

## **Cindy Nan Vogelman** serves as the **114th President** of the Hudson County Bar

**Cindy Vogelman**, who became the 114th President of the Hudson County Bar Association in January, recently participated in a number of events related to Law Day on May 1. She served as a keynote speaker in Hudson County's Juror Education Program and was an evaluator at the Association's Court Night program. In addition, she served as the Master of Ceremonies at State Bar Night, where New Jersey Supreme Court Chief Justice Stuart Rabner and New Jersey State Bar Association President Lynn Fontaine Newsome were honored.

Born and raised in Jersey City, Cindy graduated from the University of Pennsylvania, earning an undergraduate degree in Urban Studies and a Master's degree in City Planning in a five-year combined program. She continued her legal studies at the Boston University School of Law.

Cindy first joined Chasan Leyner & Lamparello as a summer law clerk, returning as an associate in 1985. In 1993, she became a partner in the firm. Cindy practices in diverse areas, including appeals, commercial and chancery litigation, land use, probate and family law.

"Cindy brings a unique range of expertise to the firm, including finely honed writing skills, excellence in oral advocacy and a depth of knowledge of the law," commented



*Cindy Nan Vogelman*

Managing Partner Ralph J. Lamparello, in describing Cindy's contributions to the firm. She has participated in scores of appeals, both in the preparation of briefs and at oral argument and has appeared before the New Jersey Supreme Court, the Superior Court of New Jersey, Appellate Division, and the United States Court of Appeals for the Third Circuit. Cindy has 14 reported decisions and has been named a "Super Lawyer" in appellate practice (see related story).

Cindy has been appointed to a number of committees by the Supreme Court, the Superior Court and the New Jersey State Bar and Hudson County Bar Associations. She chaired the Supreme Court District VI Fee Arbitration Committee from 1996 to 1998 and has continued to serve on this Committee since her re-appointment in

2004. Cindy has also served as a member of the Supreme Court Committee on the Unauthorized Practice of Law and on the New Jersey State Bar Association's Multi-Jurisdictional Practice Committee. She has been a member of the Hudson County Family Part, Early Settlement Panel for more than a decade. She currently serves as a member of the Hudson County Judicial and Prosecutorial Appointments Committee.

Ralph added, "Cindy's approach to the law is as a problem solver, seeking and achieving resolutions in often challenging and esoteric matters. Known for her tenacity, Cindy is forthright and relentless in the advancement of her clients' legal positions, in the court room or across the bargaining table".

Cindy's highly developed social conscience, evident in her representation and counseling of clients, is consistent with her years of volunteer involvement with Women Rising, Inc. (formerly known as the YWCA of Hudson County), a leading community social services agency, of which she is a past president and continues to serve on its Board of Trustees. Cindy is also a Trustee of Fairmount Housing Corporation, a non-profit community-based development organization dedicated to the provision of affordable housing and community revitalization in Hudson County.

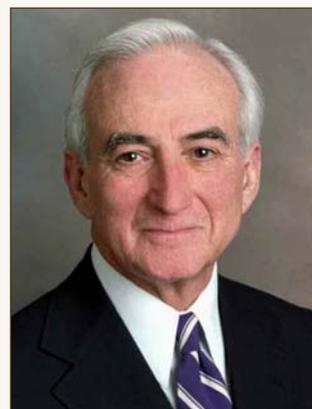
# Four Members of the firm are again selected as **New Jersey Super Lawyers® Honorees** in 2008

New Jersey Super Lawyers® are selected by a rigorous process conducted by Law & Politics that begins with a survey of more than 33,000 New Jersey lawyers. The candidates' background and experience are closely examined and selection criteria includes, but is not limited to, outstanding achievements, special licenses and certifications, professional activities, pro bono and community service and honors and awards.

Managing partner **Ralph J. Lamparello** was again selected in the area of employment and labor, **Joel A. Leyner**, counsel to the firm, was selected in the area of business litigation, **Steven L. Menaker** was selected for general litigation and **Cindy Nan Vogelmann** was selected for her appellate practice.



*Ralph J. Lamparello  
Labor and Employment*



*Joel A. Leyner  
Business Litigation*



*Steven L. Menaker  
General Litigation*



*Cindy Nan Vogelmann  
Appellate*

# Michael D. Witt to Represent Vernon Township



Michael D. Witt

**Michael D. Witt** has been appointed Township Attorney for the Township of Vernon. Having grown up in the Rocky Mountains, Michael is particularly pleased to represent New

Jersey's only four-season resort destination community. Michael adds, "The combination of natural beauty and variety of activities found in Vernon is unique. Vernon offers something for everyone

during the entire year; it's a very easy place in which to feel right at home."

Michael has worked extensively in the field of wastewater regulation and litigation and has also represented government entity clients on a variety of matters, including redevelopment, personnel, government contracting, third-party liability claims under the New Jersey Tort Claims Act, regulatory enforcement litigation, pay-to-play, ethics compliance, appellate litigation and administrative law matters. In addition, Michael handles numerous requests for government records made pursuant to the New Jersey Open Public Records Act ("OPRA"),

working with governmental entity clients to ensure compliance with OPRA, both procedurally and substantively, and has litigated OPRA matters in court and before the New Jersey Government Records Council. Michael also has significant experience in civil litigation, complex commercial litigation and intellectual property matters.

As a result of his work in the field of environmental law, New Jersey Monthly Magazine named Michael to its 2006 and 2007 lists of Rising Stars, which recognizes New Jersey's outstanding young lawyers. Rising Stars are nominated by the magazine's Super Lawyers®.

## Case Notes

The United States District Court, Eastern District of New York, entered Summary Judgment in favor of Bergen County, represented by **John L. Shahdanian II**, in the matter of *Wang v. County of Bergen, et al.* The plaintiff in the case was mistakenly arrested and incarcerated for eight days pursuant to a Bergen County warrant for another person with a similar name and characteristics. She alleged violation of her Constitutional rights, false arrest, assault and battery. The Court found that the actions of Bergen County did not result in a Constitutional violation and that plaintiff failed to prove that Bergen County improperly trained or supervised its employees.

The Township of North Bergen, represented by **Jordan S. Friedman**, opposed a Petition for Certification, filed with the Supreme Court of New Jersey, seeking review of a \$3.5 million sale of public land. The Township jointly owned the parcel, which is located on the Hudson River waterfront, with a private citizen for approximately 35 years, but the land was unused as a result of its unique ownership. Both parties separately sold their interests

to a real estate developer, who planned to build hi-rise condominium towers on the site. However, a nearby homeowners' association challenged the sale. The trial court dismissed the association's complaint in 2006, and the Appellate Division affirmed the lower court's ruling in 2007. By denying the Petition, the Supreme Court declined to consider the matter further, thereby confirming the validity of the sale.

With the assistance of **Anthony V. D'Elia** as trial counsel, **Peter L. Maclsaac** obtained a \$325,000 settlement on behalf of a plaintiff in a medical malpractice action during trial in Bergen County. In 2004, the deceased plaintiff was admitted to the Community Medical Center in Ocean County for treatment of a myocardial infarction following a fainting episode during which he struck his head and sustained a contusion. Plaintiff alleged that the defendant physicians negligently administered medications to alleviate and prevent blood clots which were contra-indicated because of the head trauma. The medications caused a massive fatal bleed in plaintiff's brain. The decedent was an elderly

gentleman, and his adult children pursued the malpractice claim under New Jersey's wrongful death statute and on behalf of the decedent's estate.

**Mitzy Galis-Menendez** obtained summary judgment in favor of a police chief charged with an alleged violation of New Jersey's Law Against Discrimination ("LAD"). The complaint alleged that the police chief permitted a hostile work environment. Mitzy argued, and the Court agreed, that an individual cannot be held liable under the LAD unless he affirmatively aids or abets in the alleged discrimination.

**Ms. Galis-Menendez** was also successful before the New Jersey Appellate Division in a matter involving the County of Hudson involving a bail bond forfeiture matter. In the reported decision of *State v. Calcano*, the appeals court held that the trial court did not abuse its discretion when it continued the defendant's bail after defendant pled guilty to a charge that carried a mandatory prison sentence, and the bail was properly forfeited when the defendant failed to appear at sentencing.

# Insurance Department Continues Successful Representation of Clients

**Robert A. Cappuzzo** and **John J. Zidziunas** successfully defended Allstate New Jersey Insurance Company before the Appellate Division in a case involving a personal injury protection claim by a pedestrian. In *Irving v. Oliviera*, the plaintiff was an uninsured pedestrian who was struck and injured by an uninsured vehicle. The trial judge found Allstate responsible for PIP coverage since the police report indicated the plaintiff was propelled into a parked vehicle, which was insured by Allstate. On appeal, Rob and John argued that the plaintiff's testimony from her deposition and hearing indicated she was struck by the uninsured vehicle, not the Allstate insured's vehicle. They further argued that the trial judge's decision against Allstate should be reversed since the plaintiff's PIP claim had been previously dismissed so she could pursue a PIP arbitration on that issue. The Appellate Division remanded the plaintiff's claim against the Unsatisfied Claim and Judgment Fund and permitted Allstate to participate in that arbitration.

**Mr. Cappuzzo** also won an appeal for New Jersey Manufacturers Insurance Company (NJM) in a matter involving the applicability of preferred provider organization (PPO) contracts. In the underlying arbitration, the arbitrator ruled that the New Jersey Administrative Code precludes PPO reductions to chiropractic and physical therapy treatment. On appeal, Rob argued that the 2004 amendment did not abrogate the applicability of PPO contracts to such treatment, nor did it restrict carriers from accessing voluntary networks of providers listed in the carrier's Decision

Point Review Plan. The NAF Appellate Panel vacated the original award and entered a denial in favor of NJM. The appellate award is available on the NAF website under case # 862739. Rob won another case for NJM involving the same issue. That award is also available on the NAF website under case # 1079331.

**Thomas A. Morrone** successfully defended an Allstate insured driver in an auto accident case in the Bergen County Superior Court before Judge Robert C. Wilson. The plaintiff was a front-seat passenger whose car was struck in the rear by the defendant's vehicle. The plaintiff claimed low back and knee injuries and subsequently underwent two arthroscopic knee surgeries. Based on the relatively low force of the impact and the medical evidence presented, the jury found unanimously that the plaintiff's alleged injuries and surgeries were not the result of the accident.

In a second auto accident case before Judge Alvaro Iglesias in the Hudson County Superior Court, **Mr. Morrone** also succeeded in his defense of another Allstate insured driver. In this instance, the defendant struck a car head-on operated by the plaintiff. The plaintiff claimed injuries from the accident to his neck, back and right knee. In a 7-1 decision, the jury decided that the plaintiff did not sustain any permanent injuries and found in favor of the defendant.

**John V. Mallon** and **John M. Tuntevski** won summary judgment for Allstate New Jersey Insurance Company in a Bergen County declaratory judgment action. The underlying tort case was a defamation case arising out of postings

on the insured's internet website. Judge De La Cruz found that the insured's actions were not covered under the Allstate homeowner policy.

**John Mallon, Richard W. Fogarty** and **Cindy Nan Vogelman** successfully defended an appeal to the New Jersey Supreme Court on behalf of Allstate New Jersey Insurance Company. The plaintiff filed an appeal of a declaration that Allstate did not owe coverage to an insured who punched the plaintiff in the face. The Appellate Division affirmed the coverage decision. The Supreme Court denied the Petition for Certification, thus concluding the matter in favor of Allstate.

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  
Aviation • Banking and Securities  
Civil Rights Litigation • Commercial Litigation  
Commercial Real Estate/Leasing  
Corporate and Business • Criminal  
Environmental • Family • Governmental  
Insurance Defense • Labor and Employment  
Medical Malpractice • Probate Litigation  
Public Entity Litigation • School Law  
Serious Personal Injury  
Workers' Compensation Defense

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