

Lamparello named NJSBA Secretary

Ralph J. Lamparello was sworn in as Secretary of the New Jersey State Bar Association at the group's annual convention in Atlantic City in May 2008, becoming the first Hudson County attorney in 34 years to be elected to an NJSBA executive position. Lamparello, the firm's managing partner, is now on track to assume the office of President of the NJSBA in 2013.

"NJSBA provides an essential service to the lawyers of New Jersey and to the public as well," Lamparello says. "Through advocacy, education and community outreach, we are committed to showing people both in and outside of the legal profession that there is more to being a lawyer than just showing up for work. NJSBA's 110-year long existence is a testament to that commitment, and I am extremely proud to be Secretary of the organization."

A member of NJSBA since 1989, Lamparello most recently served as chair of its Judicial and Prosecutorial Appointments Committee, which evaluates candidates nominated by the Governor to serve as judges and prosecutors in New Jersey. He will continue to serve as a trustee of the New Jersey State Bar Foundation, NJSBA's charitable and education arm, and is chair of its Investment Committee and the Law



Ralph J. Lamparello

Center Committee. A former president of the Hudson County Bar Association, he is one of fewer than 50 New Jersey attorneys certified by the Court as both a criminal and civil trial attorney.

Lamparello currently holds appointments as Special Counsel for the County of Bergen, the County of Hudson, the Township of North Bergen, the City of Paterson, the Town of Secaucus and the City of Newark. He presently serves as Assistant Counsel for the Passaic Valley Sewerage Commissioners, which includes 48 member and contributing municipalities from four different counties.

Shahdanian selected to "40 under 40"

The New Jersey Law Journal named CL&L partner **John L. Shahdanian II** to its prestigious "40 Under 40" list, which recognizes 40 outstanding New Jersey



attorneys who are under the age of 40 for their noteworthy professional endeavors. Honorees are chosen on the basis of career achievement, recognition by peers and professional organizations, membership and leadership in bar and other associations, and records of lectures and publications. In describing this year's candidates, editor Ronald J. Fleury said each had "unique attributes and have structured their careers differently, yet each stands out in some way, however intangible, and we are sure each is deserving of this distinction."

Shahdanian, who has been with CL&L since 1997, attended Boston College and Seton Hall University School of Law. He concentrates his practice in the fields of employment, civil rights and governmental law, and represents both management, including numerous municipalities and counties, and employees before Federal and State courts, State administrative tribunals and in arbitration hearings. Shahdanian has lectured for the New Jersey Institute for Continuing Legal Education and the National Employment Lawyers Association and was selected by New Jersey Monthly Magazine as a "Rising Stars" in the field of employment and labor law in 2006, 2007 and 2008.

CL&L attorneys make repeat appearance on prestigious 2008 Rising Stars list

John L. Shahdanian II, Mitzy Galis-Menendez, and Thomas A. Morrone and **Jordan S. Friedman** were each named as "New Jersey Super Lawyers Rising Stars" by *New Jersey Monthly* magazine. "Rising Stars" are attorneys in New Jersey who are either under the age of 40 or have been practicing law for less than 10 years. An attorney-led research team evaluates the credentials of the candidates nominated for consideration and selects only 2.5 percent of the best up-and-coming attorneys for inclusion in the magazine's "Rising Stars" listing. Galis-

Menendez, Shahdanian and Morrone were each selected for the third straight year, while Friedman was selected for the second consecutive year.

Galis-Menendez and Shahdanian, both partners with the firm, were selected in the areas of General Litigation and Employment and Labor, respectively. Friedman, an associate, was selected for Government Contracts, and Morrone, also an associate, was recognized in the area of Personal Injury Defense – General.



L-R: Tom Morrone, John Shahdanian, Mitzy Galis-Menendez and Jordan Friedman.

Secaucus appoints CL&L as labor counsel

Chasan Leyner & Lamparello has been appointed as Labor Counsel for the Town of Secaucus, and will represent the town in legal matters involving, employees, employment contracts, and various other human resources issues. Employment and labor law is one of the fastest growing areas of civil litigation, and is an area of growth for the firm.

Recognized as a leader in representing management and employees, CL&L's suc-

cess in the field has earned the firm a strong reputation as a preeminent practitioner of employment and labor law.

For more information on our capabilities in the areas of employment and labor law or for questions regarding representation please contact firm partners **Thomas R. Kobin** (labor) or **John L. Shahdanian II** (employment).

New & Noteworthy

David J. Heintjes recently joined the Employment and Labor department, and will focus his practice on all aspects of civil litigation, drawing on his experience in collective bargaining and employment litigation in both the private and public sectors. He is an effective litigator with an established trial record and is one of only 140 attorneys approved by the New Jersey State Policeman's Benevolent Association to defend its members in legal matters. Heintjes is a graduate of Seton Hall School of Law and earned his bachelor's degree from Virginia Tech.



Steven L. Menaker participated as a lecturer in a program sponsored by the Institute for Continuing Legal Education, titled Recent

Developments in New Jersey Law: 2007/2008. Menaker reviewed the year's developments in Ethics and Malpractice, including court rulings that obligated attorneys to advise their client to disclose material facts to a third party when disclosure is necessary to avoid assisting a fraudulent act by that client. Menaker ascertains that "zealous representation and client autonomy must yield to responsibility for what is legally and professionally right."

Joseph A. Lagana was sworn in by the Hon. Peter E. Doyne, P.J.Ch., as Secretary of the Young Lawyers Section of the Bergen County Bar Association, one of the country's largest county bar associations. Lagana, an associate with the firm, practices in the areas of Insurance Defense and Civil Litigation.

X-Rated Convention leaves Secaucus

Patrick J. Arre and **Kirstin Bohn** were successful in having a convention aimed at the adult entertainment industry relocate from Secaucus to Edison, New Jersey. The three-day convention, titled "Exxxotica New York," featured adult film stars, products, displays and exhibitions and was expected to draw some 20,000 people. It had been scheduled to open at the Meadowlands Expo Center in Secaucus on September 12, 2008.

Upon learning of the nature of the event, however, Secaucus officials directed CL&L to seek an injunction to prevent the event from taking place in town. Arre and Bohn argued in Hudson County Superior Court that the event constituted a violation of local and state Alcoholic Beverage Control regulations as well as local ordinances that prohibit lewd and immoral conduct from taking place in close proximity to a school. Convention producer Victory Tradeshow Management responded to the court filing by moving the convention almost 30 miles away to Edison just 72 hours before the doors were set to open. Secaucus Mayor Dennis Elwell was pleased with the outcome, stating, "I never thought Secaucus was the place for an adult industry convention. It's just not the type of thing we want to see here," he said. Former Assignment **Judge Arthur N. D'Italia**, **Steven L. Menaker** and **Michael D. Witt** assisted on the case.

Case Notes

Steven L. Menaker won summary judgment in the amount \$8,568,220 on behalf of Hudson County against the State of New Jersey Department of Corrections. The County sued the State for failing to properly reimburse the County for housing state-sentenced prisoners at the Hudson County Correctional Center in Kearny. The Hon. Shirley A. Tolentino, J.S.C., accepted the County's arguments that the State's excuses for non-payment were pretextual and held that, as a matter of law, the State owed the County for years of underpayments.

Thomas R. Kobin and **Richard W. Fogarty** obtained summary judgment in favor of the Passaic Valley Sewerage Commissioners ("PVSC"), saving the client up to \$500,000. The case involved an injury to a subcontractor's employee that occurred during a plant maintenance project. At issue were complex insurance coverages, breach of contract and contractual indemnification issues. The Hon. Alfonse J. Cifelli, J.S.C., ruled that PVSC is an additional insured under the contractor's insurance policy, and that PVSC was entitled to breach of contract damages against both the contractor and subcontractor.

Kobin also won a labor law case before the Hon. Lisa A. Firko, J.S.C., on behalf of the East Rutherford Board of Education, enabling the Board to eliminate part-time secretarial positions and hire full-time secretaries to fulfill the Board's business and educational needs. The case involved difficult issues regarding collective bargaining and management's prerogative to take unilateral action without negotiating with the union.

Ann M. Merritt successfully defended an automobile negligence case in which the plaintiff and an independent witness both testified that the plaintiff's vehicle traveled through an intersection on a green light before being struck by the defendant's vehicle. The matter was tried before the Hon. Thomas M. McCormack, J.S.C. The 21-year old plaintiff allegedly suffered trauma to his back resulting in bulging discs in the cervical and lumbar levels of his spine. Despite the high exposure to our client, Merritt obtained a "no cause" verdict, with the jury finding the plaintiff 65 percent negligent and the defendant only 35 percent negligent.

John V. Mallon and **Richard W. Fogarty** successfully defended an appeal to the New Jersey Superior Court, Appellate Division, on behalf of a defendant insured by Allstate New Jersey Insurance Company. The plaintiff allegedly sustained injuries when he slipped and fell on a public sidewalk covered by snow and ice; the sidewalk abutted the residential premises of the defendant-insured. Finding that the plaintiff had failed to establish negligence on the part of the defendant, the trial court entered a directed verdict in favor of the defendant at the conclusion of the plaintiff's case and dismissed the plaintiff's complaint. The plaintiff appealed the dismissal, and the Appellate Division affirmed the trial court's decision, holding that plaintiff had failed to present any evidence which would support an inference that the defendant was negligent in failing to clear the snow and ice, or that they had cleared it in a negligent manner.

Case Notes

Jordan S. Friedman obtained a temporary injunction on behalf of a commercial tenant client in Somerset County Superior Court, Chancery Division, in an action seeking the specific performance of a lease option. Two weeks prior to the option's expiration, the landlord declared the tenant to be in breach of the lease for failing to pay all of its rent and common area charges during the preceding three-year period. Despite objecting to the landlord's claim, the tenant did not exercise its option in accordance with the lease's express terms. Friedman argued, and the trial court agreed, that when the holder of a lease option has been wrongfully declared to be in breach of a lease, whether the failure to exercise a lease option can be excused as a useless act is a question of fact to be determined at trial. The landlord was, therefore, enjoined from taking any action against the tenant, including initiating eviction proceedings, for the duration of the tenant's lawsuit.

Michael A. Cassata recently won two jury trials defending drivers insured by Allstate New Jersey Insurance Company in Passaic County Superior Court. In *Walsh v. Kellenberger*, a 46-year old plaintiff driver alleged neck and back injuries resulting in spinal disc herniation with nerve impingement as a result of a rear impact automobile accident. The defendant driver conceded liability for the accident and defended on the damages aspect of the case. The plaintiff's treatment included a series of epidural injections to the cervical and lumbar spine. The jury determined that

the plaintiff did not sustain permanent injuries and returned a unanimous verdict for the defendant.

In the case of *Giamanco v. Cracesque*, defendant driver conceded liability for the low-impact accident. The plaintiff alleged cervical and lumbar spine disc herniation and a tear in the shoulder rotator cuff. The jury found there was no proximate cause between the plaintiff's alleged injuries and the accident and returned a unanimous verdict in favor of the defendant.

Robert A. Cappuzzo defended a matter for Allstate New Jersey Insurance Company involving a claim for \$96,500 in emergency room treatment. The insured was a resident of Virginia with a \$5,000 PIP limit and was struck as a pedestrian in New Jersey. The claimant sought to apply the Deemer Statute (N.J.A.C. 17:28-1.4) to increase the Personal Injury Protection (PIP) limits for the Virginia insured to the \$250,000 New Jersey PIP limit. Cappuzzo argued that the Deemer Statute did not apply since a Virginia-insured vehicle was not involved in the accident. The arbitrator agreed with Cappuzzo and denied the entire claim. In her ruling, the arbitrator held that Deemer does not apply to an out-of-state pedestrian injured in New Jersey. The arbitration award is available on the NAF site under file # 1071989.

Joseph A. Lagana successfully defended a matter for Allstate New Jersey Insurance Company where three plaintiffs (the parents and sibling of an infant child) who witnessed their child being struck and killed by a vehicle, sought

reimbursement for psychiatric treatment and a declaration of future benefits through the PIP policy from the tortfeasor vehicle. Lagana argued that any claim for PIP must be made to the plaintiff's personal PIP carrier. Further, Lagana argued that PIP does not apply to claims for emotional distress where no physical injuries were sustained by the plaintiffs. The NAF arbitrator held that the plaintiffs were mere witnesses to the accident; therefore, PIP was not available for their emotional distress injuries. The award is available on the NAF website (NAF case # 1181048).

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

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