

**PRESS RELEASE – FOR IMMEDIATE RELEASE**

**BUSINESS OWNERS TELL NEW JERSEY SUPREME COURT:  
“HANDS OFF THE SPILL ACT”**

**LAWRENCEVILLE, NJ – Fri. Jan. 31, 2014:** Representing landowners who purchased property that is contaminated with hazardous substances, [Janine G. Bauer](#), Partner, [Szaferman Lakind](#), today filed a friend of the court brief in the New Jersey Supreme Court, Trenton, urging the justices to reverse a trial court and appellate court decision that imposed a six-year statute of limitation written into the Spill Act.

Styling themselves the Innocent Landowners Group, the three businesses bought property that they later found was contaminated with hazardous substances under the surface. Two of them sued the firms that allegedly polluted the properties for contribution to the cost of cleanup. The third expects to have to do so in the near future.

One business owner, Richard Catena, a car dealer in Bergen County, prevailed on a motion to dismiss his suit for contribution back in 2008. That suit is still pending against two parties. The motion to dismiss his suit was brought by Raytheon, a successor to one of the companies that allegedly spilled chemicals on the property in the 1940s and 1950s. However, another business in the Innocent Landowners Group, A & S Russo Real Estate, in Union County, had its case against the alleged polluters dismissed based on the appellate court’s opinion that the Spill Act should be subject to the six year statute of limitations for damage to property. A & S Russo Real Estate is represented by Gregory Pasquale, Esq.

“Inconsistent rulings are bad for business and the environment,” said Janine Bauer, attorney for the Innocent Landowners Group. “Businesses are looking for clarity in law and regulations.”

In their friend of the court brief, submitted in the case of [Morristown Associates v. Grant Oil Co., et als](#), Supreme Court Docket No. 073248, the Innocent Landowners Group argued that imposing a six year statute limitation on Spill Act cases for contribution to clean up costs will harm the State’s economy and the environment, because it will result in fewer cases being brought. The group pointed out that it often takes much longer than six years to determine the responsible parties, decide how to clean up, and understand what the cost is. The group obtained a list of all of the environmental cases filed in the New Jersey courts in the last six years, and found that only a handful of the 463 active cases were enforcement cases brought by the State Department of Environmental Protection (DEP).

“DEP doesn’t have the resources to bring all of the cases so that contaminated sites get cleaned up,” said Janine Bauer. “That’s why the Spill Act allows private owners to bring suit against the responsible parties, to obtain funds to do the cleanup. It’s important not to hinder that effort,” she added.

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## **ABOUT THE FIRM**

[Szaferman Lakind](#) is a full-service, AV rated by Martindale-Hubbell™, law firm based in Lawrenceville, New Jersey, with a multi-faceted team of attorneys who provide legal representation for businesses, investors, professionals, families, and individuals. Consisting of 39 attorneys in four departments – general litigation, matrimonial, personal injury and business, Szaferman Lakind was founded more than 36 years ago and has been based in Mercer County, NJ, throughout. The firm concentrates in general, commercial and environmental litigation, family law, complex ERISA class-action litigation, personal injury and workers’ compensation, mergers and acquisitions, securities, corporate and commercial finance, tax and estate law, alternative dispute resolution and residential and commercial real estate, including land use and zoning.

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