

Schenck Price

SCHENCK PRICE SMITH & KING, LLP

2021 Year in Review

Great People Focused on Great Results

...Now More Than Ever



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Dear Clients and Friends,

Viewed through any prism, the past year posed unprecedented challenges to the Firm and its clients. We are pleased to report that Schenck Price weathered and ultimately prospered in the face of these challenges by adherence to the Firm's core precepts.

Since the Firm's founding 109 years ago, three precepts have been the cornerstones of our prosperity. First, Schenck Price emphasizes taking care of its own. We simply refused to lay off or furlough employees notwithstanding market forces which compelled our peer firms to do exactly that. Likewise, we refused to allow the pandemic to interrupt the high quality of legal services our clients have come to expect. The Firm did so by quickly pivoting to the newest technologies and by getting ahead of the legal challenges our clients were certain to face because of the pandemic. Second, our century long commitment to fiscal discipline, comprised of robust cash reserves and low debt, left the Firm in a position to not only weather the pandemic but to grow through it.

Third, Schenck Price continued its strategy of targeted growth, which values breadth of experience over size. In February 2021, we were excited to incorporate a team of 7 attorneys and 2 paralegals led by Tim Duffy and Heidi Minuskin. By doing so, the Firm added depth and experience to the commercial litigation and environmental groups and augmented several practice areas, including pharmaceutical, toxic torts, products liability, employment and contract disputes. Coupled with the addition of attorneys to the transactional and litigation departments, the new group is comprised of exactly the type of thoughtful, tough attorneys with top-tier skills, knowledge and experience our clients rely upon to achieve their goals.

The challenges posed by COVID will linger and are certain to evolve in ways that are not wholly foreseeable. Yet, the Firm's adherence to its core precepts will allow it to sustain its growth and enhance the services it provides to clients in the years to come. In short, the challenges of the last year have served only to enhance my faith in the future of the Firm and the ongoing success of its clients.

Gary F. Werner, Esq.

Managing Partner

On Behalf of the Partners, Attorneys and Staff

Acting for Green Energy Company in Joint Venture

Michael Marotte, Co-Chair of the Corporate and Business Law Practice Group, successfully represented a major green energy company in a complex multi-party joint venture and financing transaction involving a global energy technology company, a leading investment and asset management company and a Fortune 500 manufacturing company. The multi-phase transaction is nominally valued at several hundred million dollars and will bring additional synergistic value for Schenck Price's client.



Engineering an Exit from a Program that Failed to Meet the Client's Needs

Michael Marotte and **John Campbell** litigated on behalf of a national solar business engaged in the sale, design and installation of solar-electric systems to residential and commercial property owners to exit from a subscription-based customer relationship management (CRM) service. The client employs thousands of people and entered into a multi-year subscription agreement with a cloud-based software company to implement a new CRM as it sought to transform its business. The client also engaged a third-party consultant to implement and construct the CRM to meet its business needs. However, implementation of the cloud-based CRM failed to meet the client's expectations and the parties disputed the costs associated with the subscription and consulting services provided. Litigation and clever negotiations followed, resulting in a favorable resolution to the client who has grown, utilizing alternative solutions without the burden of prior obligations.



Thomas Cotton and Ryder Ulon

Representing Construction Companies from the Ground Up — And Underground, Too

Schenck Price has a thriving construction practice, serving every type of client (e.g., project owner, project manager, principal contractor, subcontractor) for every type of construction-related legal service. Our team prides itself on creating efficient, economic solutions so that clients are able to maximize their returns — even when a construction project becomes a construction lawsuit.

In one recent example, Schenck Price actively represents multiple excavation companies in lawsuits involving damage to underground utilities. We are able to leverage our developed experience in that niche industry, which allows our construction lawyers to immediately identify solutions that both limit client exposure and maximize potential returns.



Thomas Gamarello, Dana Ferrera, Gary Werner and Jeffrey LaRosa (Missing from photo: Joseph Haftek, Cynthia Flanagan, Gil Leeds, Joseph Maddaloni and Franklin Barbosa)

Representing Homeowners in Disputes with Home Improvement Contractors

As any homeowner can attest, there is no greater source of pride — or more endless source of frustration — than home ownership and the constant maintenance that properties require. This frustration is only heightened when homeowners are wronged by the contractors they entrust with critical, costly repairs.

Schenck Price's construction team zealously advocates on behalf of New Jersey homeowners in those disputes. We can incorporate our extensive resources and vast experience to litigate complex construction disputes involving international companies, so that New Jersey homeowners can benefit from a sophisticated law firm where the lawsuit is decidedly more local.

Helping the Transition from Generation to Generation

The team of **Edward Ahart, Gary Mazart, Jason Waldstein** and **Jordan Wassel**, as well as Paralegals Lauren Wilson and Stacey Gallagher, successfully completed a complex corporate reorganization and refinance for a manufacturing company and long-time Schenck Price client that transitioned successfully from the second to the third generation. The team also worked on and updated complex estate plans for the various owners.

Jordan Wassel, Gary Mazart, Edward Ahart, Jason Waldstein, Paralegals Stacey Gallagher and Lauren Wilson





Earlier this year, I and virtually my entire team (lawyers and paralegals) made a bold decision to move from our prior firm and to reestablish ourselves at the offices of Schenck Price Smith & King. This has proved to be one of the greatest decisions I have made in my entire professional career. Moreover, that is the feeling of everyone who made this move with me.

I felt, nine months ago, that my clients would benefit from a larger platform to address their needs. With more than 85 attorneys and an amazing staff of paralegals, assistants and other support professionals, my team hit the ground running on February 1, despite the many challenges that COVID presented.

Schenck Price fully embraced my entire team and ensured the most seamless transition I could ever imagine. The simple truth is...all of us have been very happy with the move. From back-office support, to IT, to HR and Marketing support, our every need has been addressed. Moreover, every practice area opened its doors to us and happily provided all the support and assistance we needed.

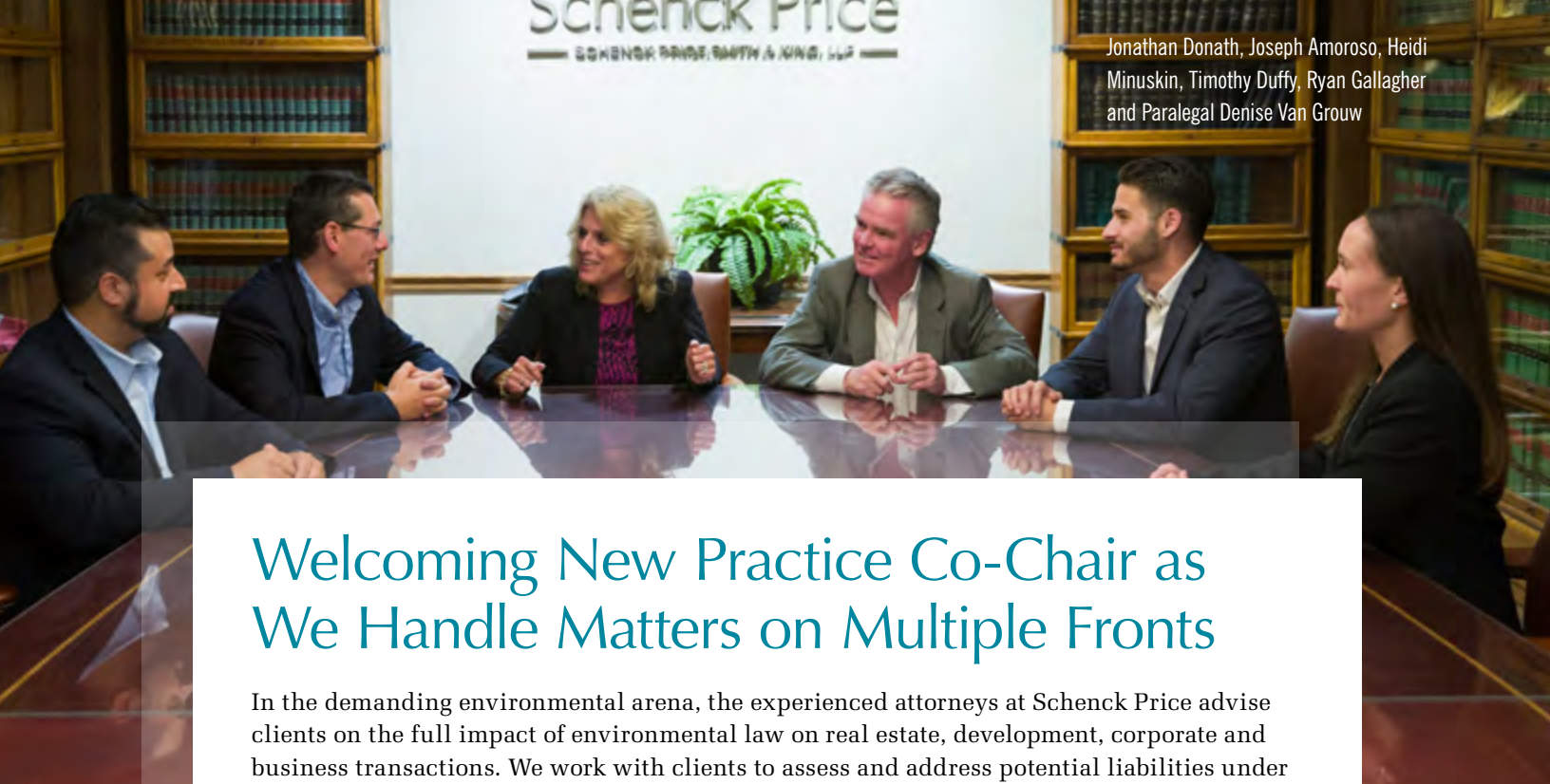
Even more important than the professional support that has been provided to us on a daily basis, everyone at Schenck Price opened their hearts to us and immediately made us a part of this family. I truly feel like I have been associated with this firm for years and that I am fortunate to be affiliated with a group of people with such warmth and goodness on every level.

It has been a wonderful transition and I look forward to many more years with my newly created family of friends and colleagues.

To every person at this firm that I love, I extend my sincere and heartfelt "Thank you"!



| Timothy Duffy



Welcoming New Practice Co-Chair as We Handle Matters on Multiple Fronts

In the demanding environmental arena, the experienced attorneys at Schenck Price advise clients on the full impact of environmental law on real estate, development, corporate and business transactions. We work with clients to assess and address potential liabilities under federal and state environmental laws, counsel on compliance issues and provide solutions that allow development and transactions to proceed. The Environmental Law Practice Group was pleased to welcome **Heidi Minuskin** to the Firm in early 2021, where she assumed the role of practice co-chair. Among our recent significant achievements:

- Successfully prevailed in getting responsible parties to engage in a final allocation process, resulting in an approximate \$1 million credit to our client
- Participated in a government-sponsored allocation, resulting in a significant reduction of our client's allocated share
- Brought a cost recovery action on behalf of a property owner, resulting in an interim cost-sharing arrangement to cover investigation and remediation costs
- Negotiated the environmental aspects of a real property sale agreement to provide financing for environmental remediation costs



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Bringing our team and practice over to the Firm was a seamless transition as the services, professionalism and the innovative solutions to address clients' interests by the attorneys at Schenck Price are of the same high quality we have always provided. The Firm's breadth of practice areas ensures that clients' needs are fully addressed, and opportunities realized even in these trying times.”

| Heidi Minuskin / Co-Chair, Environmental Law Practice



“

The tumult of the past year served to highlight the strengths of the Firm’s talented attorneys, who immediately rose to the task of serving as reliable and trusted advisors to our clients in difficult times and responded by providing them with creative ways to meet uncommon challenges and take advantage of new opportunities.”

Daniel Carroll / Co-Chair, Business Organizations Department
Co-Chair, Health Care Law Practice Group and Pharmaceutical Industry and Pharmacy Practice Group

Overcoming Pandemic Hurdles

The members of the Elder and Disability Law Practice Group successfully overcame significant challenges assisting clients with their planning needs during the pandemic. We visited clients in long-term care facilities and outdoors at their homes. We even met with clients in our parking lots to sign documents. We met with other clients through videoconferencing to discuss their estate and elder law planning and to sign documents

remotely. As the county surrogate offices were closed to the public, we assisted clients in probating wills and opening intestate estates through the mail.

As we return to the “new normal” we continue to provide our clients with options to consult with us through videoconferencing, phone conferencing and in-person meetings.

Jordan Wassel, Meredith Grocott, Shirley Whitenack and Gary Mazart (Missing from photo: Regina Spielberg and Lauren Mechaly)





Mark Silver, Paralegal Mandee Elmer, Jonathan Donath

Hitting the Ground Running

Timothy Duffy, Mark Silver, Joseph Amoroso and **Jonathan Donath** joined Schenck Price's litigation group in February 2021 and hit the ground running. This product liability defense team continues to obtain favorable outcomes for some of the world's largest product manufacturers, including Bayer Corporation, Coloplast Corp, Allergan USA and Crown Equipment. Outside of the product liability arena, these litigators continue to enjoy a thriving commercial litigation practice defending large companies such as CSC Serviceworks, Vollers Construction, Suburban Propane, Brent Material Company and CATIC Title Insurance Company, as well as numerous small, closely held family businesses.



Joseph Amoroso, Ryan Gallagher and Timothy Duffy



John Ursin

Paving the Way for Major Morris County Residential Development

John Ursin and **Jason Rubin** were instrumental in negotiating and securing updated approvals and transfers of rights for Stone Water Village, one of the largest and most ambitious post-pandemic residential development projects in Morris County. After the closing, involving substantial financing, the site will be developed and transferred to a national home builder. The project is the culmination of decades of planning to create a prime development site in Roxbury, within a short distance of Route 80, a N.J. Transit rail station and Lake Hopatcong, the largest freshwater lake in New Jersey. The project has already commenced and will yield 161 single-family residences priced competitively.



Jason Rubin

Guiding Schools on Pandemic-Related Legal Challenges and Issues

Schools throughout the State and nation were faced with myriad novel legal issues and concerns during the global pandemic. Schenck Price's School Law attorneys rose to the challenge and supported and guided our school clients by deciphering, analyzing and summarizing the plethora of Executive Orders, NJ Department of Education guidance documents, laws and regulations that have been adopted in the past year directly impacting school districts.

This assistance included providing counsel on the many legal issues surrounding distance learning, force majeure contract issues, health and safety concerns, the FFCRA, educating special needs pupils, leave of absence issues, conducting remote BOE meetings and meeting the many challenges of the current and upcoming school years. Along with day-to-day counsel, our School Law attorneys have authored numerous Legal Alerts on these topics to keep our clients fully informed on this constantly evolving and ever-changing area of law.

The School Law Practice Group: Joanne Butler, Paul Green, Robin Ballard, Marc Zitomer, Alison Kenny, Katherine Gilfillan, Chris Sedefian and Joseph Roselle

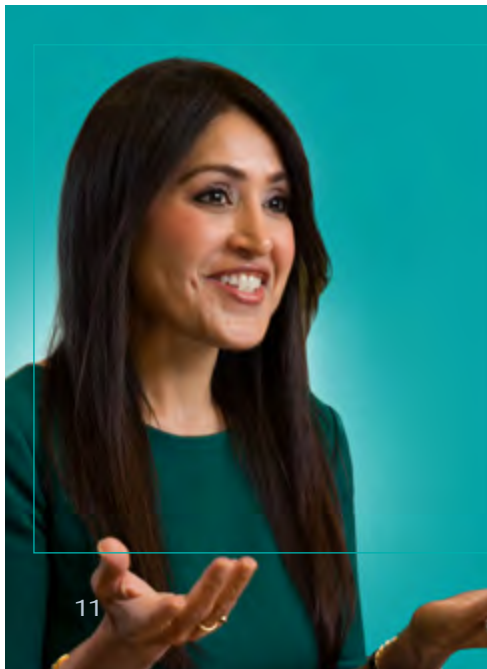


Helping Health Care Clients Find Their Way Through COVID

Deborah Cmielewski, a partner in the Health Care Practice Group, assisted industry clients in navigating the muddy waters of privacy and compliance throughout the pandemic. She provided advice on the rapid rollout to telework; drafted policies and consent documents; and rendered ongoing counsel to health care and behavioral health care clients adjusting to the “new normal.” Cmielewski also participated in numerous webinars educating industry professionals on associated regulatory and compliance issues, including risk management and cyber risk issues.



Deborah Cmielewski



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Our profession is exciting because, in working with both our clients and our colleagues, we collaborate with diverse and talented individuals to solve challenging and complex problems.”

Farah Ansari / Co-Chair, Nonprofit Practice Group/ Chair, Diversity and Inclusion Committee



Addressing Small Businesses' COVID-Related Needs

The Banking and Finance Practice Group, with its heavy concentration in SBA 7a and 504 lending, has been extremely busy in 2020 and 2021 assisting lenders and borrowers with determining eligibility under the Paycheck Protection (PPP) and Economic Disaster Recovery Programs and obtaining PPP forgiveness for their clients. The group has also been assisting with loan document preparation for these loans, as well as advising various lenders on changes in the PPP and EIDL programs, which often changed daily.

Our attorneys assisted lenders who financed industries heavily impacted by COVID, including the restaurant, hospitality and not-for-profit industries (the not-for-profit industry was traditionally not eligible for SBA financing). They have also worked tirelessly to assist lenders in closing and documenting new SBA 7a and 504 loans for growing business during COVID or businesses in need of extra working capital. These loans became a popular source of financing for many due to the various fee waivers and SBA incentive programs resulting under the CARES Act. In addition, the group assisted with modifying existing loans and providing deferment and forbearance agreements for businesses needing relief during COVID.

Jason Rubin, Michael Gallo, Robert McAnally, Heidi Hoffman-Shaloo, James Dempsey and Thomas Hofstetter (Missing from photo: Jeremy Garlock and Michael Messer)

Pitching In – In Good Times and Bad

The past year was a trying one for us all, but throughout this time, Schenck Price retained its focus on helping others. Among our efforts, we raised funds and collected supplies for the Interfaith Food Pantry, for Family Promise of Morris County and for hurricane relief in Central America.

Steering through the Rough Seas of the Pandemic

In March of 2020 when the pandemic hit, the attorneys in both our Government Law and Nonprofit Organizations Practices quickly mobilized to guide our clients through uncharted waters. Basic functions, such as holding meetings, interacting with the public and serving their constituencies, had to be reinvented overnight. The attorneys at Schenck Price produced daily client alerts on rapidly changing Executive Orders, regulations and best practices. More importantly, our attorneys were in constant direct contact with our clients.

During the pandemic, the “new normal” was constant change. After ensuring that our clients were functioning effectively, our counsel shifted to maintaining efficient day-to-day operations, including employment and financial issues.

We engaged early with our clients to begin preparing for when they could return to “business as usual.” Lessons from this unprecedented crisis allow us to help our clients be better prepared for new challenges in the future.



Government Law Practice Group: Katherine Gilfillan, John Ursin, Frank Coscia, Paul Green and Robert McBriar



Standing: Paralegal Lauren Wilson, Gary Mazart, Jordan Wassel and Farah Ansari Seated: Meredith Grocott and Edward Ahart

Managing a Complex Estate, Including Property Transfers

A team led by Corporate and Business Law Co-Chair **Edward Ahart**, including **Gary Mazart, Jordan Wassel, Meredith Grocott, Farah Ansari** and Paralegal Lauren Wilson, administered a highly complex and multi-faceted estate that involved multiple real property transfers. The estate also required the inventorying, distribution and sale of a substantial collection of fine and Native American jewelry, litigation over included property located in one of the transferred houses, and the creation and administration of a trust for the lifetime benefit of a long-time friend of the decedent. It culminated in the creation and start-up of the Mimi Washington Starrett Foundation, a new non-profit foundation that was established to make grants in perpetuity to other non-profit organizations for the betterment of the greater Morris County community. Ahart, Mazart and Wassel also serve as the initial Directors of the new Foundation.



Being responsive to our clients' needs 24/7 every day of the year is something the Firm prides itself on. One cannot profess to be a great attorney without being willing to drop everything on a moment's notice to counsel clients when they need you most."

| **Marc Zitomer** / Chair, School Law Practice Group





Daniel Carroll, Deborah Cmielewski, Meghan Hoppe and Brian Foley

Aiding Health Care Clients to Grow and Adapt

The Firm's Health Care Group represents clients seeking to take advantage of new opportunities for growth and continued success. Our attorneys continue to represent health care systems with respect to business transactions designed to provide high-quality health care services and clinical research matters focused on advancing clinical education involving the development of new medical treatments and investigative products. In addition, our attorneys represent large New Jersey health care systems with respect to significant investments in information technology infrastructure intended to improve their business operations and services. For example, during the past year, Schenck Price represented a New Jersey health care system in contract negotiations with digital health companies, in one instance, for access to an artificial intelligence platform designed to diagnose coronary artery disease and, in another instance, for use of a mobile app to securely verify and provide digital proof of COVID-19 vaccination records.

Recognizing and Promoting Diversity

The goals of Schenck Price's Diversity & Inclusion Committee, chaired by **Farah Ansari**, include promoting equal opportunity for all our attorneys and professional staff and supporting the Firm's ongoing commitment to building a diverse team and an inclusive workplace while promoting and fostering cultural competence.

The Firm welcomed two interns participating in its first Diversity & Inclusion Law Student Internship Program. The students were Walter Atencio, a second-year student at Rutgers Law School in Newark, and Matthew Morales, a second-year student at Seton Hall

University School of Law. During the internship, the students conducted research, prepared memoranda and took part in depositions, motions and other "real world" attorney events.

The Diversity & Inclusion Committee also hosted a firmwide diversity trivia contest in which participants formed teams virtually and answered challenging questions on history, arts and sports reflecting the diversity of our nation. More than 40 attorneys and staff from all offices engaged in the spirited competition.

Taking Venture Private

Ed Ahart, Ilana Pearl, Doug Eisenberg and **Stacey Gallagher** counseled and supported VPGTP, Inc. in a successful venture to take its affiliate Velocity Portfolio Group, Inc. private from its publicly traded status on OTC Markets Group's "Pink" platform (formerly known as the "Over-the-Counter Pink Sheets"). The project involved creating the new company, VPGTP, which launched and successfully completed a tender offer to all shareholders of Velocity Portfolio Group, Inc., followed by a merger of Velocity Portfolio into VPGTP, and then delisting VPGTP from the Over the Counter Pink Sheets market.



Ilana Pearl, Edward Ahart,
Paralegal Stacey Gallagher
and Douglas Eisenberg

Lending a Pro Bono Hand to Habitat for Humanity

In a pro bono project for Morris Habitat for Humanity, Schenck Price served as primary counsel for an affordable housing project in Succasunna, the organization's largest project to date. The project involved two six-plexes, housing a total of 12 families, all new homeowners. Led by **Sean Monaghan**, who has long been involved with Morris Habitat for Humanity, the Firm was responsible for acquiring the site, obtaining development approvals and construction financing, forming the condominium association and ensuring regulatory compliance.

Contending (Still) with the Aftermath of Superstorm Sandy

Michael Marotte, Jeffrey LaRosa and **Valerie Vladyka** successfully defended an insurance company that was sued by a residential cooperative complex that claimed \$18 million in damages alleged to have occurred during Superstorm Sandy in 2012. The plaintiff claimed that the winds of Superstorm Sandy damaged the building's windows and sliding glass doors and that, as a result, thousands of windows and sliders would have to be repaired and replaced.

The co-op had previously submitted an insurance claim for \$300,000 in claimed losses shortly after Superstorm Sandy occurred, which the carrier paid. Years later, and on the eve of the expiration of the statute of limitations period, the co-op filed suit. Schenck Price defended the case on the grounds that what the co-op claimed was wind damage from Sandy was, in fact, the result of wear and tear over the fifty-

year life of the windows. Schenck Price oversaw an investigative team of engineers and construction and weather experts who conducted a thorough inspection of the units to refute plaintiff's claims. We also conducted a thorough forensic investigation into the past maintenance and repair records for the building and correlated the current claim of wind damage to similar unit owner complaints in the years (and decades) prior to Superstorm Sandy. Schenck Price's investigation also revealed that the engineer on retainer by the co-op in the years leading up to Superstorm Sandy had recommended that the sliders and windows be replaced long before Sandy occurred due to obsolescence.

As a result of this investigation and after extensive discovery and depositions of current and former residents and property managers, the case was settled on terms acceptable to the carrier.



Valerie Vladyka, Michael Marotte and Jeffrey LaRosa (Missing from photo: Frank Coscia)

John Campbell, Thomas Cotton and
Thomas Gamarello (Missing from photo:
Michael Marotte)



Representing New Jersey Companies Across the Country

Success comes with a price. When a company grows into a national presence, it faces lawsuits anywhere in the country. Those lawsuits can involve everything from marketing to operations. Nationwide lawsuits require a synchronized and efficient legal strategy. For one of Schenck Price's clients, which has experienced explosive growth in recent years, that is just what the team of **Michael Marotte, John Campbell, Thomas Cotton** and **Thomas Gamarello** provides.

Marotte and Cotton provide bespoke defense for consumer class actions and similar claims in every state where the client faces suit. In just the past year, they secured dismissals or settlements in Florida, Vermont and New Jersey. They are actively litigating within state courts, federal courts and arbitrations in those same states, plus New York, Connecticut, Pennsylvania, Texas and California.

Marotte, Campbell and Gamarello are actively defending hotly-contested, class-action employment

discrimination lawsuits in the United States District Courts for the District of New Jersey and the Eastern District of New York. Their zealous defense of their clients also extends beyond the courtroom to arbitration and mediation. Each forum requires a distinct strategy and Schenck Price's clients benefit from Marotte, Campbell and Gamarello's vast experience litigating both in the state and federal courts and in alternative dispute resolution forums.

All four Schenck Price lawyers protect the client's trade secrets and proprietary information by zealously litigating non-compete and non-solicitation claims wherever those interests are threatened. Recent months, the pandemic notwithstanding, have seen them take action in New Jersey, New York, Florida and Texas. Given the time-sensitive nature of those disputes, the Schenck Price team is available at a moment's notice to seek emergent relief for their clients.



Navigating the Changing Employment Law Landscape During COVID

The COVID-19 pandemic has continued to put unprecedented strain on organizations of all sizes across all industries. With the roll-out of vaccines and the loosening of lock-down restrictions, employers have struggled with return-to-work policies and protocols. The reopening of workplaces has imposed certain health and safety requirements on employers and triggered employment law implications regarding mandatory vaccinations and masking requirements.

Our Labor and Employment Practice Group, headed by **Cynthia Flanagan** and **Joseph Maddaloni**, has been assisting a wide range of clients with issues, including:

- coordinating paid leave and unpaid leave policies under state and federal law;
- developing return-to-work protocols to keep employees safe and healthy;
- managing high-risk employees and COVID-19 fears; and
- avoiding COVID-19 related employment discrimination claims.

Their objective is to help clients limit risk and lessen liability in anticipation of the inevitable surge in COVID-19 related employment litigation.

Cynthia Flanagan and Joseph Maddaloni



John Campbell

Understanding Complex SMS Technology to Litigate Basic Commercial Issues

John Campbell represents an international telecommunications company offering Communications Platform as a Service (CPaaS) and specifically, Application-to-Person (A2P) SMS messaging in the pursuit of unpaid fees. “You’re registered 4 notifications. Reply STOP to cancel. C to confirm” – A2P SMS messaging is commonly used by businesses, such as banks, logistic companies and e-commerce businesses to send SMS messages from their systems to their customers.

Campbell’s client provides this service to businesses across the globe. The client’s technological advances set them apart from many businesses, but like any other commercial operation, it requires payment for services performed. Campbell analyzed the parties’ Messaging Services Agreement as well as the complex logs and invoices to identify the defendant’s contractual responsibilities. He then worked with the client to demand the funds from the defendant while also considering the multi-jurisdictional and choice of law issues that spanned from the bright lights of the Las Vegas strip to the rain-soaked streets of London. Campbell’s grasp of the client’s complex business allowed him to litigate what is otherwise a basic commercial issue.



Ryder Ulon

Lawyers Helping Lawyers

Even lawyers can face lawsuits. As is the case for any other licensed professional, an attorney can be implicated in a malpractice lawsuit if his or her services fall below the standard of care. Sometimes such claims can have merit. Other times the claims are baseless and should be defended vigorously.

Ryder Ulon and **Thomas Cotton** recently secured a major victory for a Schenck Price client in a heated malpractice lawsuit. The client, himself a matrimonial attorney, faced a lawsuit brought by his own client’s ex-spouse. Ulon and Cotton brought a dismissal motion at the lawsuit’s earliest stage. They convinced the judge that the lawsuit was so devoid of merit that it should be dismissed without allowing the plaintiff the opportunity to re-file.



Thomas Cotton



Strengthening Ties with Fairleigh Dickinson University

For the past several years, Schenck Price has been building its ties – in multiple, diverse ways – with its Florham Park neighbor, Fairleigh Dickinson University, beginning with a sponsorship of the University’s New Jersey Speakers Series. We established a committee, chaired by **Cynthia Flanagan**, to coordinate all our efforts with the University. In 2020, we worked with the University to create its first-ever Pre-Law and Legal Studies Externship in which a select group of students receive a hands-on, supervised learning experience in an employment setting. Through experiences with a dedicated team of Schenck Price attorneys, the students (1) increase their substantive legal knowledge; (2) advance their knowledge about the practice of law; (3) understand the day-to-day responsibilities of attorneys; (4) learn how attorneys apply the law to everyday situations; (5) get a sense of different practice areas; and (6) better understand what clients’ needs are and how attorneys address them.

In addition, Schenck Price funds a scholarship for a deserving pre-law student and supports FDU’s annual Charter Day scholarship fundraiser. Attorneys make presentations to FDU alumni and small businesspeople in the Rothman Institute of Innovation and Entrepreneurship’s “Zoom at Noon” program, as well as at the Pharmacy School and Physician Assistant School. Partner **Mark Silver** will also be teaching a course next spring in the Communications Department.

Clockwise from bottom: Cynthia Flanagan, Paul Green, Chris Sedefian, Joseph Haftek, TJ Hull and Thomas Hofstetter (Missing from photo: Gary Werner, Marc Zitomer and Joseph Maddaloni)

Aiding Newark in Tax Abatements

In 2020-2021, **Robert McBriar** devoted much of his time to representing county and local government agencies. He recently served as Special Counsel to the City of Newark to review and analyze applications from developers seeking long-term tax abatements pursuant to the Long-Term Tax Exemption Law to facilitate redevelopment projects. McBriar worked closely with the City's Deputy Mayor/Director of the Department of Economic and Housing Development, Tax Abatement Committee and consultants in all aspects of the application and approval process, including negotiating financial agreements, ensuring compliance with State and local laws, and drafting legislation approving selected projects. These included projects:

- To construct a new five-story building consisting of 69 affordable, age-restricted rental units including a set-aside of 18 units dedicated to permanent, supportive housing for persons with physical disabilities.
- To acquire and rehabilitate an affordable housing project containing 79 low and very-low-income family housing units and one superintendent's unit.
- To acquire and rehabilitate an affordable housing project containing 85 low-income family housing units and one superintendent's unit.
- To acquire and rehabilitate two affordable housing projects containing 305 residential units.





The Hearing Must Go On

The Schenck Price Estate and Trust Litigation Practice Group continued to advocate for its clients throughout the pandemic. As did much of the world, the court system pivoted from in-person hearings to those done virtually on platforms such as Zoom and Microsoft Teams. All the practice group members quickly adapted to skillfully service clients, using technology to their advantage. Virtual hearings have unique challenges, including being in a separate location from the client, having to share documents on a screen instead of simply handing them to the witness, and being adept at “unmuting” yourself to object to a question. The Schenck Price litigators rose to the challenge.

In 2021, **Meredith Grocott** successfully participated in a four-day Zoom hearing on an emergent matter regarding the efficacy of a health care directive. The hearing involved multiple witnesses both on direct and cross-examination. In addition to hearings and motions, **Shirley Whitenack** participated in a lengthy mediation on Zoom regarding a complex estate and trust matter that resulted in a favorable settlement for her client.



Analytical Lawyering Leads to Multiple Voluntary Dismissals in Massive Construction Defect Litigation


Gil Leeds and **John Campbell** continue to serve as National Coordinating Counsel for Pennsylvania Lumbermens Insurance Company (“PLM”) regarding the defense of construction defect claims across the country. They also defend PLM insureds against such claims in New Jersey and New York.

This past year, Leeds and Campbell successfully obtained voluntary dismissals for three PLM insureds in an enormous construction defect litigation filed against more than 100 defendants in New Jersey. The Plaintiff Condo Association alleged defects with nearly every aspect of the property. The litigation was filed in 2018 and is likely to exist for several more years. Leeds and Campbell’s clients were minor parties alleged to have performed and/or supplied different materials

to the project, including windows, doors and other lumber materials, but could have been kept in the case until the end without smart defense work. Analytical defense work was required to prove a negative.

Leeds and Campbell worked efficiently to supply detailed discovery responses to the plaintiff clearly identifying the limited roles played by the PLM insureds in the massive construction project. Thereafter, the targeted review of millions of pages of discovery was required to further the positions set forth in discovery responses. Leeds and Campbell also supplied client certifications to avoid costly depositions. Ultimately, they were successful in obtaining voluntary dismissals against three separate defendants without having to pay any settlement proceeds.

Leeds and Campbell then also moved the Court to order the dismissals of the crossclaims filed against the PLM insureds by the nearly 100 defendants who remain in the case.



Farah Ansari

Counseling Nonprofits

During the past year, **Farah Ansari** has assisted nonprofits with corporate and tax considerations and state commercial co-venturer regulations related to “cause marketing” and agreements with corporate partners. For instance, she assisted a New York nonprofit with corporate and tax planning in structuring an agreement with a corporate partner to meet the IRC “qualified sponsorship” rules with one goal being a reduction of exposure to unrelated business income tax.



Gil Leeds

Ensuring a Defense for Insurance Agents

Litigation involving insurance coverage is inherently complex because it often involves “a case within a case.” There is the underlying lawsuit, which can be anything from personal injury to commercial, and the overarching lawsuit involving insurance coverage for the underlying one. The complexities are only heightened when there is a dispute involving the insurance agent’s procurement of that insurance coverage. The matter becomes “a case within a case within a case.”

Gil Leeds and **Thomas Cotton** recently obtained a significant victory for a Schenck Price client in a highly complex lawsuit. The case concerned technical pricing mechanisms for a municipality’s health plan, where the municipality was the client of the Schenck Price client, and an underlying lawsuit brought by a medical provider that alleged the mechanisms had improperly reduced reimbursements. Recognizing the need for expediency and efficiency, Leeds and Cotton brought a dismissal motion at the earliest possible stage — and won.



Thomas Cotton



“

Even though I have spent my entire career at Schenck Price, it is more accurate to say I have worked at several different firms. We changed from a quiet, distinguished 35-lawyer firm in Morristown, to a 50-lawyer firm with standout litigation, estate planning and corporate lawyers, to an 85-lawyer firm with four offices offering world-class service across all practice areas to national and international clients.”

Eric Inglis / Co-Chair, Litigation Department / Chair, Commercial Litigation Practice Group / Co-Chair, Professional Liability Practice Group / Co-Chair, Creditors’ Rights Practice Group



Creative and Aggressive Defense Work Preserved Evidence During an Expert Inspection with COVID Protocols

Protecting your client's interests and preserving evidence can be a challenge at an expert inspection you are not permitted to attend. At the height of COVID restrictions, **John Campbell** was defending a toxic tort litigation involving dozens of defendants. Campbell filed motions with the Court to hold the plaintiff to deadlines previously missed and the Court granted his application ordering plaintiff to conduct the inspections.

However, the Court also needed to implement COVID restrictions and therefore, only one of the defendants' attorneys was permitted to attend the inspection and observe. What followed was a series of negotiations reduced to consent order submissions led by Campbell to ensure that his client's interests were protected, and evidence was preserved. The multi-day inspection was videotaped, and all samples were secured for the defendants' experts' later review. Campbell's creative and aggressive defense work pushed the case forward despite COVID restrictions and safeguarded all evidence needed to defend the case.

The matter remains pending and motion practice regarding the plaintiffs' expert discovery is soon to follow.

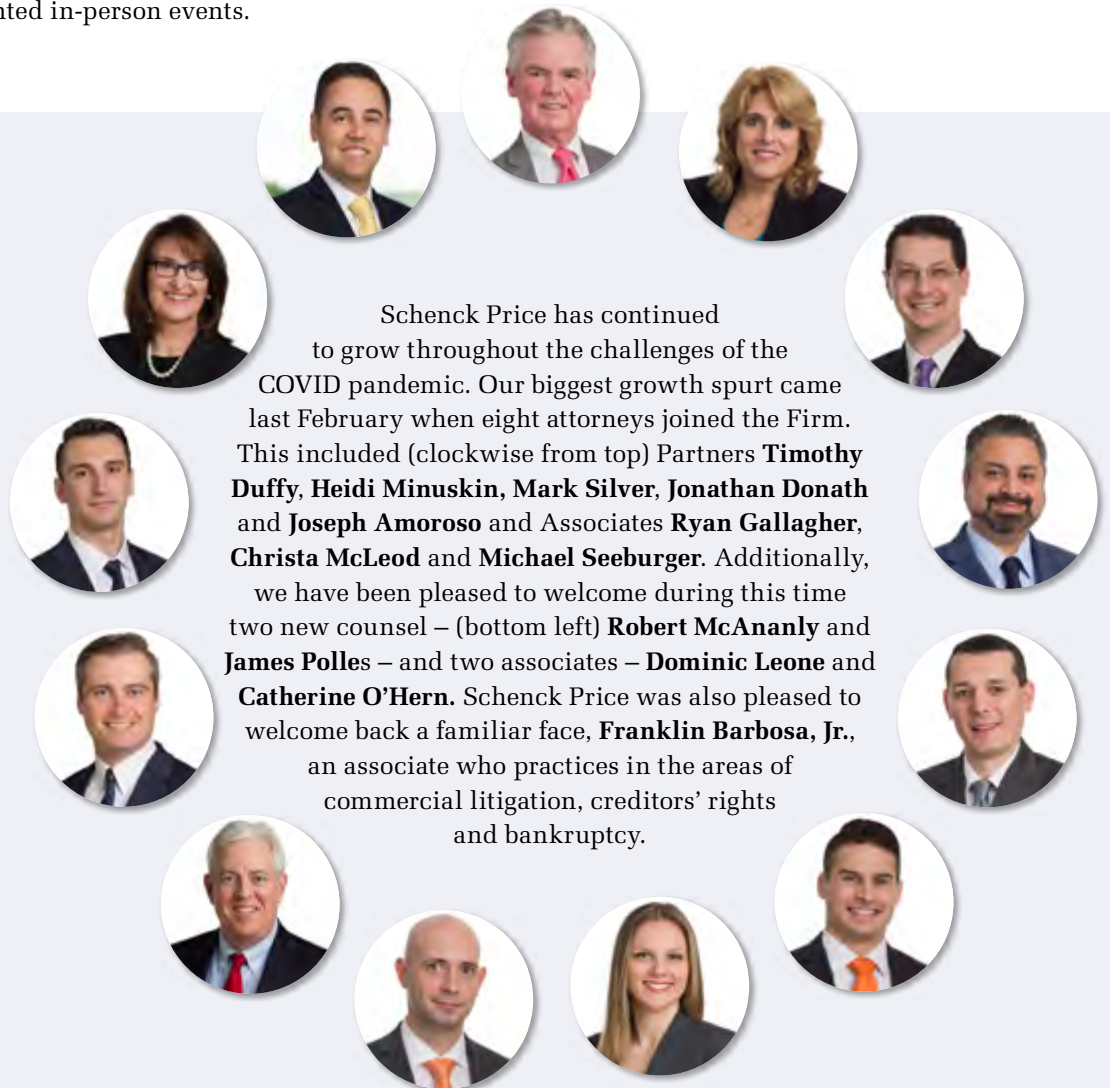
Celebrating Women's History Month



As with many things during the pandemic, “going virtual” was true of celebrations as well. In March 2021, the Schenck Price Women’s Initiative hosted a virtual happy hour for attorneys and staff to toast Women’s History Month. The company that organized the event is a female-owned and operated event design and strategy firm that pivoted to virtual experiences when the pandemic prevented in-person events.

A female mixologist, who owns her own craft cocktail syrup company, taught the participants how to make two drinks – the Ruth Bader “Gin”-sburg and the “She Persisted” Mule. It was a fun event that helped Schenck Price mark Women’s History Month and allowed the participants to unwind.

Growing Our Attorney Ranks



Schenck Price has continued to grow throughout the challenges of the COVID pandemic. Our biggest growth spurt came last February when eight attorneys joined the Firm. This included (clockwise from top) Partners **Timothy Duffy**, **Heidi Minuskin**, **Mark Silver**, **Jonathan Donath** and **Joseph Amoroso** and Associates **Ryan Gallagher**, **Christa McLeod** and **Michael Seeburger**. Additionally, we have been pleased to welcome during this time two new counsel – (bottom left) **Robert McAnanly** and **James Polles** – and two associates – **Dominic Leone** and **Catherine O’Hern**. Schenck Price was also pleased to welcome back a familiar face, **Franklin Barbosa, Jr.**, an associate who practices in the areas of commercial litigation, creditors’ rights and bankruptcy.

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