



EXHIBIT B:  
COVERSHEET, AGREEMENT AND CERTIFICATION FOR  
STATE OF NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY, DIVISION OF LAW  
PROPOSAL FOR SPECIAL COUNSEL DESIGNATION

Name of Special Counsel RFQ to which you are responding:

PROPERTY ACQUISITION AND CONDEMNATION PROPOSAL

Firm Name: DeCotiis, FitzPatrick & Cole, LLP

Firm Address: 500 Frank W. Burr Boulevard, Suite 31  
Teaneck, New Jersey 07666

Number of Attorneys in the Firm: 64

Attorney to Contact for this Proposal: Francis J. Borin, Partner

Telephone Number of Contact for this Proposal: (201) 928-1100

Email Address of Contact for this Proposal: FBorin@decotiislaw.com

AGREEMENT AND CERTIFICATION

By submitting this proposal:

I agree, on behalf of my firm, that my firm will abide by the Outside Counsel Guidelines available at: <http://www.nj.gov/oag/law/rfqs.htm> and with any updates thereto during the term of a Special Counsel Designation and in the event that my firm is retained by the Division of Law.

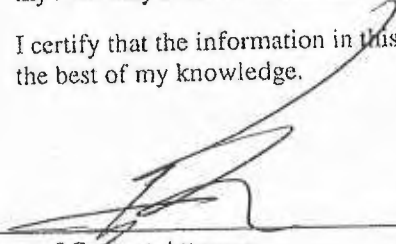
I understand that in the event that my firm is selected and receives a Special Counsel Designation, the Special Counsel Designation is not a guarantee that my firm will be retained for any matter.

I agree that in the event that my firm receives a Special Counsel Designation and is retained, my firm shall bill at the rates [set forth in the RFQ/set forth in the Special Counsel Designation], and that the rates shall not increase during the term of the Special Counsel Designation.

I am confirming all of the Statements in the RFQ that my firm is required to confirm.

I warrant that I have the authority to bind my firm to the Proposal submitted and to any retention my firm may receive as a result.

I certify that the information in this proposal has been reviewed by me and is true and accurate to the best of my knowledge.

  
\_\_\_\_\_  
Signature of Contact Attorney  
Francis J. Borin, Partner

October 9, 2013

Date

**OFFICE**

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October 9, 2013

**ORIGINAL AND THREE (3) COPIES**

Leslie M. Gore  
Assistant Attorney General  
Division of Law  
25 Market Street, First Floor  
Trenton, New Jersey 08625-0112

**Re: OFFICE OF THE ATTORNEY GENERAL, STATE OF NEW JERSEY REQUEST FOR  
QUALIFICATIONS FOR SPECIAL COUNSEL FOR PROPERTY ACQUISITION AND  
CONDEMNATION LITIGATION**

Dear Assistant Attorney General Gore:

We are pleased to submit this Statement of Qualifications to the State of New Jersey, Department of Law and Public Safety, Division of Law, Office of the Attorney General (the "Division") in response to its Request for Qualifications for Special Counsel for Property Acquisition and Condemnation Litigation (the "RFQ").

DeCotiis, FitzPatrick & Cole, LLP ("DeCotiis") is a law firm of sixty-four (64) attorneys, with its office in Teaneck, New Jersey, Mt. Laurel, New Jersey and Princeton, New Jersey. We are dedicated to providing our clients expert legal advice and creative strategies for challenging legal issues in the most efficient manner possible. As a firm, we place a premium on meeting these objectives while maintaining the highest of ethical standards. Our experience in representing public entities in the State of New Jersey (the "State") is extensive and varied. Our attorneys have represented entities at every level of government, including municipalities, counties, housing and redevelopment authorities, municipal and county public authorities, regional authorities, State agencies and authorities, and the State itself. We are well-known for our ability to provide prompt and efficient legal services to our clients. As a result, we have been acknowledged by Martindale-Hubbell as a "Top Ranked Law Firm" in the United States.

Please accept the following as our Statement of Qualifications as required by the RFQ.



**FIRM PROFILE**  
**(RFQ Section 6.2)**

- A. DeCotiis was founded by M. Robert DeCotiis in 1986. Mr. DeCotiis currently serves as our firm's Chairman.
- B. DeCotiis' core mission is to provide expert and comprehensive legal representation to its clients, on matters of New Jersey and federal law, in a practical, successful and cost-effective manner. We have a long history of providing legal representation to public entities at all levels of New Jersey government. As we have grown, we have evolved into a full service firm with a broad depth of legal experience, and with an equally diverse client base. We have represented every level of government, from municipalities and municipal utilities authorities, to counties, county independent authorities, State independent authorities and State agencies.

The following is a summary of DeCotiis' practice areas to provide the Division with an overview of the legal services provided by our firm:

**1. LITIGATION**

DeCotiis' **LITIGATION PRACTICE GROUP** consists of more than thirty attorneys who, collectively, have vast experience in handling complex matters on behalf of public and private entities in Federal and State court. We have earned a reputation for litigation excellence through its successful representation of clients in numerous high profile matters, including its representation of the State in multiple civil rights lawsuits filed against the State Police involving claims of racial profiling. This group has a broad practice, with an emphasis in public entity and transportation agency representation, commercial litigation, labor and employment and civil rights law, white collar criminal defense, environmental law, construction and public procurement and contracting law, land use, health care law, and personal injury defense. Our attorneys have particular talent, and an unmatched record, in representing public entities in significant or politically sensitive matters.

Our attorneys have more than 300 published opinions to their credit, reflecting the breadth of their experience in trial and appellate courts alike, up to and including the Supreme Court of the United States. While our record of success demonstrates its ability and readiness to pursue deserved relief on behalf of its clients in any judicial forum, some of our most significant successes have involved negotiated solutions to problems that appeared to require litigation, and the utilization of alternate dispute resolution techniques to cut short matters that were already in litigation. Our firm's efforts to resolve disputes at an early stage reflect its commitment to avoid the expense, delay and uncertainty of litigation wherever possible – a commitment that we make and uphold to all of our clients, be they major corporations, public entities or private citizens. Where recourse to the courts is a necessity, however, our firm has the resources, experience, and expertise needed to pursue relief until it is achieved.

## **2. PUBLIC ENTITIES**

The **PUBLIC ENTITIES PRACTICE GROUP** provides State, county and municipal governmental entities with general counseling on all aspects of the burgeoning number of legal issues facing public entities. The attorneys in this practice group provide comprehensive, quality professional advice in the many areas of the law affecting government at all levels.

Our extensive experience with the statutory schemes applicable to government entities ensures that the best legal advice is provided to our public entity clients. We believe we offer our clients unparalleled experience in matters involving the interpretation and application of, among others, the Local and State Public Contracts Laws, the Open Public Meetings Act, the Open Public Records Act, the State Appropriations Act, the State Tort Claims and Contractual Liability Acts, P. L. 2005, c.51 (formerly Executive Order 134), the Local Lands and Buildings Law, the Municipal Land Use Law, the Local Redevelopment and Housing Law, the Local Budget Law and the Local Fiscal Affairs Law.

Our attorneys are experienced in providing counseling and representation to governing bodies, planning boards, redevelopment agencies, zoning boards of adjustment, and in assisting public entities in the privatization of publicly run facilities. Complementary practice areas of the firm, including Public Finance, Government and Regulatory Affairs, Environmental Law, Labor and Employment Law, and Litigation, ensure that our public entity clients receive comprehensive and quality legal counseling.

## **3. GOVERNMENT AND REGULATORY AFFAIRS**

DeCotiis has decades of governmental affairs experience before State government, the State Legislature and the State's administrative agencies. It includes over a dozen of its attorneys as registered "governmental affairs agents," as required by law for purposes of interacting with high level agency officials, members of the Legislature and the Governor's Office on issues involving our clients.

DeCotiis includes among its attorneys former Chief Legal Counsels to Governors Florio (M. Robert DeCotiis) and McGreevey (Michael A. DeCotiis). Our former partner, Michael Cole, served as Chief Legal Counsel to Governor Kean. Most recently, our partner, Wayne Hasenbalg, was appointed by Governor Christie as his Deputy Chief of Staff for Policy and Planning. In addition, Governor Christie also recently appointed our partner, Pat Schuber, as a Commissioner of the Port Authority of New York and New Jersey. Also, our partner, William Harla served as the Deputy Chief Legal Counsel to Governor Florio and as an Assistant Counsel to Governor Kean. Additionally, Mr. Harla has served as an Assistant Attorney General for Administrative Practices and Procedures. Mr. Harla has also served on four gubernatorial transitions, worked for a former Assembly member as a legislative aide, worked for the New Jersey Office of Legislative Services (the non-partisan staff of the Legislature), and is an adjunct professor at the Rutgers Newark Law School (where he teaches a class on State government, including the State Legislature).

Finally, our partner, Al DeCotiis, was appointed by President Clinton to serve as the U.S. Representative to the United Nations General Assembly where he addressed, among other things, issues relating to international security and economics. Thus, members of DeCotiis have held high positions in government. For these and other reasons, DeCotiis is widely known and regarded as "the pre-eminent government-focused law firm in New Jersey," according to the New York Times, the Star Ledger, and other authorities.

#### **4. PUBLIC FINANCE AND TAXATION**

DeCotiis' **PUBLIC FINANCE AND TAXATION PRACTICE GROUP** has expertise in all facets of State, county and local financing of public and private projects. The attorneys in this practice group are well-recognized for their knowledge of public finance issues involving public entities, which includes an in-depth understanding of federal and state tax and securities law. Our attorneys are able to develop quick, innovative solutions to any public finance challenges. Our other public clients include the State of New Jersey and many other state independent authorities and bi-state agencies; numerous counties and municipalities and their respective independent authorities; local boards of education and fire districts; and governmentally sponsored "on behalf of" organizations.

We have participated in an exceptionally wide range of transactions including transportation revenue bonds, general obligation bonds, certificates of participation, State "subject to appropriation" contract-based bonds, pooled loan and lease transactions, installment sale agreements, and numerous other types of revenue bonds (including bonds issued for multi-family housing projects, solid waste facilities, hospitals and nursing homes, continuing care retirement centers, colleges and schools, and various other charitable and for-profit entities). We have also assisted issuers in negotiating credit and liquidity support, governmental subsidies, investment agreements (including repurchase, float and forward sale agreements) and interest rate swap arrangements.

Beyond serving as bond counsel, and as counsel to the underwriter or borrower in public financings, our attorneys have successfully assisted public and private clients in related areas such as privatization of public systems and facilities; municipal sales of property tax receivables; seeking and obtaining State debt service assistance; drafting and lobbying relating to new bond financing legislation; preparation of redevelopment plans and negotiations of property tax abatements and exemptions; maintenance of tax exempt status in connection with changes in use; work-outs following defaults; and the negotiation of various contracts related to bond issues.

#### **5. PUBLIC PROCUREMENT AND CONTRACTING**

Governments at all levels are facing new challenges from complex issues and problems. Property acquisition, economic development, utility and energy production, housing and transportation are just a few of the issues that the public sector of today must address. Yesterday's model of government often does not hold the answer to these problems, and innovative approaches are often necessary to meet them. One

constant bridges the past and future: to protect the fiscal and procedural integrity of any selected solution, and to maximize its beneficial impact.

DeCotiis has extensive experience with government procurement at all levels - Federal, State, county and municipal. We are recognized experts in matters of New Jersey public contracting and realize that our public clients expect cutting-edge options with a solid legal foundation. Our firm has assisted governments through complex public/private partnerships, public/public teamings, and independent authority initiatives with unimpeachable integrity. In any given project, we will handle the development and implementation of Requests for Proposals, Requests for Qualifications and other competitive bidding processes; contract negotiation and contract monitoring; negotiation and documentation of public financing transactions; and presentation to governing bodies.

In recent years, some of our major projects have included privatizations of public facilities, public/private road constructions and development projects, and service procurements for local utilities authorities. Our firm is at the forefront of this rapidly changing area of law, an area that poses valuable opportunities for public entities, but also hazardous pitfalls for the inexperienced or poorly advised client.

## **6. LABOR AND EMPLOYMENT**

**THE LABOR AND EMPLOYMENT LAW PRACTICE GROUP** is engaged in a broad spectrum of activities in the area of labor counseling and employment law in the both public and private sectors. In the public sector, our clientele includes state agencies, counties, municipalities and school boards. Private sector representation includes a wide range of business entities. Through representation of management in both the public and private sectors, we have been actively engaged in the negotiation of collective bargaining agreements, unfair labor practice proceedings, grievance arbitrations, interest arbitrations and general labor counseling involving virtually every area of labor law. Our representation involves regular appearances before the Public Employees Relations Commission, the New Jersey Department of Personnel, the Office of Administrative Law, the Equal Employment Opportunity Commission, the Commissioner of Education and various other State and Federal labor boards.

Our extensive compliance counseling practice helps clients address emerging and evolving issues relating to workplace discrimination and employee benefit legislation. Workplace training seminars have become an important service offered by our **LABOR AND EMPLOYMENT LAW PRACTICE GROUP**. Attorneys in this group are also well versed in the supervision of internal investigations, and the drafting and revision of personnel and/or policy manuals relating to all personnel activities. In addition, our attorneys are actively involved in the Labor and Employment Section of the New Jersey State Bar Association and many other professional organizations dealing with the many issues facing employers and employees in the modern workplace. As a result, whether the client activity involves compliance counseling or litigation of employer/employee disputes, we are positioned to answer every client need in this ever-changing area of the law.



## 7. Bankruptcy, Financial Reorganization & Creditors' Rights

The **BANKRUPTCY, FINANCIAL REORGANIZATION AND CREDITORS' RIGHTS PRACTICE GROUP** creates and implements successful strategies for clients facing financial troubles. The group's practitioners combine extensive business advisory and crisis management skills with their in-depth legal knowledge to pilot clients through complex financial reorganizations and bankruptcies. Whether representing a Chapter 11 debtor, a creditor, or creditors' committee, the group develops viable solutions to maximize the prospects for financial recovery.

DeCotiis has extensive experience in all types and stages of financially stressful situations and bankruptcy cases, from negotiation of work-out plans to litigation of reorganizations and liquidations. This group's attorneys have represented secured and unsecured creditors, have defended and prosecuted preference and fraudulent transfer actions, and provided advice in the sale or purchase of assets or obligations of debtors. Because of our diversified practice, this practice group regularly works with teams from other practice groups, to use their expertise in the areas of environmental, commercial finance, civil litigation, real estate and land use, tax, ERISA and employee benefits, labor and employment, and governmental and regulatory affairs. Whether giving counsel on the acquisition or sale of an encumbered parcel of industrial property, pursuing the recovery of rent or lease payments from a defaulting tenant, or negotiating a many-faceted reorganization plan for a struggling corporation or creditors committee, **THE BANKRUPTCY, FINANCIAL REORGANIZATION AND CREDITORS' RIGHTS PRACTICE GROUP** has the experience, resources and stamina to lead clients through the legal obstacle course to a successful conclusion.

## 8. CORPORATE

Our **CORPORATE LAW PRACTICE GROUP** represents closely-held and public corporations as well as public/private joint venture partnerships in transactional and corporate governance matters. This group has extensive experience in business formations, mergers and acquisitions, reorganizations, corporate turnarounds and restructuring, leverage buyouts, divestitures and both public and private finance. Industry expertise includes financial services, banking, real estate, manufacturing and distribution, insurance, healthcare, service entities and governmental entities. With one of the largest Government and Regulatory Affairs practices in the State, our firm is a leader in representing both private and governmental parties in connection with the privatization of government entities, the formation of strategic alliances with public/private entities, and assisting business enterprises at all levels of government. We serve as general counsel to a number of our clients, both public and private, including some of the State's largest real estate and commercial developers and public authorities. In this capacity, the **CORPORATE LAW PRACTICE GROUP** provides general counseling and business advisory services to corporations, limited liability companies, limited partnerships, nonprofit corporations and private foundations. In addition, the **CORPORATE LAW PRACTICE GROUP** works closely with the Litigation Practice Group to handle commercial and corporate litigation matters.

## 9. MUNICIPAL LAW

The **MUNICIPAL LAW PRACTICE GROUP** provides New Jersey municipal and county governmental entities with general legal counsel on all aspects of the burgeoning number of legal issues facing local public entities. The municipal attorneys at DeCotiis provide comprehensive, quality professional advice in the many areas of the law affecting government at the local and county level.

Our experience encompasses virtually every facet of the current legal environment for municipalities. Our attorneys have assisted clients with public meetings, prepared resolutions, ordinances and contracts, and advised procurements and negotiations, including labor negotiations and arbitrations.

In municipal law, more than in virtually any other legal specialty, experience makes an enormous difference. Our municipal attorneys are among the most knowledgeable experts in the numerous statutory schemes applicable to local governments, including the Local Public Contracts Law, the Open Public Meetings Act, the Open Public Records Act, the Local Lands and Buildings Law, the Municipal Land Use Law, the Local Redevelopment and Housing Law, the Local Budget Law and the Local Fiscal Affairs Law. Municipal legal matters frequently involve at least one, and sometimes several, of these laws.

We have also provided extensive legal services to our governmental clients for the acquisition of property for open space and redevelopment and in the defense of tax appeals challenging the assessment of real property. Our municipal attorneys are experienced in providing representation to governing bodies, planning boards, redevelopment agencies and zoning boards of adjustment, as well as in assisting public entities in the privatization of publicly run facilities.

If a municipal matter requires specialized counsel, our complementary practice groups can efficiently render the necessary expertise as part of a multidisciplinary team. These practice groups include Public Finance, Government and Regulatory Affairs, Environmental Law, Labor and Employment Law and Litigation.

## 10. LAND USE AND REDEVELOPMENT

DeCotiis provides a full range of services for redevelopment projects and has thorough expertise in all tasks involved. Our attorneys have extensive experience in overseeing redevelopment investigation studies to determine if an area qualifies as a redevelopment area under the Local Redevelopment and Housing Law, assisting in the preparation of redevelopment plans and amendments to the municipal master plan to insure consistency and compliance with the Municipal Land Use Law, preparing requisite resolutions and ordinances for actions to be taken and ensuring that public hearing requirements are met, soliciting and selecting qualified developers through the preparation of procurement documents, issuing requests for proposals, and negotiating redevelopment agreements and financial agreements for payments in lieu of taxes. We also have the skill and experience to coordinate due diligence activities for project sites including environmental investigations and remediation, property



appraisals, surveys, title searches, and Workable Relocation Assistance Plans. Our attorneys are well qualified to negotiate contracts for the acquisition of property and to assist our government.

Conversely, our expertise in these areas also provides a valuable base from which we advise our private clients in the same processes, from being selected as qualified developers to negotiating a beneficial development agreement and completing the project. Our attorneys provide overall project management, for both our public and private clients, to assure the completion and success of a redevelopment project.

## **11. REAL ESTATE**

The **REAL ESTATE PRACTICE GROUP** is experienced in all the complex areas of law involving real property and the real estate market. We represent individuals, national and local developers, and financial institutions in all manners and types of real estate transactions and land use issues. Our firm provides similar assistance to commercial and industrial firms with large facilities and/or substantial land holdings. Our considerable real estate experience encompasses both development and non-development related activities. We are involved in contract negotiations for land acquisition and assemblage, structuring of ownership and development entities, financing of commercial real estate, and mortgage transactions. We have extensive experience drafting and negotiating leases, obtaining necessary permits and approvals, and representing clients before regulatory agencies and municipal planning/zoning boards.

Our skills are grounded in frequent and close collaboration with experts in the areas of real estate planning, land use, and the appraisal of real estate. We have represented scores of public entities in cases involving commercial and/or industrial uses, cases that often call for a multi-disciplinary approach to issues ranging from real estate finance, zoning and planning, and environmental impacts.

We also have wide experience in the representation of private entities and individuals in condemnation proceedings and tax appeals. In each case, we undertake an independent evaluation in collaboration with well-qualified experts to ensure that each matter is pursued to an appropriate negotiated or litigated outcome.

## **12. ENVIRONMENTAL**

The **ENVIRONMENTAL LAW PRACTICE GROUP** is at the forefront of negotiating and managing environmental risks in public, private and corporate real estate transactions, and enjoys a statewide reputation for its expertise. Our experience in this area includes the representation of lending institutions, real estate developers, public entities in purchase and condemnation proceedings and project coordination and permitting, and both large and small corporations and businesses. Our attorneys provide advice and counsel to our clients in the planning, development, procurement, construction and operation of large-scale, complex, mixed use projects. These projects unfailingly face an array of federal and state permitting requirements that can be dizzying and discouraging to the uninitiated. DeCotiis has a long and

distinguished record of shepherding difficult projects through this regulatory maze to successful conclusions.

Our firm has successfully handled all aspects of the administrative process associated with penalty and permit appeals. While our goal is often to negotiate a favorable settlement of any penalty and/or permit-related issue, if a settlement is not warranted or in our client's best interests, our attorneys have the skill and experience necessary to ensure the best possible result in the appropriate administrative or judicial forum.

### **13. GREEN PRACTICE**

We draw on the expertise of our best and brightest legal minds from various practice groups including tax, finance, environmental, real estate, public procurement and banking to help our clients plan for and implement innovative and unique programs associated with renewable energy, energy efficiency and sustainability. We have counseled clients with regard to energy issues for over two decades; among the areas in which we counsel clients are:

*Renewable Energy* – DeCotiis counsels clients on numerous aspects of solar, wind hydroelectric, waste to energy, landfill gas to energy and biodiesel renewable energy projects including siting, tax credits, project finance, bonds, permitting, pending and adopted legislation mergers and acquisitions, regulation, procurement, renewable energy certificates (wind and biofuels), Solar Renewable Energy Certificates and other State and federal renewable energy incentives, power purchase agreements and other contractual agreements commonly associated with renewable energy projects.

*Sustainable Development* – We consult with public and private clients on aspects of sustainable development including public finance, tax incentives, project acquisition, development and finance, affordable housing, water conservation and reuse and high performance building standards. The Green Practice Group's expertise applies to environmentally advanced construction and development projects in which, for example, Leadership in Energy and Environmental Design (LEED), the Federal Energy Star Program and carbon footprint reduction are issues that require resolution. These topics have become increasingly important as government, at all levels, has moved toward adopting building codes that call for greater energy efficiency and strategies to achieve high performance net-zero carbon emitting buildings.

*Energy Efficiency* – We advise clients in various aspects of energy efficiency including new construction, retrofitting existing structures, State and federal incentives, tax credits, loans, loan guarantees, and grants. We are familiar with, and have counseled municipal and county college clients concerning the implementation of Energy Saving Improvement Plans. These plans, authorized pursuant to recent amendments to the Local Public Contracts Law, allow local governments to issue bonds to finance certain energy efficiency measures (for example, windows, lighting, and HVAC) and pay the debt service with the resulting guaranteed savings. Bonds issued pursuant to this program are self funding and are not included as part of the municipality's debt. In addition, the firm has consulted with several clients concerning the construction of energy efficient combined heat and power facilities

often referred to as Cogeneration or Cogen facilities and the State and federal incentives, rebates, loans and tax incentives associated with such facilities.

*Energy* – DeCotiis advises public clients on aspects of third party energy purchasing, energy aggregation, energy purchase contracts and procurement. Third party energy purchases can yield public entities reduced energy pricing for a limited period of time. Currently, we are working with a large municipal client to implement Government Energy Aggregation, which will allow the municipality to purchase energy for its residents at a reduced price below the local utility tariff rate.

DeCotiis has also developed, structured and created the first local government renewable energy program for local governments in New Jersey (the “Hybrid Program”). The Hybrid Program draws on our experience with municipal law, public and private finance, federal tax law, state regulatory law and our knowledge of the various renewable energy systems available for use. The Hybrid Program is being implemented by several New Jersey county improvement authorities and will allow local governments to finance renewable energy projects at a lower operating cost, resulting in direct, certain budgetary savings, while achieving the environmental benefits of employing green technology. We are pleased to note that the State has recently issued guidance which effectively codifies numerous aspects of the Hybrid Program developed by the firm essentially highlighting the Hybrid Program as a model to be followed across the State. The Hybrid Program can be utilized as a basis from which to develop a program tailored to meet a local government’s specific goals.

*Renewable Energy Policies and Law* – Our firm has, on numerous occasions, consulted with the Division of Local Government Services, the BPU, the State Comptroller’s Office, and the Local Finance Board concerning the Hybrid Program, procurement of Power Purchase Agreements and various interrelated renewable energy, energy and energy efficiency issues, including the inclusion of certain construction related activities in Power Purchase Agreements, and the BPU’s Guidelines for Public Entity Energy Efficiency & Renewable Energy Cost Savings Guidelines.

#### **14. CONSTRUCTION LAW**

The **CONSTRUCTION LAW PRACTICE GROUP** at our firm has the experience and judgment to walk clients through the legal thicket, and guide them past pitfalls into which all too many projects and parties fall. While legal assistance early in the contracting process can often help to avoid disputes later, issues of performance and payment may arise in the best-managed of construction projects, issues that may prove incapable of being worked out in the field. In those instances, our attorneys can provide strategies and options for dispute resolution ranging from face-to-face negotiation, to mediation, to arbitration, to litigation. Suretyship, bonding, and lien law problems are a frequent offshoot of troubled projects and the handling of those problems can be the salvation or undoing of a project. The **CONSTRUCTION LAW PRACTICE GROUP** has successfully helped clients avert crises that seemed unavoidable, and work through crises that have already arrived. While no two cases

will call for the same response, our goal, in every case, is to provide the client with a solution that will optimize the result and minimize delays, costs and frustration.

The firm's **CONSTRUCTION LAW PRACTICE GROUP** frequently interacts with and draws upon other practice groups to provide additional expertise, including the Real Estate Practice Group, the Environmental Law Practice Group, and the Government and Regulatory Affairs Practice Group. Whether a dispute concerns a simple breach of contract or a complex array of technical issues, whether it involves two parties or a dozen, our attorneys have the experience, resources and know-how to bring the matter to a successful conclusion.

## **15. BANKING**

The **BANKING PRACTICE GROUP** represents nationally chartered banks and other financial institutions in both secured and unsecured, and committed and discretionary commercial credit facilities, including cash flow, asset based transactions and debtor-in-possession financing. We assist clients in perfecting and enforcing security interests in all kinds of collateral, including intellectual property, aircraft, rolling stock, ships, equipment, inventory, certificated and uncertificated securities and investment property and insurance policies. We design letters of credit and other credit enhancement facilities, and handle leverage buyouts and acquisitions for both public and private companies, ESOP loans, debt restructurings, industrial revenue bond finance and other specialized lending arrangements. The transactions often involve multiple borrowers or may also involve multiple layers of debt, and range in size from the business banking customers to the large middle market arena. We have substantial expertise in representing banks, insurance companies and other lending institutions in refinancing, construction and permanent loans throughout the United States. Such projects include office buildings, warehouses, shopping centers, apartment buildings, golf courses, condominiums, hydroelectric and other energy facilities, assisted living and congregate care facilities, and nursing homes.

## **16. HEALTH CARE LAW**

The **HEALTH CARE LAW PRACTICE GROUP** has a long and successful history of representing its health care clients in the wide range of complex issues affecting the health care industry. Due to the rapid growth and transformation of the industry, attorneys of the group are called on to represent medical professionals, hospitals, HMOs, medical schools, and pharmaceutical companies. In addition, our attorneys regularly represent physicians, dentists, chiropractors, pharmacists, nurses, physical therapists, and athletic trainers before the State Licensing Boards. Drawing from the interdisciplinary nature of our firm, attorneys in the **HEALTH CARE LAW PRACTICE GROUP** work closely with other practice groups, including the White Collar and Corporate Investigations and Litigation Practice Groups, defending health care professionals who have charges filed against them. Applying their experience and expertise, attorneys in this group have successfully represented health care professionals in lawsuits over treatment of patients, hospital privileges, and third party payer disputes with insurers, Medicare and Medicaid. The group's attorneys also specialize in contract negotiation for physicians who seek employment with

medical groups, medical groups that hire associate physicians, and medical groups that enter into an exclusive contract with a hospital.

**17. PUBLIC UTILITIES**

Our attorneys regularly practice before the New Jersey Board of Public Utilities, and include a former longstanding member of the BPU's Legal Department. The attorneys in the Public Utilities Practice Group are thus able to analyze any emerging issue from both the perspective of the regulatory body as well as the utility - an invaluable dual perspective. DeCotiis has represented a wide array of public utilities before the Board and (in the instance of solid waste utilities) the New Jersey Department of Environmental Protection. Attorneys in the group have participated in complex rate cases on behalf of public utilities, and have represented non-regulated energy groups, public agencies and municipal entities as interveners in rate cases and other public utility matters, such as deregulation proceedings and complicated merger transactions. The Public Utilities Practice Group has the experience and judgment needed to handle any case presenting public utility issues, and to help ensure that the public is provided with safe, adequate and proper service at just and reasonable rates in accordance with law.

- C. As of the date of this Statement of Qualifications, DeCotiis has 100 employees, consisting of the following:

64 Attorneys

50 Partners

11 Associates

3 "Of Counsel"

36 Support Staff

22 Administrative Assistants

3 Paralegals

1 Law Clerk

5 Accounting Administrators

1 Information Technology Specialist

2 Office Management Personnel

1 Receptionist

1 Office Staff

- D. DeCotiis is not a small firm as defined by the RFQ.

- E. Our firm values diversity and seeks to hire, promote and retain women and minorities within its ranks. This is particularly so with respect to our relationship with the Authority. Judy A. Verrone, a female partner with a 4.69% ownership interest in the firm, was for many years responsible for the day to day management and oversight of our representation of the Authority when we served as General Counsel. Ms. Verrone oversaw and directed the many legal matters in which we were involved for the Authority, attended meetings of the Board of Commissioners, interacted with the

Authority's Department of Law on a daily basis, and took an active role in the formulation and management of the Authority's legal affairs.

Ms. Verrone is an example of the firm's commitment to accommodating non-traditional career paths in order to facilitate the success of women and minorities at the firm. Ms. Verrone entered the practice of law as a second career, was hired by the firm as an associate 21 years ago, and ascended through the ranks to her present position. Ms. Verrone occupies a senior position within the firm's management structure. She is Chair of our Public Entity practice group, and is a recognized authority on matters concerning municipal and public entity law, procurement, and governmental affairs. Ms. Verrone also takes a leadership role in associate hiring, and has pursued efforts to mentor and foster the careers of women attorneys.

Dawn Attwood, another female partner, has also taken a leadership role in Authority matters. Ms. Attwood, a former Deputy Attorney General in the Tort section of the Attorney General's Office with 17 years of litigation experience, including several jury trials, is co-lead counsel in defending the Authority in a multi-million dollar personal injury litigation arising out of a motor vehicle accident on the Garden State Parkway. As well, Ms. Attwood oversees and supervises many of the junior attorneys in their defense of the personal injury matters for many of our other clients.

There are many other examples of outstanding female and minority attorneys within our firm. For example:

- Avis Bishop-Thompson, an African-American woman, who is a partner, practices labor and employment law, as well as education law.
- Susan E. Volkert, a female partner, practices labor and employment law, litigation and health care law.
- Susan Fruchtman, a female partner, practices health care law.
- Catherine E. Tamasik, a female partner, has extensive litigation experience, and also practices redevelopment law.
- Victoria A. Flynn, a female partner, practices in the Litigation group with expertise in civil rights litigation, environmental litigation, commercial litigation, public procurement issues and constitutional law.
- Nancy A. Kist, a female partner, has extensive experience in the field of redevelopment and land use, as well as public entity governance.
- Wendy Rubenstein, a female partner, practices in the Environmental Law group.
- Alice Penna a female associate, practices litigation.
- Ranit Shiff, a female associate, practices litigation.



- Amy Shotmeyer, a female associate, is a member of the Green Practice group.
- Megan Sassaman, a female associate, is a member of the Litigation group.
- Mark A. Bunbury, Jr., an African-American associate, is a member of the Labor and Employment Law group.
- Audrey O. Anyaele, a female associate, is a member of the Litigation and Banking Practice Group.

The firm also seeks to foster alternative career paths for our attorneys including the provision of paid maternity leave, and flexible and part time arrangements for female attorneys returning from maternity leave. In this regard, the firm has invested and is continuing to make a significant investment in its technology infrastructure to further facilitate the capability for our attorneys to be productive outside the office. This includes the provision of remote network access, and the availability of wireless devices and laptop computers to all attorneys.

- F. All of our attorneys practice from our office in Teaneck, New Jersey. Each of our attorneys is licensed to practice law in the State of New Jersey and all are in good standing. Our firm also has location in Mt. Laurel, New Jersey and Princeton, New Jersey.

We serve public sector clients all across the State, from Monmouth to Mercer to Bergen Counties. From our office in Teaneck, New Jersey, we are able to represent our clients across the entire State. Our attorneys regularly appear in the State's federal courts, and in the State courts in all of New Jersey's 21 counties. We have also represented public entities in substantially all of those counties. Our attorneys also live all across the State, and are conversant in all of the local issues that arise in their communities. There is no corner of this State that we cannot and do not regularly appear in at a moment's notice.

Although we have experienced tremendous growth since our founding, we nonetheless remain true to our roots. We are a New Jersey firm and New Jersey matters are the lifeblood of our practice. There is no other law firm in the State that can provide the depth of experience, diversity of practice and knowledge of the affairs of public entities in this State. Providing skilled representation to public entities will always be a central commitment of our firm.

- G. State agencies and departments represented by the firm during the last five (5) years include the following:

1. **New Jersey Turnpike Authority / New Jersey Highway Authority**

GENERAL: DeCotiis first represented the New Jersey Highway Authority in 1994, when we were appointed to serve as General Counsel. The firm held that position until 2003, when the New Jersey Highway Authority and the New Jersey Turnpike Authority merged. The firm's attorneys played an integral role in this consolidation of these two

organizations, drafting legislation and working on the related public financing transactions. We served as the Turnpike Authority's General Counsel until early 2011.

**DATES OF ENGAGEMENT:** The firm first represented the Highway Authority in 1994 as General Counsel, and held that position until 2003 when the Highway Authority and the Turnpike Authority merged. From 2003 to 2008, the firm served the Turnpike Authority as Co-General Counsel. From 2008 through early 2011, the firm served the Turnpike Authority as General Counsel.

**MATTERS:** Over the course of our representation of the Turnpike Authority and its predecessor, the firm handled nearly every type of matter a public entity could face. In addition to the numerous civil claims the firm has defended on behalf of the Turnpike Authority, the firm has played an instrumental role in improving the quality of services the Turnpike Authority provides to its patrons.

- i) *Widening of the Garden State Parkway from Interchange 30 to 80:* The firm has provided legal services related to the Parkway's 30 to 80 Widening Project. We have assisted the Turnpike Authority in the procurement of a full service mitigation firm to provide turnkey wetlands and threatened and endangered species habitat mitigation for the project. The firm also worked in a coordinated fashion with Turnpike Authority staff and project team members to pursue permits and approvals from nine State and federal agencies, including the United States Army Corps of Engineers, United States Coast Guard, United States Environmental Protection Agency, United States Fish and Wildlife Service, United States Marine Fisheries Service, New Jersey Department of Environmental Protection, New Jersey Pinelands Commission, the State Historic Preservation Office and the National Historic Sites Council. This project also involved extensive mitigation for impacts to environmentally sensitive areas. Our firm worked closely with the Turnpike Authority's staff and project team members to develop mitigation concepts, and negotiate a consensus among multiple regulatory authorities concerning mitigation requirements. In 2008, our firm assisted the Turnpike Authority's staff in developing a permit management strategy that would allow for the completion on the project prior to the expiration of the multiple permits and approvals obtained by the project team. This project is currently under construction.

In 2009, our firm worked closely with the Turnpike Authority's staff to prevent an attempt by the United States Fish and Wildlife Services to place a stop work order on the Mullica River Bridge new span construction portion of the project. Preventing the issuance of this stop work order avoided delay of the construction schedule and delay claims from contractors.

Our firm also represented the Turnpike Authority in the partial or complete acquisition of more than twenty (20) parcels required from the 30 to 80 Widening Project, including State-owned Tidelands. As part of this Project, our firm worked closely with the municipalities impacted by the acquisitions and engaged the property owners directly in negotiations to obtain the requisite parcels by voluntary conveyance. Our firm worked with the Turnpike Authority and its

construction management team to obtain an additional group of properties that were identified as necessary for the Project based upon refinement of final design. Our firm met regularly with the Turnpike Authority's staff to discuss the acquisition of these properties, as well as properties necessary to satisfy certain mitigation requirements.

- ii) *Modifications of Parkway Interchanges 67 and 69:* The firm has provided legal services related to improvements to Interchanges 67 and 69, which involved cost sharing arrangements with Ocean County. Although the County was responsible for obtaining necessary permits and approvals, the Turnpike Authority was required to obtain the rights-of-way for the projects. Our Real Estate Practice Group negotiated the voluntary acquisition of one parcel of property located in Barnegat, and worked on the acquisition of a second parcel in connection with the Interchange 67 Project. We negotiated a purchase price for each of the parcels, which was less than the amount authorized by the Turnpike Authority.

Although not the Turnpike Authority's primary responsibility, it was necessary for the Turnpike Authority to play a significant role in the permitting of Interchanges 67 and 69. Our firm assisted the Turnpike Authority's staff, Ocean County staff and Ocean County's project team in expediting the New Jersey Department of Environmental Protection's review and approval of these projects.

Our firm also counseled the Turnpike Authority on issues associated with the cost sharing agreements between the Turnpike Authority and Ocean County for these projects.

- iii) *Parkway Interchanges:* The firm assisted the Turnpike Authority in various legal matters associated with the design, permitting, and construction of Interchanges 83, 89, 98, 114, 123, and 127 along the Garden State Parkway. The firm also represented the Turnpike Authority in connection with legal disputes between the Turnpike Authority and certain public utilities affected by these Interchange improvement projects.
- iv) *Parkway Interchange 91:* The firm assisted the Turnpike Authority in the acquisition of property at Interchange 91 by Brick Township with the County of Ocean where the Turnpike Authority contributed to the purchase price.
- v) *Improvements to Parkway Interchange 142:* The firm provided legal services to the Turnpike Authority in connection with the improvements to Interchange 142 on the Garden State Parkway. This project required our firm to acquire approximately thirteen (13) properties on the Turnpike Authority's behalf as part of a larger federally funded project near Interchange 142. To qualify for federal funding, the requisite parcels had to be acquired in a short time frame, and included those owned by municipal governments, private parties and businesses. Several parcels were acquired through negotiated sale and others through condemnation. The parcels were acquired in advance of the Federal Highway Administration's certification deadline and within the Turnpike Authority's estimated reserve budget.

- vi) *Widening of the New Jersey Turnpike from Interchange 6 to 9:* The firm served as a member of the Turnpike Authority's Executive Project Team, having primary responsibility for acquiring the bulk of the 337 properties needed for the Widening Project.
- vii) *Driscoll Bridge:* The firm provided legal services related to the widening and reconstruction project for the existing Driscoll Bridge. Initially, the attorneys here at the firm worked with the Turnpike Authority's engineering and legal staff on virtually every aspect of this enormous undertaking. The firm acquired multiple commercial and industrial properties, assisted the Turnpike Authority and its consultants in obtaining multiple permits and approvals, assisted in the development of public bidding documents, successfully defended the award of the construction contract, and assisted in coordinating with the New Jersey Department of Environmental Protection concerning the beneficial reuse of contaminated soils on-site.

The firm was also instrumental in obtaining, on an expedited basis, a Tidelands Grant from the State of New Jersey, saving the Turnpike Authority a considerable Tidelands Lease Fee. For several years following the permitting and construction of the new Bridge, the firm continued to work closely with the Turnpike Authority and its environmental consultants to obtain NJDEP approval of the wetlands mitigation site associated with the project.

- viii) *Site Remediation and Air Permit Compliance:* The firm handled the legal work related to the remediation of several of the Turnpike Authority's Service Areas including the Brookdale North and South Service Areas, the Cheesequake Service Area, the Atlantic City Service Area and the Montvale Service Area. The firm worked with the Turnpike Authority's Environmental and Patron Services divisions in interfacing with gasoline station operators on issues of permitting and contract compliance, and State and county enforcement authorities concerning permit violations and spill incidents.
- ix) *Public Financing:* The firm has represented the Turnpike Authority and its predecessor with respect to numerous public financings over the years. These public financings are discussed in greater detail below.
- x) *Tax Issues:* The firm successfully defended a claim brought by the Township of Holmdel seeking to tax the PNC Bank Arts Center. The firm prosecuted the litigation on behalf of the Turnpike Authority and succeeded in obtaining a landmark decision from the New Jersey Supreme Court ruling the concert venue and associated land to be exempt from property taxation. In that same action the Supreme Court ruled that a reception hall located on-site did not qualify for tax exemption, and remanded the matter to the Tax Court for determination of the assessed value of the property. On remand the firm negotiated a settlement with Holmdel on this issue which saved the Turnpike Authority nearly \$900,000 from what was owed, and approximately \$1,300,000 less than the amount of taxes sought by Holmdel.

- xi) **Emergency Permitting:** The firm assisted the Turnpike Authority in obtaining emergency State and federal permitting to undertake repairs on elements of the Garden State Parkway in Cape May County and the Lacey Road overpass necessitated by storm damage and a vehicle collision, respectively.
- xii) ***Wireless Communication Facilities:*** The firm represented the Turnpike Authority in negotiations of agreements with wireless communication companies for the placement of wireless communication towers and associated equipment along the Garden State Parkway and the New Jersey Turnpike. The firm was instrumental in the development of a standard Master Lease Agreement currently utilized by the Turnpike Authority for all new wireless communications facilities.
- xiii) ***Development of Regulations:*** Over the years, the firm assisted the Turnpike Authority in developing and implementing various regulatory schemes associated with storm water management, public procurement, and towing. Additionally, in 2009, the firm took the lead in amending and re-adopting the entirety of the Turnpike Authority's regulations at Title 19 of the New Jersey Administrative Code.
- xiv) ***Litigation:*** We represented the Turnpike Authority in a broad range of commercial, construction, procurement and personal injury defense litigation.
- xv) ***Parkway Service Areas:*** Our firm prosecuted and successfully settled a multi-million dollar cost recovery action in 2000 against Exxon Mobil, Texaco and Canadian Oxy Offshore, as a result of petroleum discharges at various Parkway Service Areas. We regularly engaged to assist the Turnpike Authority's staff in addressing on-going remediation issues at the Parkway Service Areas. These assignments often involve interactions with the current service station operator concerning current and past operating practices, spill response, reporting and permitting obligations and management of on-going remediation activities. ***Toll Road Consolidation:*** We assisted in preparation of the Toll Road Consolidation Commission Study that recommended consolidation of the Turnpike Authority and the former New Jersey Highway Authority. We conducted due diligence prior to transfer of the former Highway Authority operations to the Turnpike Authority in 2003. We provided day to day general counsel during the consolidation to facilitate a swift, seamless and efficient transition that avoided any policy or legal stumbling blocks.
- xvi) ***Integrated Toll Road Regulations:*** Our firm prepared interim operating rules to govern the Garden State Parkway and the New Jersey Turnpike during the consolidation transition period in 2003-2004. We prepared final, integrated regulations, including uniform towing regulations governing the newly-consolidated Turnpike Authority.
- xvii) ***Parkway Service Areas Lease/Operator Agreement:*** We negotiated an assignment of the ConocoPhillips Lease/Operator Agreement for nine Parkway Service Areas to Getty Petroleum Marketing/Lukoil in 2004, which among other things, conformed gas pricing on the Parkway to New Jersey Turnpike gas pricing, resulting in substantially lowered prices on the Parkway.

- xviii) *Raritan Toll Plaza One Way Tolls*: We successfully defended an emergent challenge to a contract award in Fall 2004 for the demolition of the Raritan Toll Plaza northbound and installation of Express E-ZPass southbound, enabling this fast-tracked one-way tolling project to be completed in time for the Summer 2005 traffic influx.
- xix) *Public Procurement Seminars*: We conducted seminars on procurement practices, policies and guidelines for the Turnpike Authority's Purchasing and Maintenance Departments, including instruction on drafting bid specifications to avoid legal challenges

PRINCIPAL AGENCY CONTACT: Maura Tully, Esq.  
Marianne Zach, Esq.  
Department of Law  
New Jersey Turnpike Authority  
(732) 750-5300

## **2. New Jersey Transit**

GENERAL: The firm currently represents New Jersey Transit ("NJ Transit") in litigation concerning the terms of a lease for the Newark Bus Complex. The firm was also retained to represent NJ Transit in connection with the acquisition of various parcels of real estate for the Access to the Region's Core Tunnel Project. Previously, the firm represented NJ Transit in the Hoboken Terminal/Rail Yard project, specifically negotiating a redevelopment agreement with a private developer on behalf of NJ Transit.

DATES OF ENGAGEMENT: September 2004 to Present

MATTERS: ARC Tunnel Project  
Hoboken Terminal/Rail Yard Project  
Newark Bus Complex

PRINCIPAL STATE CONTACT: John F. Brendlen  
Director of Real Estate Services  
New Jersey Transit Corporation  
(973) 491-8359

## **3. Rowan State University**

GENERAL: The firm was selected pursuant to a procurement process to provide supplemental legal services to Rowan State University (the "University").

DATES OF ENGAGEMENT: February 2007 until December 2007.

MATTERS: The firm represented the University in connection with the State Commission of Investigation regarding the State's public institutions of higher education. There were no adverse findings issued against the University.



PRINCIPAL STATE CONTACT: Richard Hale  
Vice President of Administration & Finance  
(856) 256-4000

**4. University of Medicine and Dentistry of New Jersey**

GENERAL: The firm represented the University of Medicine and Dentistry of New Jersey (the "UMDNJ") for various matters on an "as-needed" basis as requested by the UMDNJ.

DATES OF ENGAGEMENT: 2003 - 2008

MATTERS:

- i) Maria Vega v. University of Medicine and Dentistry of New Jersey - Middlesex County, Docket No: MID-L-7428-02 In this matter a UMDNJ employee allegedly sexually assaulted the Plaintiff, another employee. Plaintiff filed suit under NJLAD seeking monetary damages. After discovery, the matter was settled.
- ii) Adam Henick v. University of Medicine and Dentistry of New Jersey -Hudson County, Docket No: HUD-L-741-06-05 Plaintiff, a whistleblower, brought this action for injunctive relief and damages for UMDNJ's alleged failure to pay him severance following his termination from employment. Plaintiff had been extensively quoted in the newspapers prior and subsequent to the matters which related to the deferred prosecution agreement between UMDNJ and the United States Attorneys' Office for the District of New Jersey. After discovery, the matter settled.
- iii) UMDNJ v. R. Michael Gallagher Docket No: AR-2007-003 – The former Dean of the School of Osteopathic Medicine, and a tenured faculty member, was suspended and thereafter terminated for cause. An extensive investigation ensued, resulting in indictment of the former Dean. He was charged, together with a former elected official, with "rigging" the hiring process to create a job for the former official. The indictment also charged that staff members were ordered to alter financial statements so that the former Dean would receive annual bonuses. The former Dean was charged in federal court and found guilty together with the former elected official.

PRINCIPAL STATE CONTACT: UMDNJ General Counsel's Office  
(973) 972-4300

**5. New Jersey Attorney General's Office –  
Division of Law & Public Safety**

GENERAL: The firm is regularly retained by the New Jersey Attorney General's Office to represent county prosecutors, law enforcement agencies and other State agencies in matters where the Attorney General's Office has a conflict of interest. Below is a sampling of the cases where the firm has been retained by the Attorney General's Office:

- i) Mann v. Walder, BER-L-2190-08; DeFreese v. Walder, BER-L-283-07 – These matters, which have been consolidated for purposes of discovery, involve the shooting and alleged wrongful death of Emil Mann by Ringwood Park Police Officer Walder. Walder was acquitted at a criminal trial on grounds of self-defense, but Mann’s heirs claim that the use of deadly force was excessive and in violation of his civil rights. DeFreese represents the estate and Carl Mann, Jr., the decedent’s nephew, has filed a Portee (bystander) claim for emotional distress. We are working as co-counsel with the Attorney General’s Office on this matter.

DATES OF ENGAGEMENT: 2009 – Present

PRINCIPAL STATE CONTACTS: DAG Randall Weaver  
(609) 292-6095  
DAG Vincent Rizzo  
(609) 292-8582

- ii) Allah v. Ricci, Civil Action No. 08-1753(JAP), is an action by a *pro se* inmate of New Jersey State Prison who alleges that the conditions of confinement are unconstitutional. We are working as co-counsel with the Attorney General’s Office on this matter.

DATES OF ENGAGEMENT: September 2010 – Present  
PRINCIPAL STATE CONTACT: DAG Dianne Moratti  
(609) 633-3985

- iii) Brown v. Corzine, MER-L-2034-08, is a certified class action lawsuit challenging the constitutionality of conditions in the West Compound of New Jersey State Prison. We are working as co-counsel with the Attorney General’s Office on this matter.

DATES OF ENGAGEMENT: September 2010 – Present  
PRINCIPAL STATE CONTACT: DAG Dianne Moratti  
(609) 633-3985

- iv) Mikhail v. Santos, Civil Action No. 10-3876 (WJM) – In this Wright case, we represent the Hudson County Prosecutor’s Office, who has been sued by a former bail bondsman/bounty hunter who alleges that he was the victim of a false arrest. Since we have been retained, we have filed a motion for summary judgment based on qualified immunity grounds, which is pending.

DATES OF ENGAGEMENT: October 2010 – Present  
PRINCIPAL STATE CONTACT: DAG Brian Flanagan  
(609) 777-3410

- v) Shahid v. Essex County Prosecutor’s Office, ESX-L-4526-10. This is a Wright case brought by a *pro se* inmate who alleges that he is the victim of false arrest and malicious prosecution.

DATES OF ENGAGEMENT: January 2011 – Present  
 PRINCIPAL STATE CONTACT: DAG Brian Flanagan  
 (609) 777-3410

- vi) Oliva v. New Jersey State Police, Civil Action No. 01-2259 Plaintiff filed a lawsuit alleging that the Division of State Police violated his rights under the Conscientious Employee Protection Act, New Jersey Law Against Discrimination, as well as his civil rights. Following his death, the matter was prosecuted by plaintiff's estate. We successfully moved for summary judgment, and the decision was affirmed by the Third Circuit in May 2010.

DATES OF ENGAGEMENT: May 2001 to May 2010.  
 PRINCIPAL STATE CONTACT: Former AAG Stefanie A. Brand,  
 now Rate Counsel  
 (973) 648-2690

- vii) Peterson v. Robert Bernardi, et al., Civil Action No. 07-2723 (RMB), Peterson v. New Jersey Department of the Treasury, Docket No. L-3373-06 (Burlington County) Plaintiff filed parallel lawsuits in federal and State court arising out of his arrest and conviction on murder and rape charges in 1989. Plaintiff's conviction was vacated in 2005 when DNA analysis undermined evidence previously linking plaintiff to the crime scene, and the Burlington County Prosecutor's Office subsequently declined to re-prosecute plaintiff. In the federal civil rights lawsuit, we represented Burlington County Prosecutor Robert Bernardi, the Burlington County Prosecutor's Office, three investigators and an employee of the State Lab. In the State lawsuit, we represented the State of New Jersey, Department of the Treasury, against a claim brought under N.J.S.A. 52:4C-1, et seq., which permits recovery where a person can establish that he or she was convicted and imprisoned for a crime they did not commit. We were able to achieve a global settlement in both cases.

DATES OF ENGAGEMENT: October 2007 – October 2010.  
 PRINCIPAL STATE CONTACT: AAG Howard McCoach.  
 (609) 341-3228

- x) Nevous/Jones v. City of Newark and New Jersey State Police, Docket Nos. ESX-L-829-04 and ESX-L-5065-04 This case arose out of the arrest and prosecution of two Newark residents for unlawful possession of a handgun. We successfully moved for summary judgment and opposed plaintiffs' motion for reconsideration.

DATES OF ENGAGEMENT: 2006 to 2008  
 PRINCIPAL STATE CONTACT: AAG Glenn Jones  
 (609) 984-3900

- xi) Andros v. Gross and Blitz/Atlantic County Prosecutor's Office, Civil Action No. 03-1775 (JBS) In this federal civil rights case, we represented Atlantic County Prosecutor Jeffrey Blitz, First Assistant Prosecutor Murray Talasnik, and three

ACPO investigators. The suit arose out of the indictment and prosecution of an Atlantic City police officer, who was charged with murdering his wife based on an autopsy report that erroneously concluded that the wife was suffocated. We were successful in obtaining summary judgment on behalf of all of our defendants. The Third Circuit affirmed summary judgment, and we successfully defended against plaintiff's petition for a writ of certiorari from the United States Supreme Court.

DATES OF ENGAGEMENT: 2003 to 2009  
PRINCIPAL STATE CONTACTS: AAG Glenn Jones  
DAG Ellen Hale  
(609) 984-3900

- xii) Caldwell v. Dover Township, Civil Action No. 06-4318 (JAP) In this federal excessive force case, we represented the Ocean County Prosecutor's Office, former Prosecutor Thomas Kelaher, and former Captain Jeffrey Bissey. The case arose out of the alleged assault by members of the Dover Township police in a case of mistaken identity during the execution of several search warrants. A favorable settlement was obtained, with our motion for summary judgment pending.

DATES OF ENGAGEMENT: May 2007 – April 2008  
PRINCIPAL STATE CONTACT: DAG Ellen Hale  
(609) 984-3900

- xiii) Hyatt v. Avigliano/Passaic County Prosecutor's Office, Civil Action No. 04-1545 (DMC) In this federal civil rights case, we represented the Passaic County Prosecutor's Office, Passaic County Prosecutor James Avigliano, Chief Assistant Prosecutor Joseph Del Russo, Senior Assistant Prosecutor Christopher Freid, PCPO investigator Susan Bonds and Multi-Disciplinary Team Coordinator Giselle Henriquez. The case arose out of the decision to arrest the mother of a sexually abused seven year old child, for tampering with the child victim witness in an effort to hinder the prosecution and protect the child molester, who was ultimately convicted. The convicted child molester was living with the family at the time the abuse took place. We successfully obtained summary judgment on behalf of all prosecutor defendants; the decision was affirmed by the Third Circuit in June 2008.

DATES OF ENGAGEMENT: 2004 to June 2008.  
PRINCIPAL STATE CONTACTS: AAG Glenn Jones  
DAG Ellen Hale  
(609) 984-3900

- xiv) LaVista v. Morris County Prosecutor, Superior Court-Morris County Docket No. MOR-L-485-05, This was an unlawful arrest and imprisonment action. A quick and favorable settlement was obtained.

DATES OF ENGAGEMENT: April 2005-May 2006

PRINCIPAL STATE CONTACT: AAG Leslie Gore  
(609) 984-3900

- xv) Onque v. Essex County Prosecutor's Office, Docket No. ESX-L-7323-03 In this state court civil rights action, we represented the Essex County Prosecutor's Office, former Essex County Prosecutor Patricia Hurt, former Chief Assistant Prosecutor Norman Menz, and five other employees of the ECPO. The case arose out of a homicide prosecution that was based on eyewitness identifications that were later undermined by negative DNA tests. At the time we were assigned the case, all of the defenses of the ECPO defendants had been stricken for discovery derelictions of preceding counsel. We corrected the discovery deficiencies, and successfully moved to reinstate our clients' defenses. We then moved for summary judgment based on prosecutorial and good faith immunity. With that motion pending, plaintiff expressed a renewed interest in settlement (plaintiff's settlement demand was \$2 million at the time the case was assigned to our office). The case settled for \$55,000.

DATES OF ENGAGEMENT: January 2006 – November 2006  
PRINCIPAL STATE CONTACTS: AAG Glenn Jones  
DAG Ellen Hale  
(609) 984-3900

- xvi) Ryerson v. State of New Jersey and Rubinaccio/Morris County Prosecutor's Office, Civil Action No. 06-01214 (JAG) In this federal civil rights action, we represented the Morris County Prosecutor's Office, Morris County Prosecutor Michael Rubinaccio, and eight employees of the MCPO. The case arose out of an ongoing state court prosecution of the plaintiff on charges of prostitution. In the State court proceedings, plaintiff successfully moved for dismissal of the "enhanced penalty" charges for repeat offenders. The Appellate Division reversed and reinstated the indictment. On our motion, the federal court dismissed the case pending completion of the State proceedings. By decision dated July 8, 2008, the Supreme Court of New Jersey upheld plaintiff's challenge to the State court indictment and ordered its dismissal. While that development opens the door for reinstatement of plaintiff's federal action, to date, there has been no indication that plaintiff intends to do so. The case remains closed at present.

DATES OF ENGAGEMENT: November 2006 to 2008  
PRINCIPAL STATE CONTACTS: AAG Glenn Jones  
DAG Ellen Hale  
(609) 984-3900

- xvii) Scanlon v. Alan Grieco, et al., Docket No. BER-L-2811-96; Baldassare v. State of New Jersey, et al., Civil Action No. 95-6460(KSH); Hennessey v. State of New Jersey et al., Docket No. BER-L-2441-9; DeLisa v. County of Bergen, et al., Docket No. BER-L-12987-04 This litigation involved four separate employee "whistleblower" complaints against the Bergen County Prosecutor, all arising from essentially the same factual scenario. We initially prevailed on summary

judgment in all four cases. The Scanlon decision was upheld on appeal, with the New Jersey Supreme Court denying certification. The DeLisa decision was upheld by the Appellate Division, but later reversed in the Supreme Court in a precedent-altering decision. See DeLisa v. County of Bergen, 165 N.J. 140 (2000). Similarly, while defendants were initially granted summary judgment in the Baldassare matter, that ruling was reversed on appeal by the Third Circuit in a published opinion. See Baldassare v. State of New Jersey, 250 F.3d 188 (3d Cir. 2001). Subsequently, Baldassare settled without trial. Hennessey was tried and ultimately resolved through settlement.

DATES OF ENGAGEMENT: 1996-2006  
PRINCIPAL STATE CONTACT: DAG Ellen Hale  
(609) 984-3900

- xviii) Soberal v. City of Jersey City and DeFazio/Hudson County Prosecutor's Office, Civil Action No. 04-2788 (JAP) In this federal civil rights action, we represented the Hudson County Prosecutor's Office, Hudson County Prosecutor Edward DeFazio, and Assistant Prosecutor Peter Stoma. The case arose out of a Jersey City Police Officer's murder of his girlfriend following a decision made by the HCPO to allow the officer to be re-armed. We moved for and obtained summary judgment for the HCPO defendants.

DATES OF ENGAGEMENT: August 2005 – July 2006  
PRINCIPAL STATE CONTACTS: AAG Glenn Jones  
DAG Christina Glogoff  
DAG Ellen Hale  
(609) 984-3900

- xix) Stackhouse v. Township of Irvington, et al. Civil Action No. 04-5964 (WJM) This malicious prosecution/§1983 action was brought by an inmate against the Township of Irvington and the Essex County Prosecutor's Office. Our motion to dismiss the case was granted.

DATES OF ENGAGEMENT: 2005 - 2007  
PRINCIPAL STATE CONTACT: DAG Ellen Hale  
(609) 984-3900

- xx) Landano v. Hudson County Prosecutor's Office, Thomas Mulcahy, Esq., et al., Civil Action No. 99-04705 (JCL) A former State inmate was convicted in 1979 of conspiracy and the gun point robbery of a check cashing business in Kearny, New Jersey. A uniformed Newark Police Officer was murdered during the robbery. After more than a decade in prison, Landano was released on a writ of habeas corpus. The State court thereafter granted Landano a new trial, in which he was acquitted. Landano then filed a multi-count, multi-defendant federal civil rights violation case against the Hudson County Prosecutor's Office and multiple Hudson County Prosecutors, among others. The firm represented former Assistant Hudson County Prosecutor Thomas Mulcahy. We successfully obtained summary judgment on behalf of our client.



DATES OF ENGAGEMENT: 2001 - 2005  
 PRINCIPAL STATE CONTACT: AAG Allison E. Accurso  
 (609) 984-3900

- xxi) Bartsch v. Bergen County Prosecutor's Office, et al., Civil Action No. 06- 3816 (PGS) In this federal civil rights case, we represented Robert Anziolotti of the Bergen County Prosecutor's Office. The case arose out of the alleged wrongful release of plaintiff's identity to the public after plaintiff assisted investigators in investigating a murder-for-hire plot. We successfully obtained summary judgment on behalf of our client.

DATES OF ENGAGEMENT: September 2007 – May 2008  
 PRINCIPAL STATE CONTACT: AAG Howard McCoach  
 DAG Christina Glogoff  
 (609) 984-3900

- xxii) Rodriguez v. Camden County Prosecutor's Office, et al., Civil Action No. 05-1978, In this District of Puerto Rico false arrest case, we represented the Camden County Prosecutor's office. The case arose out of plaintiff's allegations that the CCPO confused him with another man with the same name and birth date, who was wanted for sexual assault. A favorable settlement was obtained, with our motion for summary judgment pending.

DATES OF ENGAGEMENT: July 2007 – June 2008  
 PRINCIPAL STATE CONTACT: DAG Ellen Hale  
 (609) 984-3900

- xxiii) Longoria v. State, et al., MER-1533-02, Longoria v. State, et al., Civil Action No. 99-543 (SMO) These matters were two sequential lawsuits brought by the same plaintiff, a Hispanic male New Jersey State Trooper. In the first-filed federal action, plaintiff alleged discrimination based on his ethnicity in violation of his federal civil rights and the New Jersey Law Against Discrimination. We successfully moved for summary judgment on the federal claims, and the court declined supplemental jurisdiction of the remaining State claims. See Longoria v. State of New Jersey, 168 F.Supp. 2d 308 (D.N.J. 2001). Plaintiff then re-filed the State claims in Superior Court. The case was settled.

DATES OF ENGAGEMENT: 1999 - 2005  
 PRINCIPAL STATE CONTACT: AAG James Martin  
 (609) 984-3900

## 6. Public Finance Transactions

The firm has represented the following State entities in public financing transactions. Of the services described below, 100% falls into the category of Bond/Tax Counsel. Please see Table-1 below for a listing of the specific transactions for which the firm provided services and the dates of those services. (Practice Areas – Bond/Tax Counsel).

**i) Garden State Preservation Trust**

GENERAL: The firm has represented the Garden State Preservation Trust with respect to various public financing transactions.

DATES OF ENGAGEMENT: See Attached Table-1.

MATTERS: See Attached Table-1

PRINCIPAL STATE CONTACT: Ralph Siegel  
Executive Director  
(609) 984-4600

**ii) New Jersey Office of Public Finance**

GENERAL: The firm has represented the New Jersey Office of Public Finance with respect to various public financing transactions.

DATES OF ENGAGEMENT: See Attached Table-1.

MATTERS: See Attached Table -1

PRINCIPAL STATE CONTACT: James Petrino  
Director  
(609) 984-8229

**New Jersey Health Care Facilities Financing Authority**

GENERAL: The firm has represented the New Jersey Health Care Facilities Authority with respect to various public financing transactions.

DATES OF ENGAGEMENT: See Attached Table-1.

MATTERS: See Attached Table-1

PRINCIPAL STATE CONTACT: Mark Hopkins  
Executive Director  
(609) 292-8585

**iv) New Jersey Educational Facilities Authority**

GENERAL: The firm has represented the New Jersey Educational Facilities Authority with respect to various public financing transactions.

DATES OF ENGAGEMENT: See Attached Table-1

MATTERS: See Attached Table-1

PRINCIPAL STATE CONTACT: James S. Poole  
Executive Director  
(609) 987-0880

**v) New Jersey Economic Development Authority**

GENERAL: The firm has represented the New Jersey Economic Development Authority with respect to various public financing transactions.

DATES OF ENGAGEMENT: See Attached Table-1.

MATTERS: See Attached Table-1

PRINCIPAL STATE CONTACT: Karen Franzini  
Executive Director  
(609) 292-1800

**TABLE 1**

YEAR	ISSUER NAME	PAR AMOUNT	NAME OF ISSUE	DATE OF ISSUE	Counsel to/ Type of Counsel
2011	New Jersey Economic Development Authority	\$777,260,000	School Facilities Construction Refunding Bonds, 2011 Series, consisting of 2011 Series E (SIFMA Index Notes), 2011 Series F (LIBOR Index Notes), 2011 Series GG (Tax Exempt) and 2011 Series HH (Federally Taxable)	2/22/2011	Underwriter's Counsel
2011	New Jersey Economic Development Authority	\$498,035,000	School Facilities Construction Refunding Bonds, 2011 Series, consisting of 2011 Series C (SIMA Index Notes), 2011 Series D (LIBOR Index Notes), 2011 Series EE and 2011 Series FF (Federally Taxable)	1/20/2011	Underwriter's Counsel
2010	New Jersey Economic Development Authority	\$211,390,000	Revenue Bonds (Provident Group-Montclair Properties L.L.C. - Montclair State University Student Housing Project) Series 2010A	06/11/10	Underwriter's Counsel
2010	New Jersey Educational Facilities Authority	\$68,785,000	Revenue Bonds, Princeton Theological Seminary Issue, 2010 Series A	02/11/10	Bond Counsel
2009	New Jersey Office of Public Finance	\$228,760,000.00	General Obligation Bonds, Refunding Bonds (Series O)	06/12/09	Bond Counsel
2009	New Jersey Educational Facilities Authority	\$27,545,000	Revenue Bonds, Montclair State University Issue, Series 2008 J	01/23/09	Bond Counsel

YEAR	ISSUER NAME	PAR AMOUNT	NAME OF ISSUE	DATE OF ISSUE	Counsel to/ Type of Counsel
2008	New Jersey Economic Development Authority	\$50,000,000	Variable Rate Demand Revenue Bonds	12/31/08	Underwriters Counsel
2008	New Jersey Economic Development Authority	\$15,000,000.00	Cooper Medical Services, Inc., A New Jersey Non-Profit Corporation New Markets Tax Credits Transaction	12/31/08	Purchaser Counsel
2008	New Jersey Educational Facilities Financing Authority	\$35,205,000.00	Revenue Refunding Bonds, Rowan University Issue, Series 2008 B	04/10/2008	Bond Counsel
2007	New Jersey Educational Facilities Authority	\$39,907,901.21	\$36,053,465.60 Revenue Refunding Bonds, Saint Peter's College Issue, 2007 Series G (Tax-Exempt) and \$3,848,461.61 Revenue Refunding Bonds, Saint Peter's College Issue, 2007 Series I (Taxable/Convertible)	12/28/2007	Bank Counsel and Master Trustees Counsel
2006	New Jersey Educational Facilities Authority	\$154,110,000.00	\$154,110,000 Revenue Bonds, Montclair State University Issue, Series 2006 J	12/14/2006	Bond Counsel
2005	Garden State Preservation Trust	\$209,590,000.00	Open Space and Farmland Preservation Refunding Bonds, 2005 Series C	12/08/2005	Bond Counsel
2005	New Jersey Health Care Facilities Financing Authority	\$56,895,000.00	\$32,895,000 Fixed Rate Revenue Bonds (Children's Specialized Hospital Project), Series 2005 B	11/01/2005	Bond Counsel
2005	New Jersey Economic Development Authority	\$750,000,000.00	School Facilities Construction Bonds, Series 2005 O	01/04/2005	Bond Counsel

YEAR	ISSUER NAME	PAR AMOUNT	NAME OF ISSUE	DATE OF ISSUE	Counsel to/ Type of Counsel
2005	New Jersey Educational Facilities Authority	\$101,925,000.00	\$78,500,000 Revenue Bonds, Montclair State University Issue, Series 2002 F and \$23,425,000 Revenue Bonds, Montclair State university Issue, Series 2003 E	08/17/2005	Bond Counsel
2005	New Jersey Educational Facilities Authority	\$169,790,000.00	Higher Education Capital Improvement Fund Revenue Refunding Bonds, Series 2005	08/10/2005	Bond Counsel
2005	New Jersey Health Care Facilities Financing Authority	\$95,675,000.00	\$30,300,000 New Jersey Health Care Facilities Financing Authority Revenue and Refunding Bonds, RWJ Health Care Corp. at Hamilton Obligated Group Issue, Series 2005A and \$65,375,000 New Jersey Health Care Facilities Financing Authority Revenue Bonds, RWJ Health Care Corp. at Hamilton Obligated Group Issue, Series 2005B	07/14/2005	Bond Counsel
2005	New Jersey Turnpike Authority	\$537,560,000.00	Turnpike Revenue Bonds, Series 2005 A, 2005 B, 2005 C	06/09/2005	Bond Counsel
2005	New Jersey Health Care Facilities Financing Authority	\$12,055,000.00	\$10,880,000 Revenue Bonds (The Avalon at Hillsborough, A Bridgeway Assisted Living Residence) Series 2005 A and \$1,175,000 Revenue Bonds (The Avalon at Hillsborough, A Bridgeway Assisted Living Residence) Series 2005 B (Federally Taxable)	05/26/2005	Bond Counsel

YEAR	ISSUER NAME	PAR AMOUNT	NAME OF ISSUE	DATE OF ISSUE	Counsel to/ Type of Counsel
2005	New Jersey Economic Development Authority	\$677,465,000.00	School Facilities Construction Refunding Bonds, Series 2005 N	05/23/2005	Bond Counsel
2005	New Jersey Educational Facilities Authority	\$51,840,000.00	Revenue Refunding Bonds, Series 2005 D	04/13/2005	Bond Counsel
2005	New Jersey Economic Development Authority	\$150,000,000.00	School Facilities Construction Refunding Bonds, Series 2005 L	03/22/2005	Bond Counsel
2005	New Jersey Educational Facilities Authority	\$21,575,000.00	New Jersey City University Issue, Series 2005 A	01/26/2005	Bond Counsel
2004	New Jersey Turnpike Authority	\$101,279,754.75	Turnpike Revenue Bonds, Series 2004 B Consisting of Growth and Income Securities (GAINS)	12/21/2004	Bond Counsel

H. Our attorneys regularly appears before numerous state agencies, departments and/or authorities including, but not limited to, the following:

- New Jersey Board of Medical Examiners
- New Jersey Department of Labor & Workforce Development
- New Jersey Department of Law & Public Safety
- New Jersey Department of Community Affairs
- New Jersey Division of Taxation
- New Jersey Department of Environmental Protection
- New Jersey Department of Transportation
- New Jersey Department of Health and Senior Services
- New Jersey Department of Human Services
- New Jersey Department of Treasury
- New Jersey Department of Banking and Insurance
- New Jersey Board of Public Utilities
- New Jersey Delaware River Basin Commission
- New Jersey Economic Development Authority
- New Jersey Environmental Infrastructure Trust
- New Jersey Meadowlands Commission
- New Jersey Public Employment Relations Commission
- New Jersey State Ethics Commission
- New Jersey Election Law Enforcement Commission
- New Jersey Housing Mortgage Finance Agency
- New Jersey Sports & Exposition Authority
- Office of Administrative Law
- Office of the Governor



- New Jersey Highlands Council
- New Jersey Pinelands Commission
- The Delaware & Raritan Canal Commission

Notwithstanding our regular appearance before the foregoing agencies, our firm maintains rigorous protocols to ensure that we are never in a position of conflict with our clients under RPC 1.7. In this regard, under longstanding guidance issued by the Attorney General's Office, it is well-established that an outside law firm's representation of one state agency does not place it in a position of conflict if it takes a position adverse to another state agency. Our firm has, at all times, strictly complied with RPC 1.7 and the relevant interpretive guidance.

I. In light of our established private client practice, we are unable to represent the following State agencies:

- New Jersey State Department of Environmental Protection
- New Jersey State Department of Transportation

Since we serve as general and special counsel to various State and public entities, we will ensure to comply with all rules and regulations regarding disclosure of possible conflicts of interest. This Statement of Qualifications shall confirm that if designated as Special Counsel, our firm will disclose to the Division and the Attorney General's Office any actual or potential conflicts. If selected, DeCotiis will agree not to undertake any future representation that might result in the disclosure of State's work product to potential or actual adversaries of the State.

J. Government entities, agencies or political subdivisions, other than the State, that we represent or have represented, include the following:

**CLIENT NAME**

**YEAR(S)**

**NATURE OF WORK PERFORMED**

**Aberdeen Township**

2003

Bond Counsel

**Absecon, City of**

2000-2003

Bond Counsel

Special Counsel

**Alpine, Borough of**

2000-2006

Zoning Board Attorney

Municipal Prosecutor Services

**Atlantic City Board of Education**

2002-Present

Labor Counsel

**Atlantic City**

2002-2006

Special Counsel

2008-Present

Outside General Counsel

**Atlantic County**

2006-Present

Special Counsel

**Atlantic Highlands Sewerage  
Authority**  
2001  
Special Counsel

**Beachwood, Borough of**  
1994-2003  
Bond Counsel

**Belleville Township**  
2001-Present  
Special Counsel

**Bergen Community College**  
2005-Present  
General Counsel

**Bergen County Housing Authority**  
1996-2001  
Bond Counsel

**Bergen County Improvement Authority**  
2004  
Bond Counsel

**Bergen County Municipal Energy  
Joint Commission**  
1999-2001  
Special Counsel

**Bergen County Prosecutor's Office**  
1996-2007  
Special Counsel

**Bergen County Sheriff's Office**  
2000-2007  
Special Counsel

**Bergen County Utilities Authority**  
2003-2004  
Labor Counsel

**Bergen County**  
1996-Present  
Special Counsel

**Bergenfield Board of Adjustment**  
2000  
Special Counsel

**Berkeley Township Board of  
Education**  
1996-2004  
Special Counsel

**Berkeley Township Municipal  
Utilities Authority**  
1994-2003  
Bond Counsel

**Berkeley Township School District**  
2002  
Bond Counsel

**Bloomfield, Township of**  
2001-2009  
Special Counsel

**Bound Brook, Borough of**  
2005-2006  
Special Counsel  
2009-Present  
General Counsel

**Brick Township Board of Education**  
1994-2004  
Bond Counsel

**Brick Township Municipal  
Utilities Authority**  
1994-2002  
Bond Counsel

**Brick Township Planning Board**  
2003-2003  
Special Counsel

**Brick, Township of**  
1994-2003  
Bond Counsel

**Brigantine, City of**  
2000-2007  
Bond Counsel  
Labor Counsel

**Brigantine Board of Education**  
2000-2002  
Labor Counsel

**Burlington County Bridge Commission**  
1994-2002  
Bond Counsel

**Camden County Improvement Authority**  
1994-2008  
Bond Counsel

**Cape May County Municipal  
Utilities Authority**  
2001-2002  
Labor Counsel

**Central Jersey Joint Insurance Fund**  
  
Special Counsel

**Chester, Borough of**  
2003-2007  
Bond Counsel

**Closter, Borough of**  
1991-Present  
Bond Counsel

**Demarest Board of Education**  
2000-2002  
Labor Counsel

**Denville Board of Education**  
2002-2004  
Special Counsel

**Eagleswood, Township of**  
1994-Present  
Bond Counsel

**East Orange, City of**  
2002-Present  
Labor Counsel

**Edgewater Municipal Utilities  
Authority**  
1993-2007  
General Counsel  
Bond Counsel

**Burlington County**  
1996-1999  
Special Counsel  
2005-Present  
Special Tax Counsel

**Camden County**  
2004-2005  
Special Counsel

**Camden County Pollution  
Control Finance Authority**  
1997-2007  
Bond Counsel

**Carteret, Borough of**  
2002-Present  
Bond Counsel  
Special Counsel

**Central Regional Board of Education**  
2000-2001  
Bond Counsel

**Cliffside Park, Borough of**  
2005-Present  
Bond Counsel

**Delaware River Joint Toll  
Commission**  
2001-2007  
Bond Counsel

**Demarest, Borough of**  
2000-2004  
Tax Appeal Counsel

**Dover, Town of**  
1994-2003  
Tax Appeal Counsel

**East Brunswick, Township of**  
2003-Present  
Special Counsel  
Labor Counsel  
General Counsel

**Edgewater Housing Authority**  
1994-2002  
Bond Counsel

**Edgewater, Borough of**  
1992-Present  
Special Counsel  
Bond Counsel

**Edison, Township of**  
1991-Present  
General Counsel  
Special Counsel

**Emerson, Borough of**  
2007-Present  
Special Counsel  
Labor Counsel - 2011

**Englewood Housing Authority**  
1999-2006  
Special Counsel

**Englewood, City of**  
1997-2006  
Bond Counsel

**Essex County Prosecutor's Office**  
2005  
Special Counsel

**Essex, County of**  
1994-2001  
2007-Present  
Special Counsel

**Fairview, Borough of**  
1997-2003  
Special Counsel

**Fort Lee Board of Education**  
2001-2006  
Labor Counsel

**Fort Lee Public Library**  
2000-Present  
Labor Counsel

**Franklin, Township of**  
1999-2008  
2010-Present  
General Counsel  
Special Counsel

**Garfield, City of**  
1992-2002  
Tax Appeal Counsel  
2004-2007

**Elizabeth, City of**  
1997-Present  
Bond Counsel

**Englewood Cliffs, Borough of**  
2003-Present  
Bond Counsel

**Englewood Planning Board**  
2004  
Special Counsel

**Essex County Improvement Authority**  
1996-Present  
General Counsel  
Special Counsel  
Bond Counsel

**Essex County Utilities Authority**  
1992-2008  
Special Counsel  
Bond Counsel

**Evesham, Township of**  
1995-2008  
Special Counsel

**Fanwood, Borough of**  
2003-2008  
Special Counsel

**Fort Lee Parking Authority**  
2004-2006  
Special Counsel

**Fort Lee, Borough of**  
1998-Present  
Borough Attorney  
Labor Counsel  
Bond Counsel  
Special Counsel

**Franklin Lakes, Borough of**  
2008-2010  
General Counsel

**Garfield Housing Authority**  
2000-2003  
Special Counsel

**Garwood Board of Education**  
1995-2001  
Special Counsel

Special Counsel

**Green Brook, Township of**  
2009  
General Counsel

**Hackensack Board of Education**  
1998-Present  
Bond Counsel

**Hackensack, City of**  
2000-2004  
2010-Present  
Special Counsel  
Redevelopment Counsel

**Hamburg Board of Education**  
2000-2002  
Labor Counsel

**Hamilton, Township of**  
2000-2008  
Bond Counsel

**Hamilton Township Board of Education**  
1999-2006  
Bond Counsel

**Harrison, Township of**  
1999-2001  
Special Counsel

**Harrington Park, Borough of**  
1994-Present  
Special Counsel

**Harvey Cedars, Borough of**  
1994-2006  
Bond Counsel

**Hazlet, Township of**  
2001-2004  
General Counsel

**Hillsborough, Township of**  
1997-2003  
Labor Counsel  
Special Counsel

**Hillsdale, Borough of**  
1996-2005  
Bond Counsel  
Special Counsel

**Hoboken Board of Education**  
2001-2003  
Bond Counsel

**Hoboken Housing Authority**  
2005  
Special Counsel

**Hoboken Parking Authority**  
1997-2003  
Bond Counsel

**Hoboken, City of**  
1994-2001  
Bond Counsel

**Ho-Ho-Kus Board of Education**  
2000-2002  
Labor Counsel

**Holmdel Township Planning Board**  
2007  
Planning Board Attorney

**Howell, Township of**  
2002  
Special Counsel

**Howell Township Board of Education**  
2000-2002  
Labor Counsel

**Hudson County Community College**  
1999-2001  
General Counsel

**Hudson County Improvement Authority**  
1988-Present  
General Counsel  
Special Counsel

**Hudson County Prosecutor's Office**  
2005-2006  
Special Counsel

**Hudson County**  
1992-2003  
Bond Counsel  
Special Counsel

**Irvington, Township of**  
2006  
Labor Counsel

**Jersey City Municipal Utilities  
Authority**  
2002-2004  
Special Counsel

**Jersey City, City of**  
2001-2005  
Bond Counsel

**Keansburg Housing Authority**  
2001  
Bond Counsel

**Keyport, Borough of**  
1999-2003  
Bond Counsel

**Lacey, Township of**  
1994-Present  
Bond Counsel

**Lakehurst, Borough of**  
2000-2001  
Labor Counsel

**Lakewood, Township of**  
1994-2003  
Special Counsel  
2007-Present  
Tax Appeal Counsel

**Linden, City of**  
2000-2007  
Special Counsel

**Little Egg Harbor Municipal  
Utilities Authority**  
1996-2002  
Bond Counsel

**Little Ferry, Borough of**  
1991-1998  
2010-Present  
General Counsel

**Lyndhurst, Township of**  
1994-2002  
Tax Appeal Counsel

**Jackson Township Fire District No.3**  
1998-2006  
Bond Counsel

**Jersey City Redevelopment Agency**  
2001-2004  
Special Counsel

**Joint Meeting of Essex and Union  
Counties**  
1994-2007  
General Counsel  
Special Counsel

**Kearny, Town of**  
2002  
Bond Counsel

**Lacey Township Municipal  
Utilities Authority**  
Bond Counsel

**Lafayette Board of Education**  
2000-2001  
Labor Counsel

**Lakewood Municipal Utilities  
Authority**  
2000-2003  
Bond Counsel

**Leonia, Borough of**  
1999-2003  
Special Counsel

**Linden Board of Education**  
2001-2004  
Special Counsel

**Little Egg Harbor, Township of**  
1996-2003  
Bond Counsel

**Long Branch Housing Authority**  
2003  
Special Counsel

**Madison Board of Education**  
2001-2002  
Labor Counsel



**Manalapan, Township of**  
2000-2004  
Special Counsel

**Manchester Board of Education**  
2001-2007  
Bond Counsel

**Manchester, Township of**  
2002-2004  
Bond Counsel

**Marlboro, Township of**  
2001-2005  
Special Counsel  
2008-Present  
General Counsel

**Mercer County Improvement Authority**  
2004-Present  
General Counsel  
Bond Counsel

**Middlesex County Improvement Authority**  
1994-Present  
Special Counsel

**Middlesex County Prosecutor's Office**  
2004-2005  
Special Counsel  
**Middletown, Township of**  
2001-2002  
Labor Counsel

**Middlesex County Municipal Joint Insurance Fund**  
1997-2002  
Special Counsel  
**Midland Park Zoning Board of Adjustment**  
2008-Present  
General Counsel

**Millstone Borough Board of Education**  
2000-2002  
Labor Counsel

**Millstone Township Board of Education**  
1994-Present  
Bond Counsel

**Monmouth, County of**  
1994-2007  
Special Counsel

**Monmouth University**  
2002-2003  
Special Counsel

**Montclair, Township of**  
2000-2001  
Special Counsel

**Montville, Township of**  
2001-2003  
Labor Counsel

**Moonachie, Borough of**  
1995-Present  
Bond Counsel

**Morris County Improvement Authority**  
2002-Present  
General Counsel  
Bond Counsel

**Morris County Prosecutor's Office**  
2005-2006  
Special Counsel

**Morris Union Jointure Commission**  
2004-Present  
Special Counsel

**Morris, County of**  
1996-1998  
2002-Present  
Special Counsel

**Morristown Housing Authority**  
2003-2004  
Special Counsel

**Morristown, Town of**  
2004-2006  
2009-present  
Special Counsel  
2006-2009  
General Counsel

**Municipal Excess Liability Joint Insurance Fund**  
2000-2003  
Labor Counsel

**New Brunswick, City of**  
2004-2005  
Special Counsel

**New Milford, Borough of**  
2011, Labor Counsel

**Newark City Clerk**  
2000-2006  
Special Counsel

**North Bergen, Township of**  
2001-Present  
Special Counsel

**North Brunswick, Township of**  
2003-Present  
Borough Attorney

**Norwood, Borough of**  
2008-Present  
Special Counsel

**Ocean, Township of**  
1999-2002  
Bond Counsel

**Old Bridge Municipal Utilities  
Authority**  
1993-2003  
Special Counsel

**Old Bridge Township Municipal  
Utilities Authority**  
1999-2002  
Labor Counsel

**Paramus, Borough of**  
2001-2008  
Bond Counsel

**Parsippany-Troy Hills, Township of**  
2006-2009  
General Counsel, Bond Counsel

**Passaic County**  
1996-2007  
Special Counsel

**New Jersey Public Housing  
Authority Joint Insurance Fund**  
2001-Present  
General Counsel

**Newark Housing Authority**  
2004-2005  
Special Counsel

**North Jersey District Water  
Supply Commission**  
1999-Present  
General Counsel

**Nutley, Township of**  
1997-1998  
2001  
Special Counsel

**Ocean County**  
1994-2003  
Bond Counsel

**Old Bridge Redevelopment Agency**  
2005-2007  
Special Counsel

**Old Bridge, Township of**  
1992-Present  
Special Counsel

**Palisades Interstate Parkway**  
1995-Present  
Prosecutorial Services

**Passaic County Utilities Authority**  
1987-2008  
General Counsel  
Special Counsel

**Paterson, City of**  
2001  
Special Counsel

**Piscataway, Township of**  
2002-Present  
Special Counsel  
Labor Counsel

**Pine Hill, Borough of**  
2000  
Labor Counsel

**Pleasantville Board of Education**  
2002-2007  
General Counsel  
Labor Counsel  
Special Counsel

**Pleasantville, City of**  
2004-Present  
Special Counsel

**Point Pleasant Beach Board  
of Education**  
2000-2006  
Bond Counsel

**Point Pleasant, Borough of**  
1998-2002  
Bond Counsel

**Phillipsburg, Town of**  
2004-Present  
Special Counsel

**Rahway Housing Authority**  
2000-2003  
Special Counsel

**Rahway Public Schools**  
2000-2001  
Special Counsel

**Rahway Valley Sewerage Authority**  
2000-2002  
Special Counsel

**Ridgefield, Borough of**  
2007-2011  
General Counsel

**Rockaway, Township of**  
2001-Present  
Bond Counsel

**Roseland, Borough of**  
2004-Present  
Tax Appeal Counsel

**Plainfield Municipal Utilities  
Authority**  
1997-2000  
Special Counsel

**Plumsted, Township of**  
1994-2003  
Bond Counsel

**Point Pleasant Beach, Borough of**  
1996-Present  
Bond Counsel

**Princeton Borough Regional  
Planning Board**  
2007-Present  
Planning Board Attorney

**Public Defender, Office of**  
1995-2000  
Special Counsel

**Rahway Parking Authority**  
2002-2004  
2008-Present  
Bond Counsel  
Special Counsel

**Rahway Redevelopment Agency**  
2001-Present  
General Counsel

**Rahway, City of**  
1997-Present  
General Counsel  
Labor Counsel

**River Edge, Borough of**  
1997-2005  
Labor Counsel  
Special Counsel

**Rochelle Park, Township of**  
1999-2006  
Tax Appeal Counsel  
**Rocky Hill Board of Education**  
2000-2001  
Labor Counsel

**Rutgers, The State University of  
New Jersey**  
2001  
Special Counsel

**Saddle Brook, Township of**  
2011  
Labor Counsel

**Sayreville, Borough of**  
1995-2006  
2009-Present  
Borough Attorney

**Sayreville Economic &  
Redevelopment Agency**  
2005-2008  
General Counsel

**Seaside Park, Borough of**  
1997-2007  
Bond Counsel

**South Bergen Municipal  
Joint Insurance Fund**  
1985-2005  
Special Counsel  
General Counsel

**Somerville, Borough of**  
2003-Present  
Special Counsel

**Somerset Hills, Township of**  
2004  
Special Counsel

**South Hackensack, Township of**  
1992-2005  
Tax Appeal Counsel

**South Jersey Port Corporation**  
2006-Present  
Bond Counsel

**South Toms River, Borough of**  
1996-2001  
Bond Counsel

**Spring Lake Heights, Borough of**  
2002  
Bond Counsel

**Teaneck, Township of**  
1999  
Tax Appeal Counsel  
2001-2008  
Labor Counsel

**South Orange Township  
Parking Authority**  
2003-2008  
Special Counsel  
General Counsel

**Secaucus Municipal Utilities  
Authority**  
2000-2000  
General Counsel

**Somerset Raritan Valley  
Sewerage Authority**  
2000-2002  
Labor Counsel

**South Amboy, City of**  
2001-Present  
Labor Counsel  
Bond Counsel  
Special Counsel

**South Brunswick Township**  
1997-2001  
Bond Counsel

**South Orange School District**  
1999-2000  
Bond Counsel

**South Toms River Sewerage Authority**  
1998-2003  
Bond Counsel

**Spotswood, Borough of**  
1999-2008  
Planning Board Attorney

**Stafford Municipal Utilities  
Authority**  
1994-2000  
Bond Counsel

**Stafford, Township of**  
1994-2001  
Bond Counsel

**Teterboro, Borough of**  
1997-2003  
Special Counsel

**Surf City, Borough of**  
1994-2003  
Bond Counsel

**Tenaflly, Borough of**  
1994-2006  
Tax Appeal Counsel

**Toms River Regional  
Board of Education**  
1997-2002  
Bond Counsel

**Tuckerton, Borough of**  
1994-2003  
Bond Counsel

**Union County Board of  
Chosen Freeholders**  
1997-1997  
2001-2003  
Special Counsel

**Upper Saddle River, Borough of**  
1999-2000  
Special Counsel

**Vineland, City of**  
1998-Present  
Special Counsel

**Wallington, Borough of**  
1995-Present  
Tax Appeal Counsel

**Watchung Board of Education**  
2001-2002  
Labor Counsel

**West New York, Town of**  
1995-Present  
Bond Counsel

**Western Monmouth Utilities  
Authority**  
2002-2005  
Bond Counsel

**Wildwood, City of**  
1996-Present  
Bond Counsel

**Woodbridge Township  
Redevelopment Agency**  
2008-Present  
Special Counsel

**Totowa, Borough of**  
1995-2006  
Bond Counsel

**Union County**  
2006-Present  
Special Counsel

**Union County Improvement Authority**  
1997-Present  
General Counsel  
Bond Counsel

**Union, City of**  
1998-2000  
Bond Counsel

**Union County Utilities Authority**  
1997-Present  
General Counsel  
Special Counsel  
Bond Counsel

**Upper Saddle River Board of  
Education**  
2000-2005  
Bond Counsel

**Voorhees Public School District**  
2000-2001  
Special Counsel

**Washington Township**  
1994-2002  
Bond Counsel

**Weehawken, Township of**  
2000  
Special Counsel

**West Orange, Township of**  
2003-Present  
Special Counsel

**Westwood, Borough of**  
1996-2003  
Bond Counsel

**Willingboro, Township of**  
2006-2007  
Special Counsel

**Woodbridge, Township of**  
1992-2001  
Special Counsel

K. If selected, DeCotiis will maintain active and open communications with the State to inform the State of any issues or progress on all matters. We work with our clients from the initial assignment to develop an acceptable approach and schedule for moving ahead. In the case of the State, we will issue monthly status reports, so that the State is fully aware of each matter's progress from month to month.

We use technology-based communications to provide instant and constant communication with our clients. All of our attorneys have handheld devices and remote access to our email server and many have laptop computers with wireless computing.

L. The following is a representative list of our significant private and public clients.

**MAJOR PRIVATE SECTOR CLIENTS**

- Pfizer Corporation
- Rockefeller Group Development Corporation
- Colony Inc./Meadowlands Management
- Alfred Sanzari Enterprises
- Capital One, N.A.
- Mack Cali Real Estate Corp.
- Hampshire Group
- Edison Properties
- Inland Real Estate Group of Companies
- Lennar Homes
- Hackensack University Medical Center
- Cooper University Hospital
- St. George's University School of Medicine
- Everpower Wind Holdings, Inc.
- Sun Farm Network

**MAJOR PUBLIC SECTOR CLIENTS**

- New Jersey Turnpike Authority
- North Jersey District Water Supply Commission
- New Jersey Transit
- Union County Improvement Authority
- City of Rahway, Union County
- Borough of Fort Lee, Bergen County
- Bergen Community College, Bergen County
- New Jersey Institute of Technology
- State of New Jersey, Division of Law and Public Safety
- Marlboro Township, Monmouth County
- Township of Franklin, Somerset County
- Township of Edison
- Essex County



- Mercer County Improvement Authority
- Essex County Improvement Authority
- Passaic County Improvement Authority
- Salem County Improvement Authority
- Cumberland County Improvement Authority
- Hudson County Improvement Authority
- Somerset County Improvement Authority

**QUALIFICATIONS & EXPERIENCE**  
**(RFQ Section 6.3)**

**A. Property Acquisition and Condemnation Experience**

DeCotiis' **Land Use and Redevelopment Practice Group** provides a full range of services for redevelopment projects and has thorough expertise in all tasks involved. Our attorneys have extensive experience in overseeing redevelopment investigation studies to determine if an area qualifies as a redevelopment area under the Local Redevelopment and Housing Law, assisting in the preparation of redevelopment plans and amendments to the municipal master plan to insure consistency and compliance with the Municipal Land Use Law, preparing requisite resolutions and ordinances for actions to be taken and ensuring that public hearing requirements are met, soliciting and selecting qualified developers through the preparation of procurement documents, issuing requests for proposals, and negotiating redevelopment agreements and financial agreements for payments in lieu of taxes. We also have the skill and experience to coordinate due diligence activities for project sites including environmental investigations and remediation, property appraisals, surveys, title searches, and Workable Relocation Assistance Plans. Our attorneys are well qualified to negotiate contracts for the acquisition of property and to assist our government.

We pride ourselves on providing a full range of services for redevelopment projects from assistance with initial redevelopment studies to developer procurement to overseeing project implementation, including analyzing the various financing options available. Our services include:

Additionally, we have been successful in securing the reimbursement to governmental entities of all reasonable costs associated with the redevelopment process from the selected redeveloper and would seek to recover such costs during this engagement.

Our **Real Estate Practice Group** is experienced in all the complex areas of law involving real property and the real estate market. We represent individuals, national and local developers, and financial institutions in all manners and types of real estate transactions and land use issues. Our firm provides similar assistance to commercial and industrial firms with large facilities and/or substantial land holdings. Our considerable real estate experience encompasses both development and non-development related activities. We are involved in contract negotiations for land acquisition and assemblage, structuring of ownership and development entities, financing of commercial real estate,

and mortgage transactions. We have extensive experience drafting and negotiating leases, obtaining necessary permits and approvals, and representing clients before regulatory agencies and municipal planning/zoning boards. Our skills are grounded in frequent and close collaboration with experts in the areas of real estate planning, land use, and the appraisal of real estate. We have represented scores of public entities in cases involving commercial and/or industrial uses, cases that often call for a multi-disciplinary approach to issues ranging from real estate finance, zoning and planning, and environmental impacts.

DeCotiis' **Litigation Practice Group** consists of more than thirty attorneys who, collectively, have vast experience in handling complex matters on behalf of public and private entities in Federal and State court. We have earned a reputation for litigation excellence through its successful representation of clients in numerous high profile matters, including its representation of the State in multiple civil rights lawsuits filed against the State Police involving claims of racial profiling. This group has a broad practice, with an emphasis in public entity and transportation agency representation, commercial litigation, labor and employment and civil rights law, white collar criminal defense, environmental law, construction and public procurement and contracting law, land use, health care law, and personal injury defense. Our attorneys have particular talent, and an unmatched record, in representing public entities in significant or politically sensitive matters.

Our attorneys have more than 300 published opinions to their credit, reflecting the breadth of their experience in trial and appellate courts alike, up to and including the Supreme Court of the United States. While our record of success demonstrates its ability and readiness to pursue deserved relief on behalf of its clients in any judicial forum, some of our most significant successes have involved negotiated solutions to problems that appeared to require litigation, and the utilization of alternate dispute resolution techniques to cut short matters that were already in litigation. Our firm's efforts to resolve disputes at an early stage reflect its commitment to avoid the expense, delay and uncertainty of litigation wherever possible – a commitment that we make and uphold to all of our clients, be they major corporations, public entities or private citizens. Where recourse to the courts is a necessity, however, our firm has the resources, experience, and expertise needed to pursue relief until it is achieved.

## Experience and Case Studies

### Essex County Improvement Authority

DeCotiis represents the Essex County Improvement Authority in connection with the development of 618 acres of contiguous land located in four municipalities, (the Borough of Caldwell, the Borough of North Caldwell, the Township of Cedar Grove, and the Township of Verona) into a mixed-use development that includes a substantial open space and parkland component. More than 240 acres are designated for open space preservation, and are subject to a Conservation Deed of Easement in favor of the Green Acres program.

**Essex County**

DeCotiis represents the County of Essex as special condemnation counsel for the preservation of open space. Our firm represented the County in the condemnation of over 12 acres of waterfront property in Newark that was developed as a riverfront park in 2012. In addition to the condemnation of the properties, our firm was responsible for coordinating environmental remediation and relocation of tenants. Our firm worked closely with the City of Newark who was also a stakeholder in the park project.

**Borough of Somerville**

DeCotiis has been special counsel to the Borough of Somerville for the last ten years regarding the closure and redevelopment of a 110-acre former Borough landfill and adjacent properties for a mixed-use development of 1,200 residential units, 250,000 square feet of commercial space, public amenities and open space anchored by a train station and located on a state highway. This project involves Federal and State agencies. We are also working on the redevelopment of a former shopping center on Main Street in the Borough which included the condemnation of the leases of 3 tenants in the center, one of which was a 50,000 square foot supermarket.

**Proposed Passaic County Waste-To-Energy Facility**

Our firm represented the Passaic County Utilities Authority in connection with the acquisition of 13.5 acres in the central business district of the City of Passaic for the construction of a proposed Waste-To-Energy Facility. This project included several properties in need of environmental remediation. Overall, 27 properties were acquired and remediated and 53 families, 22 businesses and a church were relocated within 13 months. The acquisitions were completed ahead of schedule and at a cost substantially below the sum allocated. Ultimately, the project did not proceed to construction, although all permits were procured and all properties required for the project were acquired.

**Sterling Forest**

Our firm was lead attorney in connection with the condemnation of 2,153 acres of Sterling Forest, New Jersey, to maintain the Forest as parkland, for the County of Passaic and derivatively, for the New Jersey Department of Environmental Protection. The settlement in this case formed the basis for the parkland acquisition of the 18,000+ acres of Sterling Forest in New York State. Notably, this project included substantial acquisition of sub-surface (mining) rights, along with environmentally sensitive wetlands and habitats for endangered species. Settlement was achieved by winning a motion in limine, which ended a speculative valuation scheme employed by the condemnee's expert(s).

**Vineland Municipal Electric Utility**

Our firm served as counsel to the Vineland Municipal Electric Utility ("VMEU") in connection with the acquisition of a privately owned electrical distribution system for the City of Vineland. This project involved the acquisition of a portion of an electric substation, 16,000 poles, 40,000 miles of wire, hundreds of transformers, subsurface easements and thousands of unrecorded easements connecting property owners to the actual electrical poles. The greatest challenge in the project was to negotiate the terms of the "cutover" agreement, i.e. the actual switchover from one power company to the

other, without causing a rolling power outage and thereby incurring claims of inverse condemnation.

The valuation methodology successfully employed on behalf of the City tracked the decision of the New Jersey Supreme Court for valuing a natural gas pipeline for tax purposes (Transcon v. Bernardi Twp., 111 N.J. 507 (1991) and avoided the valuation model employed by the New York Court of Appeals in connection with the Path Train Project. (Port Authority Trans-Hudson Corp. v. Hudson Rapid Tubes Corp., 20 N.Y. 2d 457(1967)).

**Union County Improvement Authority v. Artaki, et al., UNN-L-2572-07**

We represented the Union County Improvement Authority (the "UCIA") with respect to the condemnation of blighted commercial property included in assemblage for the South Wood Avenue Redevelopment Project. The UCIA reserved its right to offset compensation for environmental contamination identified on the property. The property owner appealed the decision of the condemnation commissioners and the matter proceeded to trial. The parties settled during preparation for trial. The parties are currently negotiating the terms of an escrow agreement for the remediation of the environmental contamination.

**Union County Improvement Authority v. Johnson, UNN-L-1924-08**

We are represented the UCIA in connection with a condemnation action to acquire vacant land located at 1137 St. Georges Ave, Linden, New Jersey in furtherance of the St. Georges Ave – Phase II Redevelopment Project. This matter has been settled.

**Borough of Somerville v. Hollywood Entertainment, Inc., et al., SOM-L-15-07**

The Borough condemned the leasehold interest of a Hollywood Video Store in the Landmark Shopping Center, Somerville in furtherance of the West Main Street Redevelopment Project. The parties settled upon an entry of a judgment of condemnation which included a settlement for the closing of the business.

**Mercer County Improvement Authority - Trenton Demonstration Project**

Our firm represents the Mercer County Improvement Authority (hereinafter "MCIA") in the acquisition of an entire city block located in the City of Trenton designated by the New Jersey Schools Construction Corporation as a future public school site. The project included the acquisition of a five-story commercial building, two-story office building, a multi-story mixed use commercial/retail building and a public parking facility owned by unrelated parties. Condemnations were required on four of the six properties, estimated by the MCIA to have a fair market value of \$1,500,000 in the aggregate. Our firm obtained commissioners' awards within ten percent (10%) of the MCIA's fair market value estimate for three of the condemnations and at the MCIA's value for the fourth property.

**City of Lambertville**

Our firm has been recently selected as special condemnation counsel for the City of Lambertville in the condemnation of vacant land for the preservation of open space. The project is partially funded by Green Acres funds and will require our firm to coordinate with the State for the completion of the park.

## Miscellaneous Real Estate Matters

### Essex County Improvement Authority to K. Hovnanian Companies

This matter involved the transfer of more than 100 acres of property, also known as the Hilltop Property, located in the municipalities of North Caldwell, Caldwell, Verona, and Cedar Grove and owned by the ECIA to the K. Hovnanian Companies, which transfer included the negotiation and transfer of several land swaps, easements and utilities, including a Green Acres preservation component.

### Union County Juvenile Detention Facility

In or about 2003, due to deteriorating plant conditions and significant public pressure, the County of Union ("County") determined to construct a new Juvenile Detention Center ("JDC") to replace the then-current facility, which was sited atop the County Jail in Elizabeth. The County and the Union County Improvement Authority ("Authority"), represented by our firm, then entered into an Interlocal Agreement pursuant to which the Authority would fund and manage the construction of the JDC and the County would assist in whatever way necessary and conducive to the project. The County located a site for the new JDC in a section of the City of Linden zoned for light industrial and commercial use. The site contained an abandoned warehouse and was adjacent to an abandoned railroad spur.

The Authority negotiated for the purchase of the site and closed on it in early 2004. Because the County required a JDC that would house 80 detainees, and because all interior and exterior space requirements for juvenile detention centers are strictly regulated by the New Jersey Juvenile Justice Commission ("JJC"), the County recognized that in addition to the main site, its purchase of the portion of the railroad bed adjacent to the primary lot would provide it with sufficient space to accommodate JJC's space requirements, create on-site parking and maintain green space around the new building. In 2004, our firm, on behalf of the Authority negotiated with Conrail, the successor in interest to the former owners of the railbed, United Railroad and Canal Co. The Authority negotiated with Zenon Drzewiecki, Manager of the Real Estate Division of Consolidated Rail Corporation in Edison, NJ. The negotiated price was essentially determined by appraisal and the property was transferred to the Authority by means of a Quitclaim Deed.

### Atlantic County Development Corporation to The Richard Stockton College of New Jersey

This matter involved the negotiation and acquisition of approximately 225 acres of property located in Galloway Township, near the current location of the Richard Stockton College, for purposes of future expansion of the campus. This transaction took approximately 90 days to complete.

### US Army Corps of Engineers and the Port Authority of New York and New Jersey from NJTA

This matter involved the transfer of property located in the Township of Woodbridge to the Township as mitigation property, necessary for a certain harbor deepening project undertaken by and between the USACE and the PANYNJ. This transaction took approximately 120 days to complete.

**Franklin Township Agricultural Development Easements**

We represented Franklin Township for the acquisition of agricultural development easements on behalf of the Township for prices ranging from \$249,920.00 to \$12,350,000.00. The Township was able to preserve over 500 acres of farmland. As part of these transactions, we were required to interact regularly with the County of Somerset and the State Agricultural Development Committee. These transactions took between 6 to 18 months to close.

B. Set forth below are the attorneys who will provide Special Counsel for Property Acquisition and Condemnation Litigation services. All attorneys are licensed to practice law in the State of New Jersey and are resident in our Teaneck office.

- George G. Frino
- Edward J. Boccher
- Francis X. Regan
- Nancy A. Kist
- Michael J. Ash
- Megan Sassaman

C. These attorneys are members of DeCotiis' Land Use and Redevelopment Practice Group and practice out of our Teaneck, New Jersey location.

D. DeCotiis' attorneys who have at least five (5) years experience in litigation in this area include the following:

- George G. Frino
- Edward J. Boccher
- Francis X. Regan
- Nancy A. Kist
- Michael J. Ash
- Megan Sassaman

E. **GEORGE G. FRINO**, a partner, joined the firm in 1998. Mr. Frino heads the Labor and Employment practice group and is a member of the Municipal and Corporate practice groups.

Mr. Frino represents numerous clients in both the public and private sectors. His practice focuses on commercial and labor litigation and labor and employment law. In addition to his extensive labor experience, he has also represented a variety of public and private clients in eminent domain and real estate tax appeals and handled numerous civil and criminal litigation matters.

**EDWARD J. BOCCHER** joined the firm as a partner in 2004 and is a member of the Real Estate, Municipal Law and Redevelopment practice groups.



Mr. Boccher focuses his practice primarily in Land Use and Redevelopment Law. He has over 25 years of experience in land use matters involving a range of complex development and regulatory issues, including redevelopment, state and regional planning, zoning, infrastructure issues, regulatory compliance and affordable housing. He represents both public and private clients. He has appeared before local land use boards and county and state agencies relating to all aspects of development and has litigated land use matters. Boccher also litigates all claims relating to land use and development matters, including contracts, permits and approvals.

**FRANCIS REGAN** joined the firm as a partner in 2000. He is a member of the Redevelopment, Land Use, Municipal, and Green practice groups.

For the past 9 years, Mr. Regan has represented local and county public agencies, as well as private developers in redevelopment projects throughout New Jersey. This representation frequently involves complex transactions requiring interaction among numerous interrelated public and private entities. Mr. Regan also represents private clients seeking land use approvals for development projects.

Mr. Regan's practice ranges from consultation on the initial identification of potential redevelopment areas, redevelopment area designations, preparation and adoption of redevelopment plans, property acquisition, contract negotiations, project financing and construction required to implement redevelopment projects.

**NANCY KIST** joined DeCotiis as a partner in 2008. She is a member of the Municipal Law Practice Group. For the past ten years, Ms. Kist has provided leadership and legal counsel to municipalities and redevelopment entities on land use, environmental and redevelopment matters. From 2002 to 2007, Ms. Kist was Executive Director of the Redevelopment Agency of the City of Bayonne, an agency responsible for the environmental remediation and redevelopment of a 430-acre former military installation located on New York Harbor. She also was responsible for obtaining necessary state and federal permits for waterfront development and the reconstruction of commercial and recreational piers. Ms. Kist has negotiated redevelopment agreements with both nationally recognized and regional development entities for commercial and residential development projects worth hundreds of millions of dollars.

**MICHAEL J. ASH**, a partner, practices in the area of Redevelopment Law, Real Estate, Land Use and Project Development and Municipal Law providing representation to municipal bodies, redevelopment agencies and parking authorities. This representation frequently involves complex transactions requiring interaction among numerous interrelated public and private entities. Mr. Ash has consulted on transit-oriented redevelopment projects for Morristown, Linden, East Brunswick, Rahway and Somerville that integrate residential, office and commercial uses in a downtown setting.

Mr. Ash also specializes in real estate value litigation, specifically, eminent domain and tax appeals. A great deal of Mr. Ash's practice is also dedicated to right-of-way acquisition for public infrastructure projects such as the New Jersey Turnpike Interchange 6-9 widening, NJ Transit ARC Tunnel and Spectra Energy's NJ-NY Expansion Project where his work has included condemnation litigation, environmental remediation oversight, expert coordination, relocation determinations and right-of-way management. The public projects require Mr. Ash to counsel clients in the use of eminent domain to acquire property and clear title. Mr. Ash is a seasoned litigator having defended challenges to takings and disputes as to value in the Superior Court of New Jersey, Law Division, Appellate Court, Tax Court, Supreme Court and United States District Court for the District of New Jersey.

**MEGAN E. SASSAMAN**, an associate, joined the firm in 2009 and is a member of our Litigation practice group. Ms. Sassaman is active in all aspects of civil litigation for public and private clients for condemnation and real estate valuation-based issues. Ms. Sassaman will assist the partners in land acquisition matters including title review, contract and deed preparation, closings and preparation of pleadings and motions for condemnation matters.

A detailed resume of each attorney, including the requested information, is attached hereto as **EXHIBIT A**.

- F. George G. Frino will serve as the liaison between the Division and our firm and will oversee all Special Counsel services performed on behalf of the Division. Additionally, Mr. Frino will be responsible for preparing and submitting regular status reports to the Division and will be available to address questions and any problems that may arise throughout our representation. It is estimated that thirty percent (30%) of the Special Counsel services will involve Mr. Frino. It is estimated that Edward J. Boccher, Francis X Regan, Nancy A. Kist, Michael J. Ash and Megan Sassaman will perform the remaining seventy percent (70%) of the work as Special Counsel. Our firm encourages the use of associates to carry out the day-to-day functions of litigation matters, always under the supervision of our senior partners.
- G. We routinely handle complex litigation and corporate transactions that are highly document intensive. For example, in the last 28 months, we litigated a matter which required our litigation team to review two million pages of information. We used Concordance (a Lexis-Nexis product) to download and review and analyze each and every one of the 2,000,000 pages in a highly compressed discovery schedule.

Our hardware includes 8 Dell computer servers, each with a capacity of approximately 250-500 gigabytes. Each server has at least a 4 core 3 GHz processor. In addition, the IT Department has an HP blade center containing 3 similar servers which are connected to a 2.4 Terabyte Storage Area Network (SAN). The IT Department performs a daily back up and once a week a full system back up is performed to safeguard client information and documents.

DeCotiis has an in-house copy/scan center with essentially unlimited capacity to scan, send and receive documents of all types.

We routinely receive and review PDF's, JPG's, and TIF's and have the capacity to review documents saved in a CAD format which is the format more commonly utilized by planners and engineers with whom we regularly communicate on our Redevelopment Projects.

All of our support staff are trained and regularly utilize our scanning hardware which also produces photocopies. Simple documents (such as agreements, contracts, resolutions) are routinely either forwarded to clients via email through Microsoft Exchange in a Word format or are converted to Adobe PDF. That conversion occurs at the scanning stations throughout the firm (of which there are 8) or in that support person's desktop.

All documents are saved and managed through a software product called Autonomy/iManage. Searching for client documents is made easy through a search template that allows the user to locate, print, save or email such documents easily once it is located.

In addition, in those rare instances where our IT Department requires assistance, we use DTI as our outside consultant. DTI is used for large document printing or scanning jobs (typically 20,000 pages or more).

**OTHER QUALIFICATION INFORMATION**  
**(RFQ Section 6.4)**

- A. Neither the firm nor any of its attorneys, employees, or persons acting on its behalf has been the subject of any adverse determination with respect to any action, proceeding, claim, or complaint arising under any local, state or federal law, or any regulation, court rule or the Rules of Professional Conduct.
- B. None.
- C. We are not aware of any present conflict of interest that impacts upon our representation of the State. Moreover, we maintain rigorous protocols to ensure that we are never in a position of conflict with our clients under RPC 1.7. Our firm has at all times, strictly complied with RPC 1.7 and the relevant interpretive guidance.
- D. DeCotiis' Certificate of Insurance is attached hereto as **EXHIBIT B**.
- E. DeCotiis hereby affirms that we will cover all litigation costs, any bonds required by a court and any potential liability under Fed.R.Civ.P. 11.
- F. DeCotiis hereby agrees to abide by the Outside Counsel Guidelines billing procedures.
- G. DeCotiis hereby agree to provide an updated Ownership Disclosure, Affirmative Action Supplement with Affirmative Action Employee Information Report, and the

certifications required by P.L. 2005, Chapters 51 and 271, and E.O. 117 (2008) and E.O. 117 (2005) if chosen and retained.

**FEES**  
**(RFQ Section 7.0)**

DeCotiis, FitzPatrick & Cole, LLP hereby accepts the fees as set forth in Section 7.0 of the RFQ.

**ADDITIONAL REQUIREMENTS**  
**(RFQ Section 8.1)**

Attached hereto as **EXHIBIT B**, please find the following documents:

1. Ownership Disclosure Form;
2. Disclosure of Investigations and Actions Involving Bidder;
3. Macbride Principles and Northern Ireland Act of 1989 Form;
4. Source Disclosure Form;
5. Notice to Bidders Set-Off for State Tax;
6. Affirmative Action Supplement with Certificate of Employee Information Report;
7. Business Registration Certificate;
8. State of New Jersey W-9 Questionnaire;
9. Chapters 51 and Executive Order 117 Certification and Disclosure; and
10. Chapter 271 Certification and Disclosure.

**CONCLUSION**

Thank you again for the opportunity to submit our Statement of Qualifications to the RFQ. We would be honored to provide Special Counsel services for Property Acquisition and Condemnation Litigation. If any additional information is needed, or if you would like us to meet with you to further discuss our qualifications, please feel free to contact my office.

Sincerely yours,

**DeCotiis, FitzPatrick & Cole, LLP**

By: \_\_\_\_\_

  
Francis J. Borin, Partner

Enclosures

# GEORGE G. FRINO

ATTORNEY AT LAW

George Frino is a partner in the Teaneck office of DeCotiis. He joined the firm in 1998. Mr. Frino heads the firm's Labor and Employment practice group and is a member of the Municipal and Corporate practice groups.

Mr. Frino represents numerous clients in both the public and private sectors. His practice focuses on commercial and labor litigation and labor and employment law. In addition to his extensive labor experience, he has also represented a variety of public and private clients in eminent domain and real estate tax appeals and handled numerous civil and criminal litigation matters.

Mr. Frino received both his B.A. and his J.D. from Seton Hall University, in 1976 and 1980, respectively.

#### Bar Admissions:

New Jersey (1980)

#### Professional Memberships, Associations and Activities:

New Jersey State Bar Association

American Bar Association



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United States of America

# EDWARD J. BOCCHER

ATTORNEY AT LAW

Edward J. Boccher is a partner in the Teaneck office of DeCotiis. He joined the firm as a partner in 2004 and is a member of the Real Estate, Municipal Law and Redevelopment practice groups.

Mr. Boccher focuses his practice primarily in Land Use and Redevelopment Law. He has over 25 years of experience in land use matters involving a range of complex development and regulatory issues, including redevelopment, state and regional planning, zoning, infrastructure issues, regulatory compliance and affordable housing. He represents both public and private clients. He has appeared before local land use boards and county and state agencies relating to all aspects of development and has litigated land use matters.

Boccher also litigates all claims relating to land use and development matters, including contracts, permits and approvals.

While serving as a Deputy Attorney General, Mr. Boccher was the first attorney in New Jersey to represent the newly formed State Planning Commission and the Council on Affordable Housing (COAH). During the course of his representation of COAH, he advised the agency in the promulgation of its regulations and in its actions upon municipal housing plans. He defended the constitutionality of COAH's enabling statute, the Fair Housing Act, up to and in the Supreme Court.

Mr. Boccher is a speaker on real estate and



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# EDWARD J. BOCCHER

ATTORNEY AT LAW

development issues. Associations to which he has spoken include the Real Estate & Redevelopment Symposium (ICLE) and the Judicial College.

## Representative Matters:

- Obtained development and related approvals and permits for the expansion of major regional shopping mall and defended approvals in litigation
- Conducted due diligence review for all aspects of major project acquisition
- Obtain all approvals and permits for major residential and commercial projects
- Represented national energy company for solar facility development
- Coordinated redevelopment of ferry and public park project
- Attorney for developers and municipalities in Mt. Laurel actions
- Special board counsel for solar projects
- Special counsel for public sector clients for redevelopment and transit oriented projects
- Court-appointed Special Master in contract and discovery disputes
- Special counsel for affordable housing matters

Mr. Boccher received his B.A. in Philosophy from Rutgers University in 1977. He received his J.D. from the University of Pittsburgh in 1980, as well as a Master of Public Administration from the University of Pittsburgh Graduate School of International and Public Affairs in 1981. He served as Executive Director of the Hunterdon County Democratic Organization from 1987 – 1988. Mr. Boccher is a New Jersey native and lifetime resident.

## Bar Admissions:

New Jersey (1981)

Pennsylvania (1980)



# FRANCIS X. REGAN

ATTORNEY AT LAW

Francis Regan is a partner in the Teaneck office of DeCotiis. He joined the firm as a partner in 2000. He is a member of the Redevelopment, Land Use, Municipal, and Green practice groups.

For the past 9 years, Mr. Regan has represented local and county public agencies, as well as private developers in redevelopment projects throughout New Jersey. This representation frequently involves complex transactions requiring interaction among numerous interrelated public and private entities. Mr. Regan also represents private clients seeking land use approvals for development projects.

Mr. Regan's practice ranges from consultation on the initial identification of potential redevelopment areas, redevelopment area designations, preparation and adoption of redevelopment plans, property acquisition, contract negotiations, project financing and construction required to implement redevelopment projects. He was named a New Jersey Super Lawyer for Real Estate in 2006.

In his representation of public and private clients, Mr. Regan regularly appears before governing bodies and planning and zoning boards. His counsel frequently draws upon his more than 25 years of experience in redevelopment, land use and planning; much of which was gained as a licensed professional planner working in local government. Prior to his legal career, Mr. Regan was Planning and Development Director for the



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# FRANCIS X. REGAN

ATTORNEY AT LAW

City of Rahway and a Project Manager for The Jersey City Redevelopment Agency and The Jersey City Economic Development Corporation.

## Representative Cases:

Mr. Regan represented a private developer in the acquisition/assemblage of 750 acres of property by negotiation and condemnation in cooperation with a state agency for a major redevelopment project in the Meadowlands District of New Jersey.

Mr. Regan represented a public agency in property assemblage, development approvals, financing and contract negotiations for the development of a 75,000 square foot building for a public library and private office space.

Mr. Regan successfully represented a municipality in the condemnation and related litigation of three leases in an existing commercial development in support of a mixed-use redevelopment project.

Mr. Regan received his B.A. in Geography and Urban Planning from Rutgers College, Rutgers University. He was awarded his master's degree in Urban Planning from Hunter College, City University of New York in 1984, and his law degree from New York Law School in 1995. He is a New Jersey native and lifetime resident.

## Bar Admissions:

New Jersey (1995)

## Professional Memberships, Associations and Activities:

New Jersey State Bar Association

American Planning Association

# NANCY A. KIST

## ATTORNEY AT LAW

Nancy Kist is a partner in the Teaneck office of DeCotiis. She joined the firm as a partner in 2008 and is a member of the Municipal Law Practice Group.

For the past ten years, Ms. Kist has provided leadership and legal counsel to municipalities and redevelopment entities on land use, environmental and redevelopment matters. From 2002 to 2007, Ms. Kist was Executive Director of the Redevelopment Agency of the City of Bayonne, an agency responsible for the environmental remediation and redevelopment of a 430-acre former military installation located on New York Harbor. She also was responsible for obtaining necessary state and Federal permits for waterfront development and the reconstruction of commercial and recreational piers.

During her tenure, the agency received "Smart Growth" awards from the New Jersey Chapter of the American Institute of Architects (2005) and New Jersey Future (2005). Additionally, the agency was recognized in 2006 with awards for "Engineering Excellence" by the American Council of Engineering Companies of New Jersey, and "Achievement in Planning" from New Jersey Planning Officials. Ms. Kist has negotiated redevelopment agreements with both nationally recognized and regional development entities for commercial and residential development projects worth hundreds of millions of dollars. In 2003, she negotiated a 35-year development agreement valued at over \$140 million with one of the world's largest cruise lines to establish a cruise ship terminal in the State of New Jersey.

From July 2000 to November 2002, Ms. Kist was Law Director of the City of Bayonne, New Jersey. She was Assistant City Attorney for the City of Bayonne from August 1998 to July 2000. In 2001, she led the legal team that negotiated the first of its kind early transfer (FOSET) and environmental



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# NANCY A. KIST

## ATTORNEY AT LAW

services cooperative agreement (ESCA) with the United States Army. These agreements permitted the transfer of environmentally contaminated property to local control for remediation, without the transfer of financial responsibility or CERCLA liability. Her endeavors in military base redevelopment were recognized in 2005 when she received the Community Leadership Award - Closed Base Community by the Association of Defense Communities (ADC).

Ms. Kist is also a frequent speaker on environmental and land use topics, particularly relating to military bases. A partial list of her speaking engagements includes:

September 26, 2006 meeting of the Fort Monmouth Economic Revitalization Planning Authority on *Base Realignment and Closure (BRAC) Process*.

July 31, 2006 Association of Defense Communities (ADC formerly NAID) Annual Conference - on *The Bayonne Redevelopment Story: Early Transfers, ESCAs, Environmental Insurance and Collaboration*.

November 14, 2005 conference at Monmouth University entitled *Fort Monmouth: Today, Tomorrow and in the Future* - subject was *The Importance of Broad Based Consensus Building*.

Ms. Kist is a 1986 graduate of Caldwell College, where she received her B.A. *cum laude* in History and English. At Caldwell, she was the recipient of the Brady Award for Senior History Essay as well as the Interdisciplinary Honors Award. She received her J.D. from Seton Hall University Law School, where she served on the Appellate Moot Court Board. Following law school, she clerked for Judges Leonard Sachar and Edward Toy of the Superior Court of New Jersey - Union County Vicinage. Ms. Kist is also a member of the Board of Trustees of St. Dominic Academy, Jersey City, New Jersey. She is a New Jersey native and lifetime resident.

### Bar Admissions:

New Jersey (1991)

New York (1995)

### Professional Memberships, Associations and Activities:

Hudson County Bar Association

New Jersey Bar Association

New York Bar Association

Association of Defense Communities (formerly known as the National Association of Installation Developers)

# MICHAEL J. ASH

ATTORNEY AT LAW

Michael J. Ash is a partner in the Teaneck office. Mr. Ash's areas of practice include Redevelopment Law, Real Estate, Land Use and Project Development and Municipal Law providing representation to municipal bodies, redevelopment agencies and parking authorities. This representation frequently involves complex transactions requiring interaction among numerous interrelated public and private entities. Mr. Ash has consulted on transit-oriented redevelopment projects for Morristown, Linden, East Brunswick, Rahway and Somerville that integrate residential, office and commercial uses in a downtown setting.

Mr. Ash also specializes in real estate value litigation, specifically, eminent domain and tax appeals. A great deal of Mr. Ash's practice is also dedicated to right-of-way acquisition for public infrastructure projects such as the New Jersey Turnpike Interchange 6-9 widening, NJ Transit ARC Tunnel and Spectra Energy's NJ-NY Expansion Project where his work has included condemnation litigation, environmental remediation oversight, expert coordination, relocation determinations and right-of-way management. The public projects require Mr. Ash to counsel clients in the use of eminent domain to acquire property and clear title. Mr. Ash is a seasoned litigator having defended challenges to takings and disputes as to value in the Superior Court of New Jersey, Law Division, Appellate Court, Tax Court, Supreme Court and United States District Court for the District of New Jersey.

Selected as a Super Lawyers 2012 and 2013 New Jersey "Rising Stars" for Eminent Domain attorneys.

## Bar Admissions:

New Jersey (2004)

New York (2008)



**DECOTIIS**  
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Teaneck, NJ 07666  
United States of America



# MEGAN E. SASSAMAN

ATTORNEY AT LAW

Megan E. Sassaman an associate, represents municipalities and taxpayers for local property tax valuation and exemption matters. She is active in all aspects of civil litigation for public and private clients for local property taxation, condemnation and real estate valuation-based issues and appears before numerous County Boards of Taxation as well as the New Jersey Tax Court. Ms. Sassaman played a significant role in the Morristown Memorial Hospital matter where we convinced the Tax Court that substantial portions of the hospital were not entitled to tax exemption. Ms. Sassaman serves as tax counsel for the City of Rahway on property tax appeals filed for various property types, including, hotels, warehouses, high density residential properties, chemical and pharmaceutical plants and vacant contaminated properties.

Ms. Sassaman also devotes her practice to land use matters in the area of eminent domain and has been working on acquiring properties for the New Jersey Turnpike Authority for their improvement projects. Prior to joining DeCotiis, Ms. Sassaman worked at Seton Hall's Center for Policy and Research, where she remains a senior fellow. Her collaborative research and authorship at the Center for Policy and Research has been internationally recognized and has been cited by and included in the Congressional Record of the House Armed Services Committee, the Senate Armed Services Committee and the Senate Judiciary Committee.

**Bar Admissions:**

New Jersey (2008)  
New York (2008)  
United States District Court for the District of New Jersey (2008)

**Professional Memberships, Associations and Activities:**

American Bar Association  
New Jersey State Bar Association

**Education:**

Seton Hall University Law School (2008)



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United States of America

## Exhibit A to Special Counsel Retention Agreements

These additional terms and conditions are required by law, as indicated herein (Additional Terms) and shall be executed by the Special Counsel prior to the Division of Law executing any Special Counsel Retention Agreement with the Division of Law on behalf of any of its clients. These Additional Terms shall be incorporated into any Special Counsel Retention Agreement (Retention Agreement) executed by the Division of Law.

These Additional Terms are incorporated in the Retention Agreement identified as:

I. **The Special Counsel shall complete the following forms or otherwise satisfy the following requirements prior to the State executing a Retention Agreement with Special Counsel:**

A. **Ownership Disclosure**

The Ownership Disclosure addresses the requirements of N.J.S.A. 52:25-24.2, for any contract or retention agreement and must be completed and submitted either with the proposal or with the signed Retention Agreement. The Retention Agreement cannot be completed unless and until the Ownership Disclosure is properly completed and accepted. The form can be downloaded from the Department of Treasury website under the heading Vendor Forms. It is located on the first two pages of this pdf:

<http://www.state.nj.us/treasury/purchase/forms/StandardRFPForms.pdf>

B. **Affirmative Action Supplement with Affirmative Action Employee Information Report**

The Affirmative Action Supplement with Affirmative Action Employee Information Report addresses the requirements of N.J.S.A. 10:5-31 to -34 and N.J.A.C. 17:27.3.1 et seq., for any contract or retention agreement and must be completed and submitted either with the proposal or with the signed Retention Agreement. The terms of the Affirmative Action Supplement with Affirmative Action Employee Information Report are incorporated into this Retention Agreement. The Retention Agreement is not completed unless and until the form is properly completed and accepted. The forms can be downloaded from the Department of Treasury website under the heading Vendor Forms:

[http://www.state.nj.us/treasury/purchase/forms/AA\\_%20Supplement.pdf](http://www.state.nj.us/treasury/purchase/forms/AA_%20Supplement.pdf)

The specific language of N.J.A.C. 17:27-3.5 and 17:27-3.7, contains specific requirements for Special Counsel Retention Agreements and is hereby incorporated as if set forth at length herein.

C. **New Jersey Business Registration**

Pursuant to N.J.S.A. 52:32-44 (b), a copy of a valid New Jersey Business Registration must be submitted with the signed Retention Agreement. If not already registered with the New Jersey Division of Revenue, registration can be completed on line at the Division of Revenue website:

<http://www.state.nj.us/treasury/revenue/busregcert.shtml>

D. **Certification of Non-Involvement in Prohibited Activities in Iran**

Pursuant to N.J.S.A. 52:32-58, Special Counsel must certify that neither Special Counsel, nor one of its parents, subsidiaries, and/or affiliates (as explained in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If Special Counsel is unable to so certify, Special Counsel shall provide a detailed and precise description of such activities. The form is on the fifth page of the pdf available at:

<http://www.state.nj.us/treasury/purchase/forms/StandardRFPForms.pdf>



**E. New Jersey State W-9 and Vendor Questionnaire**

No Special Counsel shall be paid unless Special Counsel has properly completed New Jersey State W-9 and Vendor Questionnaire on file with the State. If the Special Counsel does not have a New Jersey State W-9 and Vendor Questionnaire on file with the State, the properly completed W9 shall be returned with the Retainer Agreement signed by the Special Counsel. A copy may be obtained from your Division of Law Contact.

**F. Two-Year Chapter 51/Executive Order 117 Certification and Disclosure of Political Contributions**

Prior to entering any Retention Agreement retention agreement under which the State will pay more than \$17,500 to the Business Entity proposed as the Special Counsel, the Business Entity shall submit the Certification and Disclosure form, certifying that no contributions prohibited by Chapter 51 have been solicited or made by the Business Entity and reporting all contributions the Business Entity made during the preceding four years to any political organization organized under 26 U.S.C. §527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the mean of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7.

The required form and instructions for completion and submission to the Deputy Attorney General prior to the finalization of the Retention Agreement are available for review on the Purchase Bureau website, under the heading "Political Contributions Compliance" at

<http://www.state.nj.us/treasury/purchase/forms.shtml>

If the Special Counsel has a currently valid Two-Year Chapter 51/Executive Order 117 Vendor Certification it may be submitted instead of a new form.

**Special Counsel is required, on a continuing basis, to report any contributions and solicitations Special Counsel makes during the term of the Retention Agreement, and any extension(s) thereof, at the time any such contribution or solicitation is made. Failure to do so is a breach of the Retention Agreement.**

Special Counsel's failure to submit the form will preclude the Division of Law's execution of the Retention Agreement. The State Treasurer or his designee shall review the Disclosures submitted by the Special Counsel pursuant to this section, as well as any other pertinent information concerning the contributions or reports thereof by the intended Special Counsel, prior to award, or during the term of the retention agreement. If the State Treasurer determines that any contribution or action by the Special Counsel violated Chapter 51 and EO 117 the State Treasurer shall disqualify the Special Counsel from award of such contract. If the State Treasurer or his designees determines that any contribution or action constitutes a breach of contract that poses a conflict of interest, pursuant to Chapter 51 or EO 117, the State Treasurer shall disqualify the Special Counsel from award of such contract.

**G. Disclosure Requirement of P.L. 2005, c. 271**

Pursuant to P.L. 2005, c.271 ("Chapter 271") every Business Entity is required to disclose its (and its principals') political contributions within the immediately preceding twelve (12) month period. No prospective Special Counsel will be precluded from being retained by virtue of the information provided in the Chapter 271 disclosure, provided the form is fully and accurately completed. Prior to being retained, the Special Counsel anticipated to be selected will be required to submit Chapter 271 disclosures if the cost of Retention Agreement is anticipated to be in excess of \$17,500. The form is available for your review at:

<http://www.state.nj.us/treasury/purchase/forms/CertandDisc2706.pdf>

## II. Special Counsel Certification

### A. Source Disclosure Certification

Special Counsel's execution of these Additional Terms to the Retention Agreement will confirm that Special Counsel agrees, in accordance with Executive Order 129 (2004) and N.J.S.A. 52:34-13.2 (P.L. 2005, c. 92), that all services performed for the Retention Agreement shall be performed within the United States. In the event that all services performed for the Retention Agreement shall NOT be performed within the United States, Special Counsel shall send the Deputy Attorney General who executes the Retention Agreement a letter that states with specificity the reasons why the services cannot be so performed. Any such letter shall require review and approval pursuant to N.J.S.A. 52:34-14.2 prior to execution of this Retention Agreement.

## III. The Special Counsel acknowledges that the Retention Agreement is subject to the following additional terms and conditions:

### A. Breach of Requirements of Chapter 51 and Executive Order 117 (2008) (Also referred to as "Pay to Play Restrictions," N.J.S.A. 19:44A-20.13 to -20.25, or Executive Order 134(2004))

In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the negotiation and award of State contracts, including retention agreements, from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, the Legislature enacted P.L. 2005, c.51 (codified at N.J.S.A. 19:44A-20.13 - 25) (Chapter 51), on March 22, 2005, effective retroactive to October 15, 2004, superseding the terms of Executive Order 134(2004). In addition, on September 24, 2008, Executive Order 117 was issued and made effective on November 15, 2008 (EO 117) which set forth additional limitations on the ability of executive branch agencies to contract with business entities that have made or solicited certain contributions. Pursuant to the requirements of Chapter 51 and EO 117, it shall be a material breach of the terms of the Retention Agreement for the Business Entity to do any of the following:

1. make or solicit a contribution in violation of the Chapter 51 or EO 117;
2. knowingly conceal or misrepresent a contribution given or received;
3. make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;
4. make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or of Lieutenant Governor, or to any State, county or municipal party committee, or any legislative leadership committee;
5. engage or employ a lobbyist or Special Counsel with the intent or understanding that such lobbyist or Special Counsel would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of Chapter 51 or EO 117;
6. fund contributions made by third parties, including Special Counsels, attorneys, family members, and employees;
7. engage in any exchange of contributions to circumvent the intent of the Chapter 51 or EO 117; or
8. directly or indirectly through or by any other person or means, do any act which would subject that entity to the restrictions of the Chapter 51 or EO 117.

#### **B. New Jersey Conflict of Interest Law**

The New Jersey Conflict of Interest Law, N.J.S.A. 52:13D-12 et seq. and Executive Order 189 (1988), prohibit certain actions by persons or entities which provide goods or services to any State Agency. Specifically:

1. No Special Counsel shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A. 52:13D-13b. and c., in the Department of the Treasury or any other agency with which such Special Counsel transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A. 52:13D-13i., of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A. 52:13D-13g.
2. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any Special Counsel shall be reported in writing forthwith by the Special Counsel to the Attorney General and the Executive Commission on Ethical Standards.
3. No Special Counsel may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such Special Counsel to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed or associated or in which he has an interest within the meaning of N.J.S.A. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.
4. No Special Counsel shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
5. No Special Counsel shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the Special Counsel or any other person.
6. The provisions cited above in paragraph H(I). through H(V) shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with Special Counsel under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate.

#### **C. Obligation to Maintain Records**

Special Counsel shall maintain all records for products and/or services delivered against the contract for a period of five (5) years from the date of final payment under the Retention Agreement unless otherwise specified in the Retention Agreement. Such records shall be made available to the State, including the Comptroller, for audit and review upon request.

IV. The Special Counsel is hereby notified of the following:

**A. Chapter 271 Annual Disclosure Statement Filing Requirement**

If Special Counsel receives contracts in excess of \$50,000 from a public entity during a calendar year, the Special Counsel is responsible to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c. 271, section 3) It is Special Counsel's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financing penalties by ELEC. Additional information about this requirement is available from ELEC at (888)313-3532 or <http://www.elec.state.nj.us/>

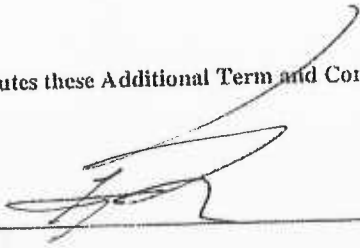
**B. Set-off for State Taxes**

Pursuant to N.J.S.A. 54:49-19 et seq. (P.L. 1995, c159), and notwithstanding the provision of any other law to the contrary, whenever any taxpayer, partnership or S corporation under contract to provide goods or services or construction projects to the State of New Jersey or its agencies or instrumentalities, including the legislative and judicial branches of State government, is entitled to payment for those goods or services at the same time a taxpayer, partner or shareholder of that entity is indebted for any State tax, the Director of the Division of Taxation shall seek to set off so much of that payment as shall be necessary to satisfy the indebtedness. The amount set-off shall not allow for the deduction of any expense or other deduction which might be attributable to the taxpayer, partner, or shareholder subject to set-off under this Act.

The Director of the Division of Taxation shall give notice of the set-off to the taxpayer, partner or shareholder and provide an opportunity for a hearing within thirty (30) days of such notice under the procedures for protests established under N.J.S.A. 54:49-19. No request for conference, protest, or subsequent appeal to the Tax Court from any protest shall stay the collection of the indebtedness.

Special Counsel hereby agrees to and executes these Additional Term and Conditions:

Special Counsel Signature:



Special Counsel Name:

Francis J. Borin, Partner

Special Counsel Firm:

DeCotiis, FitzPatrick & Cole, LLP

Date:

October 9, 2013

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)  
N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

DeCotiis, FitzPatrick & Cole, LLP

Dated October 9, 2013

By: 

Francis J. Borin, Partner

## SOURCE DISCLOSURE CERTIFICATION FORM

Contractor: DeCotiis, FitzPatrick & Cole, LLP      Solicitation Number: \_\_\_\_\_

I hereby certify and say:

I have personal knowledge of the facts set forth herein and am authorized to make this Certification on behalf of the Contractor.

The Contractor submits this Certification in response to the referenced contract issued by the Division of Purchase and Property, Department of the Treasury, State of New Jersey (the "Division"), in accordance with the requirements of N.J.S.A. 52:34-13.2.

**Instructions:**

List every location where services will be performed by the Contractor and all Subcontractors.

If any of the services cannot be performed within the United States, the Contractor shall state, with specificity the reasons why the services cannot be so performed. Attach additional pages if necessary.

Contractor and/or Subcontractor	Description of Services	Performance Location[s] by Country	Reasons why services cannot be performed in US
<u>All services performed in USA</u>	<u>All services performed in USA</u>	<u>All Services performed in USA</u>	<u>All services performed in USA</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Any changes to the information set forth in this Certification during the term of any contract awarded under the referenced solicitation or extension thereof will be immediately reported by the Vendor to the Director, Division of Purchase and Property (the "Director").

The Director shall determine whether sufficient justification has been provided by the Contractor to form the basis of his certification that the services cannot be performed in the United States and whether to seek the approval of the Treasurer.

I understand that, after award of a contract to the Contractor, it is determined that the Contractor has shifted services declared above to be provided within the United States to sources outside the United States, prior to a written determination by the Director that extraordinary circumstances require the shift of services or that the failure to shift the services would result in economic hardship to the State of New Jersey, the Contractor shall be deemed in breach of contract, which contract will be subject to termination for cause pursuant to the State of New Jersey Standard Terms and Conditions.

I further understand that this Certification is submitted on behalf of the Contractor in order to induce the Division to accept a bid proposal, with knowledge that the Division is relying upon the truth of the statements contained herein.

I certify that, to the best of my knowledge and belief, the foregoing statements by me are true. I am aware that if any of the statements are willfully false, I am subject to punishment.

Contractor: DeCotiis, FitzPatrick & Cole, LLP

[Name of Organization or Entity]

By:  Title: Partner

Print Name: Francis J. Borin Date: October 9, 2013