

Kobin prevails in appeal for North Hudson Regional Fire and Rescue



Thomas A. Kobin

Thomas A. Kobin successfully appealed a preliminary injunction barring the North Hudson Regional Fire and Rescue (NHRFR) from having a residency requirement for the hiring of firefighters. The National Association for the Advancement of Colored People (NAACP) sued NHRFR, claiming that the residency requirement violated Title VII, the federal civil rights law that bars

employment discrimination. Although the NAACP has enjoyed tremendous success in similar lawsuits against other public entities, Tom used novel legal and factual arguments to convince the United States Court of Appeals for the Third Circuit to remand the case to the United States District Court with instructions to determine the impact of the residency requirement in light of the recent landmark United States Supreme Court ruling in Ricci v. DeStefano. Ricci, a case involving promotions in the New Haven, Conn. Fire Department, required the Supreme Court to resolve the competing disparate impact and disparate treatment provisions of Title VII. **Steven L. Menaker** and **Maria P. Vallejo** assisted Mr. Kobin on the Brief.

Thomas A. Morrone becomes Principal of Firm



Thomas A. Morrone

Chasan Leyner & Lamparello is proud to announce that **Thomas A. Morrone** has become a Principal of the Firm.

Mr. Morrone is recognized by the New Jersey Supreme Court as a Certified Civil Trial Attorney, concentrating his practice in personal injury defense litigation and public entity liability defense. In addition to an active trial practice, Mr. Morrone has also argued before the New Jersey Appellate Division and regularly arbitrates Personal Injury Protection (PIP) matters before the National Arbitration Forum (NAF).

Licensed to practice in both the state and federal courts in New Jersey, Mr. Morrone has been recognized by *New Jersey Monthly Magazine*® as a "Rising Star" for the past three years.

Ralph J. Lamparello & Joel A. Leyner were selected as Best Lawyers in America®

Ralph J. Lamparello was selected for inclusion in the 2010 edition of the *Best Lawyers in America*® for Commercial Litigation and Labor and Employment Law. The *Best Lawyers in America*® is the oldest peer review publication in the legal profession covering 79 legal specialties and representing all 50 states. Lawyers are chosen for inclusion based upon the peer evaluation of other lawyers in their own specialty and jurisdiction.

Joel A. Leyner, co-founder of the Firm, was named in the areas of Appellate Practice, "Bet the Company" Litigation, Commercial Litigation and Personal Injury Litigation.

Firm Named Town Attorney for Secaucus

At its April meeting, the Town of Secaucus named Chasan Leyner & Lamparello as its Corporation Counsel. Managing partner **Ralph Lamparello**, **Anthony D'Elia** and **Joseph Garcia** will provide representation on all legal matters relating to the day-to-day operations of the municipal government.

Maria P. Vallejo installed as President of the Hudson County Bar Association's Young Lawyers Division



Maria P. Vallejo

Inspired by the Firm's tradition of active participation in Bar and other professional associations, **Maria P. Vallejo** was elected President of the Hudson County Bar Association's Young Lawyers Division (YLD).

After serving as the YLD Recording Secretary, Ms. Vallejo was installed as President in March 2010. Her objective as President will be to "focus on creating greater networking and educational opportunities for its members, while strengthening the YLD's service to the Hudson County community."

Ms. Vallejo, became an Associate with CL&L in 2008 following a judicial clerkship with the Hon. Peter F. Bariso, Jr., Pr.J.Civ. She focuses her practice in appellate and governmental entity representation. Previously, Ms. Vallejo worked as a journalist and as an editor for Dow Jones & Co., where she wrote business articles published in *The Dow Jones Newswires* and in *The Wall Street Journal*®.

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ATTORNEY SPOTLIGHT

Thomas R. Kobin focuses his practice on complex civil litigation, as well as governmental, school, labor and employment law, representing individuals, municipalities, counties, authorities and school boards in a variety of litigation and compliance matters involving collective bargaining, employee grievances, More »

LATEST NEWS

Governor Christie Nominates **Robert M. Czech**, of Counsel to the Firm, as Civil Service Commissioner More »

D'Elia Succeeds in Appellate Division After Five-Year Battle More »

Ralph J. Lamparello Selected to the "Top 100" by New Jersey Super Lawyers® This Year More »

FOCUS ON

Governmental Law — Chasan Leyner & Lamparello has specialized experience in public entity representation. We presently serve as corporation counsel to The Township of North Bergen and North Hudson Regional Fire and Rescue, and assistant counsel to the Passaic Valley Sewerage Commissioners. More »

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We recently launched our new website!
Please visit us at www.chasanlaw.com
to keep up with the Firm's latest news and verdicts.

Martha D. Lynes joins CL&L



Martha D. Lynes

We are pleased to announce that **Martha D. Lynes** joined CL&L as Of Counsel on April 1st. Ms. Lynes will be working with the Defense and General Litigation Departments. She has more than 20 years active trial experience in complex civil litigation, including wrongful death, construction, products liability, premises liability and representation of public entities. She has been with the firm of Baumann, Lynes & Viscomi since 1990, Staff Counsel to Liberty Mutual Insurance Company.

Case Notes

Mitzy Galis-Menendez defended the Deputy Chief of the Perth Amboy Police Department against a retaliation claim by a fellow police officer who had pursued a lawsuit against the Department under the New Jersey Law Against Discrimination (LAD). Previously, the police officer had successfully sued the Police Department for a LAD violation and claimed, in this second lawsuit, that the Deputy Chief had tried to influence the result in that first case. Ms. Galis-Menendez, filed a Motion for Summary Judgment with the assistance of **Kirstin Bohn** and then successfully argued that the Deputy Chief's conduct was not retaliatory. The Court agreed and dismissed the lawsuit with prejudice.

After four years of litigation, **Steven L. Menaker** recovered \$2,000,000 for the County of Hudson against the architects who designed the kitchen and dormitory addition

to the Hudson County Correctional Center at Kearny, New Jersey. The claims against the architectural firm of MZA & KMD (a joint venture of Michael Zemsky Architect and Kaplan, McLaughlin, Diaz) included design defects, omissions and errors in contract administration, which resulted in cost overruns, delays and damage claims from the prime trade contractors. The case was settled on the second day of mediation before the Hon. John Keefe, J.S.C. (Ret.)

John P. Beirne successfully defended the County of Hudson against a workers' compensation matter in which the employee claimed to have suffered a severe hand injury, medical expenses of more than \$100,000 and temporary and permanent disability. After an incisive cross-examination of the plaintiff by Mr. Beirne and the presentation of several defense witnesses, the Court dismissed the plaintiff's claim.

New & Noteworthy

The Hon. Dickinson R. Debevoise, Senior Judge, United States District Court for the District of New Jersey, recently granted Summary Judgment to the Passaic Valley Sewerage Commissioners (PVSC) in an employment case. The plaintiff in that case sued PVSC and claimed that its drug testing policy was unconstitutional and that he was wrongfully terminated pursuant to a second chance agreement after he failed a number of drug tests. In dismissing the case, the Court found that PVSC's random drug testing policy was constitutional and that the plaintiff was required to submit to random drug tests because his duties were "safety sensitive." The motion was prepared and argued by **John L. Shahdanian II**, with the assistance of **Raymond J. Seigler**.

Established in 1957, Chasan Leyner & Lamparello provides a wide range of quality legal services for a diverse clientele. Specializing in litigation, our attorneys appear regularly in federal and state courts.

Supervised by civil and criminal trial attorneys certified by the Supreme Court of New Jersey, Chasan Leyner offers skilled representation in the following areas of law:

Appellate ■ Alternative Dispute Resolution

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Defense Department Trial Wins and Successes

In a recent trial in Essex County before the Hon. James S. Rothschild, Jr., **Ann M. Merritt** was successful in persuading the jury that the plaintiff suffered no permanent injury as a result of an automobile accident. The plaintiff's car was rear-ended by another automobile, which was pushed forward after it was struck by Ms. Merritt's client. The jury accepted the argument that the plaintiff suffered no permanent injury because the rear of her automobile was undamaged, the occupants of the middle vehicle were not injured and all of the defense expert witnesses had concluded that she was over-treated and the epidural injections she received were unnecessary. The jury was unanimous in their finding and dismissed the claim.

John V. Mallon defended a New Jersey Manufacturers Insurance Company (NJM) insured in late December in Hudson County.

The 38-year-old plaintiff claimed to have suffered from neck, back and hip injuries as a result of the automobile accident and underwent total hip replacement surgery which her orthopedists casually related to the accident. Although the jury found that NJM's driver was negligent and that his negligence caused the plaintiff's injury, Mr. Mallon was successful in arguing that the hip condition which led to the surgery was not related to the accident. As a result, the jury awarded the plaintiff only \$38,000, which was less than one third of the settlement offer. This trial was Mr. Mallon's ninth completed trial in 2009.

Thomas A. Morrone prevailed on behalf of an NJM insured motorist in Hudson County against a prominent Hudson County plaintiff's personal injury attorney. The two-week trial, before the Hon. Mark A. Baber, J.S.C. and a jury, disputed both liability and damages. After seven hours of deliberations over two

Wins & Successes (cont'd)

days, the jury found that the plaintiff failed to prove that she sustained a permanent injury as required by N.J.S.A. 39:6A-8 and returned a verdict in favor of the defendant.

In a PIP arbitration before the NAF, **Nicole R. Cassata** defended NJM against claims for reimbursement for cold laser therapy (infrared therapy) and for three chiropractic manipulations performed under anesthesia (MUAs). Ms. Cassata relied upon both the FDA and the Board of Chiropractor's determination that cold laser therapy is properly classified as infrared therapy and falls under CPT code 97026, and thus is included in the reimbursement to the provider within the daily maximum allowance of \$90. In presenting the argument, she persuaded the arbitrator to deny this aspect of the claim. In her arguing against the MUA's, Ms. Cassata relied upon an expert report, the treating provider's own records and the National Academy of MUA guidelines to support her argument that the patient failed to meet any of the clinical justifications for the performance of the procedure. The arbitrator agreed and denied the Demand for Arbitration in full. The decision is available on the NAF website (www.nj-no-fault.com NAF case #1264193).

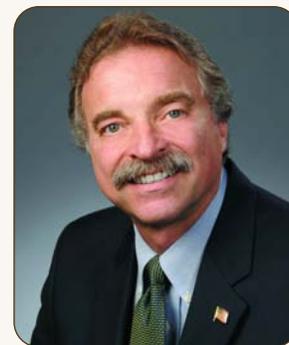
Richard W. Fogarty was successful in persuading a jury that a plaintiff's injuries from an automobile accident were not permanent as evidenced by her minimal treatment following the accident and the complete lack of treatment during the following three years. An Allstate Insurance Company insured had disregarded a stop sign and collided with another automobile, causing the other motorist to suffer herniated discs in the neck and back as well as Carpal Tunnel Syndrome. The complaint, tried before the Hon. Edward T. O'Connor, J.S.C. in Hudson County, was dismissed on the jury's verdict of no cause.

Robert A. Cappuzzo and **Richard W. Fogarty** successfully overturned an unfavorable National Arbitration Forum (NAF) Award regarding the applicability of the New Jersey Fee Schedule to matters involving Preferred Provider Organization (PPO) contracts. Mr. Cappuzzo and Mr. Fogarty convinced the NAF Appellate Panel to find that the Fee Schedule acts as an inherent ceiling within PPO contracts to limit recovery by medical providers. The decision is particularly important because the fee schedule applies to more than 1,000 procedures. The decision can be found on the NAF website www.nj-no-fault.com/awards under NAF case # 1191706.

Robert A. Cappuzzo spoke at the New Jersey Institute of Continuing Legal Education (ICLE) program, *2010 Personal Injury Protection(PIP)/ No-Fault College*, about recently mandated modifications to the PIP arbitration process, case law updates and changes resulting from the new PIP fee schedule (N.J.A.C. 11:3-29.1 et seq.). In July, Mr. Cappuzzo is scheduled to participate in another ICLE seminar, geared for attorneys new to the practice, which will review filing and defending PIP arbitrations.

Thomas A. Morrone successfully defended a motorist in a trial in Bergen County Superior Court before the Hon. Robert L. Polifroni. Two plaintiffs alleged spinal injuries from the rear-impact accident involving the defendant. Photographs of the plaintiffs' car showed significant damage, and the car was declared a total loss. Although one plaintiff was awarded lost wages, the jury decided that neither plaintiff was entitled to an award for pain and suffering as they failed to prove they sustained permanent injuries from the accident. Accordingly, a verdict of no cause was entered in favor of the defendant.

Governor Chris Christie Nominates Robert M. Czech as Chair of the Civil Service Commission



Robert M. Czech

Robert M. Czech, Of Counsel to Chasan Leyner & Lamparello, was recently appointed by Governor Chris Christie to join his cabinet as Chair of the New Jersey Civil Service Commission, the agency responsible for overseeing the state's workforce. Prior to his appointment, Mr. Czech served as the Monmouth County Administrator.

Mallon & D'Elia Selected as 2010 Super Lawyers®

John V. Mallon, co-chair of the Insurance Defense group, was selected for inclusion in the *Corporate Counsel Edition of Super Lawyers®* in the field of Insurance Coverage. **Anthony V. D'Elia** was also selected in the area of Civil Litigation Defense. As with *The Best Lawyers in America®* and *The New York Area's Best Lawyers®*, attorneys are chosen for the *Corporate Counsel Edition of Super Lawyers®* through a disciplinary review clearance and peer review selection process by practice area.