to seek consolidation with Dennis J. Conklin, Senior Deputy Attorney General, who represents the respondent DHS in these appeals. SDAG Conklin informed me that the Attorney General agreed that consolidation of these appeals would dramatically reduce the work involved and further the expeditious resolution of these cases. He indicated to me that respondent has no objection to this motion.

7. If this motion is granted, LSNJ will continue to coordinate the work of appellants on the consolidated appeal, including providing direct assistance in the preparation of briefs and in the presentation of oral argument.

Dated:

8/23/95

  
\_\_\_\_\_  
David G. Solarra  
Senior Attorney