

LEGAL HIGHLIGHTS

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SZAFERMAN LAKIND WELCOMES JUDGE ANTHONY J. PARRILLO, P.J.A.D. (RET.), TO THE FIRM

FIRM SECURES \$90.5 MILLION IN JUDGMENTS FOR MESOTHELIOMA VICTIMS



ARNOLD C. LAKIND
CO-FOUNDER, PARTNER



ROBERT E. LYTLE
PARTNER, EXECUTIVE COMMITTEE



ROBERT G. STEVENS
ATTORNEY

In late June 2014, Szaferman Lakind was successful in securing \$90,500,000.00 in judgments on behalf of eleven men and women who contracted mesothelioma. The Court awarded damages to each family for the pain and suffering of the victims and loss of consortium to their spouses.

The plaintiffs were employees of Johns Manville, family members of employees, or individuals who lived in Manville. In the case, there were two main obstacles that we were able to help the victims overcome in order to obtain compensation for the injuries they had suffered. First, those clients who worked at the Johns Manville Facility in Manville, New Jersey, were prohibited by workers compensation law from securing any compensatory damages from their employer. Second, those clients who were related to a Johns Manville worker, or who lived in the area of the plant, were unable to obtain any compensation for their injuries from Johns Manville because the company filed for bankruptcy. We helped our clients overcome these hurdles by identifying the defendant, a European corporation, as a supplier of asbestos to the Johns Manville facility.

Szaferman Lakind's Mesothelioma Group, consisting of attorneys Arnold Lakind, Bob Lytle, Bob Stevens, Jeffrey Blumstein and paralegals John Kane and Maria Masiello, were

able to locate Johns Manville's asbestos suppliers, including Eternit AG, a Swiss corporation. In 2012, two Eternit executives, family heir Stephan Schmidheiny and Belgian billionaire Baron Louis de Cartier de Marchienne, were convicted for their mining and sale of asbestos and held responsible for the deaths of some 3,000 people.

In the years since it was a Johns Manville supplier, Eternit had transformed itself by discontinuing the distribution of asbestos products and focusing on other building materials. Other plaintiffs had encountered significant difficulties in identifying the proper defendants and prosecuting cases in New Jersey.

Szaferman Lakind's Mesothelioma Group was able to develop an argument that permitted plaintiffs to sue Eternit's successor, ANOVA HOLDINGS AG: an international asbestos conglomerate which mined the mineral primarily in South Africa and sold it worldwide 1950 - 1980.

Attorneys for the Johns Manville families utilized international treaty procedures and served Anova with the complaints. On June 26, 2014, after Hague Convention and Proof Hearings procedures, the Court awarded \$90.5 million in damages to the eleven families.

HAVE YOU OR SOMEONE YOU KNOW CONTRACTED MESOTHELIOMA OR BEEN EXPOSED TO ASBESTOS? SZAFERMAN LAKIND CAN HELP.

MICHAEL PAGLIONE ACHIEVES \$826,500 SETTLEMENT IN DRUNK DRIVING CASE

As reported in the August 4 edition of the *New Jersey Law Journal*, a motorist injured in an auto accident and represented by firm Partner Michael Paglione settled his Mercer County dram shop case on June 24 for \$826,500.



MICHAEL R. PAGLIONE, PARTNER

In October 2009, as asserted in the lawsuit, Russell Acheson was driving westbound on Interstate 195 in Jackson, NJ, when another motorist, Michael Ratz, rear-ended his vehicle and caused it to leave the roadway, spin and strike a tree.

Acheson suffered a closed-head injury, was in a medically induced coma for 10 days, sustained a fractured sacrum and hip, and claimed a connection between his multiple sclerosis and the accident.

According to Mr. Paglione, Ratz was cited for driving while intoxicated and, about two hours after the accident, had a blood-alcohol content (BAC) of 0.17 - more than twice the legal limit for driving. A plaintiff's expert estimated that Ratz's BAC was 0.214 at the time of the accident.



The parties settled on the day of trial. Boathouse Bar & Grill of Belmar, NJ, where Ratz consumed alcohol, agreed to pay \$800,000, while Ratz agreed to pay \$15,000 through his insurer and \$11,500 of his personal funds.



MELISSA A. CHIMBANGU, ATTORNEY

MELISSA CHIMBANGU WINS PRELIMINARY HEARING FOR CLIENT IN FEDERAL COURT

Attorney Melissa Chimbangu recently appeared in United States District Court representing a high level technology professional who resigned from his place of employment to accept a more lucrative position with a competing company.

Prior to the client leaving for his new position, his prior employer demanded that the client sign a "continuing obligations contract" that sought to materially change the terms and conditions of the non-disclosure agreement which the client had signed when he first joined the company. Because the client refused to sign the exit contract - pending review by his attorney - the employer filed suit against the client alleging theft of intellectual property and trade secrets. The prior employer further sought a temporary restraining order against the client.

Chimbangu successfully argued, and the Court agreed, that the former employee had done nothing wrong and could not be forced to sign a "continuing obligations contract" upon termination of his employment. The court also found that the former employer was not suffering irreparable harm and thus denied the application for the injunction.

IF YOU'VE BEEN WRONGFULLY ACCUSED, SZAFERMAN LAKIND CAN HELP SET THE RECORDS STRAIGHT. CONTACT US TODAY.

LEARN MORE ABOUT US

- Founded 1977
- Full-service Law Firm
- 40+ Attorneys
- 100 Employees
- Strength & Resources of Large Firm
- Personal, Caring and Friendly Environment

AV-Rated by Martindale-Hubbell® and among the Best Law Firms 2014, by *U.S. News & World Report*, the law firm of Szaferman Lakind is a full-service law firm with a multi-faceted team of attorneys who provide legal representation for families, businesses, investors and individuals.

- Commercial and General Litigation
- Family and Matrimonial Law
- Personal Injury Law
- Workers' Compensation
- Business Law
- Securities Law

SZAFERMAN LAKIND TRUE COUNSEL
ATTORNEYS AT LAW



FIRM PREVAILS IN UNITED STATES DISTRICT COURT SUMMARY JUDGEMENT MOTION

Partner Arnold C. Lakind recently defeated a motion for summary judgment in a class action brought on behalf of life insurance policyholders against Phoenix Life Insurance Company and its corporate parent, Phoenix Companies, Inc. In a comprehensive opinion, the District Court for the District of New Jersey rejected Phoenix's arguments for dismissal, finding that the policyholders' claims have merit and were supported by the evidence.



ARNOLD C. LAKIND
PARTNER



MARK FISHER
ATTORNEY



ROBERT G. STEVENS
ATTORNEY

One of our clients purchased dividend-paying policies from Phoenix Home Life Insurance Company, a mutual insurance company, long before Phoenix abandoned its mutual structure in 2000. As a mutual insurance company, Phoenix paid dividends to policyholders, who were considered to be the owners of the company. Under New York law, a mutual insurance company can change its form through a process called "demutualization." After it demutualized, Phoenix became a shareholder-owned company and thus would pay dividends to those shareholders, along with smaller dividends to policyholders. The newly demutualized company, Phoenix Life Insurance Company, issued all of its shares to Phoenix Companies.

As a condition of demutualizing, New York law required Phoenix Life to create a "closed block" of assets to assure payment of life insurance benefits and to protect the insured's "reasonable dividend expectations." In 2006 and later, Phoenix drastically reduced policyholder dividends by some \$58 million and concurrently increased dividends to the shareholders of the newly formed company. Our clients' dividends dropped from \$40 annually to nearly zero. It is on that basis that we filed a class action, aggressively litigated by Phoenix, who filed the summary judgment motion in the matter arguing that our clients' case lacked any merit.

Mr. Lakind, assisted by attorneys Robert Stevens and Mark Fisher, filed this case in 2009 on behalf of the more than 300,000 policyholders in the Closed Block. Our firm has been actively litigating the case since then.

CRAIG HUBERT SETTLES PERSONAL INJURY CASE AGAINST TRUCKING COMPANY FOR \$900,000



CRAIG J. HUBERT
PARTNER, EXECUTIVE COMMITTEE

A driver, represented by Partner Craig Hubert, was injured when a 10-foot metal shaft fell from the back of a tractor trailer and collided with his vehicle on Route 78 in Somerset County. The victim was driving behind the

trailer when the shaft became unsecured and dropped onto the roadway, impacting his automobile and deploying the airbags. His vehicle was launched into the air and landed on its front end. The client was transported to Overlook Hospital in Summit with pain in his neck, left shoulder and arm and with numbness in his left hand.

As a result of the injuries his client required two surgeries to his shoulder and one to his cervical spine, in addition to other non-surgical medical procedures. The client continues to suffer physical limitations and pain.

Mr. Hubert employed the services of an independent orthopedic specialist to evaluate the victim's physical condition. To determine the economic and vocational loss resulting from the accident, Mr. Hubert hired a firm to prepare expert reporting on the issues. The experts' opinions served to help substantiate and quantify the client's physical and economic losses.

The \$900,000 settlement was reached between the client and the trucking company's insurance carrier after arbitration but immediately prior to trial.



CRAIG J. HUBERT
PARTNER, EXECUTIVE COMMITTEE

CRAIG HUBERT AND JANINE BAUER SETTLE MOTORCYCLE WRONGFUL DEATH CASE FOR \$1.025 MILLION

Partners Craig Hubert and Janine Bauer obtained a \$1.025 million settlement for the wife and estate of a motorcycle operator killed in a crash resulting from an ongoing roadway construction project that left an unsafe and unmarked condition between travel lanes. The victim was riding in the right lane on Interstate Route 295 in Burlington County and lost control of his motorcycle while moving to the center lane in an area where the roadway resurfacing left a longitudinal 2 ½ inch pavement edge. The elevation differential between the two travel lanes was described by an investigating state trooper as “nearly vertical” where the posted speed limit is 65 mph. A second fatal motorcycle accident occurred later the same day in the project area.

In litigating the matter, Personal Injury Attorney Craig Hubert collaborated with Janine Bauer, a partner at the firm with expertise in transportation law. In addition, the firm used an expert professional engineer to prepare a report addressing the transportation issues and cause of the accident. The engineer concluded that the 2 ½ inch longitudinal vertical obstruction between lanes “was grossly and unconscionably defective, and was an unreasonably dangerous and defective condition.”

The project contractor, Earle Asphalt Company, was performing the work for the N.J. Department of Transportation and was subject to NJDOT Standard Specifications for Road and Bridge Construction. The condition causing the crash did not conform to those specifications.

In addition to the consulting engineer, the firm retained both an economic consulting firm to examine and evaluate economic losses to the victim’s wife and estate and a physician to prepare a report on the pain and suffering experienced by the victim.

An economic settlement was achieved prior to the matter proceeding to trial.



JANINE G. BAUER
PARTNER

BRIAN HEYSEY PREVAILS IN JURY TRIAL REGARDING 2010 AUTO ACCIDENT

In July of this year, Attorney Brian A. Heysey was able to convince a Mercer County jury that a November 2010 motor vehicle accident was the direct and proximate cause of injuries sustained by his client. The jury awarded \$175,000 in the case.

In the accident, the client’s vehicle came to rest on the hood of a second vehicle in the parking lot of a used car dealer. The client’s injuries included bulging cervical spine discs, herniated discs in the lumbar region and carpal tunnel syndrome in the right wrist.

After hearing the testimony and considering the arguments, the jury returned the economic award for disability, impairment and loss of the enjoyment of life and pain and suffering. In achieving the result Mr. Heysey convinced the jury that his client’s injuries were permanent within a reasonable degree of medical probability as required under N.J.S.A. 39:6A-8(a).

HAVE YOU BEEN INJURED IN AN ACCIDENT?
CONTACT SZAFERMAN LAKIND TODAY.



BRIAN HEYSEY, ATTORNEY

JUDGE LINDA FEINBERG (RET.) JOINS MEDIATION BOARD, PRESENTS AT STATE BAR ASSOCIATION CONTINUING EDUCATION PROGRAMS



JUDGE LINDA R. FEINBERG (RET.), OF COUNSEL

Retired from her role as Mercer County Assignment Judge, Linda Feinberg, Of Counsel, remains very active in the New Jersey legal community.

Judge Feinberg began serving as a member of the Board of New Jersey Association of Professional Mediators (NJAPM) in July. The NJAPM seeks to foster public awareness of mediation as the preferred method of dispute resolution, provide information, protect the public through standards of conduct and serve as a training, education and collegial resource.

In addition to her role on the professional mediators board, Judge Feinberg maintains a commitment to the legal community through participation as a presenter for the Institute for Continuing Legal Education (NJICLE), which is the arm of the NJ State Bar Association that provides educational seminars for judges, lawyers and other interested parties.

In July, Judge Feinberg was a presenter at the Family Law Summer Institute, a two day event that had as participants distinguished panels of family law judges, lawyers and other experts from throughout New Jersey.

In September, Judge Feinberg participated in two NJICLE programs. At the first, on September 10th, Feinberg presented at the "New Judges' Orientation" program in Newark on the topic "Judicial Professionalism." The second presentation, sponsored by the Mercer County Bar Association, was "An Overview of New Jersey Public Contracts Law" on September 12th.



RICHARD CATALINA, OF COUNSEL

RICHARD CATALINA PROVIDES NJ TECH COUNCIL WITH U.S. SUPREME COURT UPDATE ON SOFTWARE PATENTS RULINGS

On August 7, intellectual property attorney Richard Catalina presented an update on a recent decision by the U.S. Supreme Court concerning the patentability of software to the NJ Technology Council's Software Engineering Leaders meeting, held at the NJ Institute of Technology's Enterprise Development Center. Richard reported that under the ruling in Alice Corp. v. CLS Bank, software and business methods remain patentable subject matter, provided that the claimed invention is not directed to an "abstract" ideal. While the Court failed to provide a precise definition of what constitutes "abstract," the ruling does provide some guidance for skilled practitioners to follow. Richard reported that further case law by the Federal Circuit will likely provide additional instruction in the future.

PROTECT YOUR INTELLECTUAL PROPERTY.
CONTACT SZAFERMAN LAKIND.

SZAFERMAN LAKIND SPONSORS/ PARTICIPATES IN 10TH ANNUAL ETS FIRECRACKER 5K



FROM L TO R: THOMAS MANZO, CARLYN HUBERT, CRAIG HUBERT, STEVEN LIPSTEIN, ROBERT PANZER, LISA WILLIAMS, ELAINE LIPTON, KATHLEEN O'BRIEN

Szaferman Lakind was a proud sponsor and running team competitor at the 2014 ETS Firecracker 5K Run / Walk.

The event proceeds will provide English-learning preschool children with the tools they need to enter school on par with their English-speaking peers.

A program of the YWCA Princeton, the Bilingual Nursery School is just one of several programs designed to advance the mission of eliminating racism and empowering women by giving women and families a safe haven where diversity is embraced.

SECURITIES ATTORNEY GREGG JACLIN TO PRESENT ON “SEC REQUIREMENTS” AT NASDAQ

In November, Partner, Gregg E. Jaclin is making a presentation to select companies on “SEC Requirements and Continued Listings Standards.”



Gregg will be participating on a panel of experts at NASDAQ Marketsite, New York City, New York, to provide insight on the process of listing on NASDAQ, the impact of the listing on liquidity and visibility with the investment community, as well as guidance on ongoing communication and proper disclosure.



DANIEL J. GRAZIANO, PARTNER

THINGS FORGOTTEN...

BY DANIEL J. GRAZIANO

All too often, the press of business distracts owners from regular routines which are essential to their continued, successful operation.

For example, a business astute enough to have a Buy Sell Agreement in place will often mandate an annual agreement on value for the purchase of a departing or departed owner's share. It is the rare entrepreneur who makes sure this occurs as scheduled and has it memorialized. The same can be said of meeting minutes. It is wise to at least memorialize the decisions made at an annual meeting - election of directors, appointment of officers and a reminder to deal with valuation if necessary.

Another mistake is made by landlords with leases that provide for a tenant to name them as an additional insured and to provide proof of same along with annual confirmation of payment of premium. The tenant should be asked for this documentation each year. Even with that coverage, however, it is prudent for a landlord to maintain separate insurance on the property and that policy should be less expensive if it is secondary to the tenant's coverage.

Annual reports are required by the State of New Jersey for business entities and the process has been made quite easy with online handling. This was formerly accomplished with punch cards that were mailed to businesses, filled out by hand and returned. Today, you may get a notice with directions on how to handle it online.

Historically, failure to file meant almost nothing by way of an immediate interference with business operations. Since filing was easily overlooked many companies failed to comply, sometimes for years, only to learn that their “charter” had been forfeited for non-filing. In a recent commercial real estate matter handled by this firm, the company had failed to file for years and the charges to reinstate were nearly \$700.00.



LIONEL J. FRANK, PARTNER

LIONEL FRANK DELIVERS INTELLECTUAL PROPERTY AND TRADE-MARK PRESENTATION TO PRINCETON ROTARY INTERNATIONAL

In July, Partner Lionel Frank was invited to speak at the Princeton Hyatt Regency meeting of the Princeton Rotary about protecting intellectual property rights in general and about the process of registering trademarks in the United States Trademark and Patent Office in particular.

As Lionel told the attendees, “Trademarks, copyrights and patents are often among the most valuable assets of a business and must be protected by their owners to reap the maximum benefits of this intellectual property. Owners who fail to do so jeopardize the loss of valuable rights which may not be able to be registered.”

In addition to intellectual property, Lionel's practice includes corporate and business matters, antitrust and trade regulation, and zoning and planning cases.

He is a former Deputy Attorney General with the Antitrust Section of the New Jersey Division of Criminal Justice and past Chairman of the Special Committee On Antitrust Law of the New Jersey State Bar Association.

HAVE AN INVENTION OR A NEW BUSINESS IDEA? DON'T COMPROMISE ITS VALUE - SZAFTERMAN LAKIND CAN HELP SAFEGUARD YOUR PROPERTY.

VOLUME OF MUNICIPAL CODE VIOLATIONS INCREASING – KNOW YOUR RIGHTS

Have you received a letter or summons from your city or township alleging that your property is in violation of the local land use/zoning ordinance or property maintenance code? Across New Jersey, municipal inspectors often use summer months to make inspections and issue violations to individual taxpayers and businesses, summoning them to municipal court if they don't make improvements. Sometimes these improvements are expensive, such as replacing sidewalks, and removing trees and stored items. Violations can carry heavy daily fines, which go into municipal coffers and fill budget gaps. In another case, we helped a motor carrier business settle a zoning and code violation dispute with Burlington City by "removing" the municipal summonses to federal court, alleging that the City was infringing on the business's federal rights under the Commerce Clause to conduct its property transportation business without local interference, and we settled the dispute favorably.

Recently, Szaferman Lakind lawyers have gotten a number of calls about this kind of problem. We are eager to help you and we take a practical approach that is usually successful with local prosecutors. Our lawyers helped an individual in Brigantine, NJ fend off over-eager inspectors who demanded that a boat be removed from a waterfront lot, and that vegetation be "maintained" even though the property is a natural setting protected by a conservation easement. In another case, we helped a motor carrier business settle a zoning and code violation dispute with Burlington City by "removing" the municipal summonses to federal court, alleging that the City was infringing on the business's federal rights under the Commerce Clause to conduct its property transportation business without local interference. We then settled the dispute favorably. Before trying to defend yourself, call us if you have a land use or zoning problem, or are subject to a municipal code enforcement action.

IF YOU'VE RECEIVED A MUNICIPAL CODE VIOLATION, CONTACT ATTORNEY BOB STEVENS & LEARN YOUR OPTIONS.

STEPHEN SKILLMAN DESIGNATED AS VICE-CHAIR OF THE NEW JERSEY SUPREME COURT ADVISORY COMMITTEE ON JUDICIAL CONDUCT



HON. STEPHEN SKILLMAN,
OF COUNSEL (RET.)

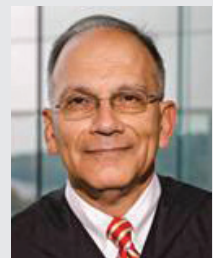
The Honorable Stephen Skillman (ret.), Of Counsel, has been appointed by Chief Justice Stuart Rabner to serve as Vice-Chair of the Supreme Court of New Jersey's Advisory Committee on Judiciary Conduct.

The Committee hears allegations of unethical judicial conduct and may impose private discipline on judges found to have committed minor disciplinary infractions. The Committee also recommends proposed

disciplinary action to the Supreme Court in cases in which judges are found to have committed more serious disciplinary infractions that require public disciplinary action.

Mr. Skillman, a graduate of Harvard Law School, served as First Assistant Attorney General and Director of the Division of Law, which handles all civil litigation in the New Jersey Attorney General's office, before his appointment to the Superior Court in 1981. Mr. Skillman served more than thirty years as a trial and appellate judge, the last twelve as a Presiding Judge of the Appellate Division before joining Szaferman Lakind in 2012. During his time on the bench, he wrote approximately 3,000 opinions, of which more than 550 are published in the Superior Court reports.

SZAFERMAN LAKIND WELCOMES JUDGE ANTHONY J. PARRILLO, P.J.A.D. (RET.), TO THE FIRM



ANTHONY J. PARRILLO, P.J.A.D. (RET.)

Anthony James Parrillo, P.J.A.D. (ret.), a former Presiding Judge of the Superior Court of New Jersey, Appellate Division, has become Of Counsel to the firm.

- Judge Parrillo became a Superior Court of New Jersey Judge in 1990 and was appointed a Presiding Judge, General Equity and Probate Part, in 1996.
- In 2000, Judge Parrillo was appointed Judge, Appellate Division, Superior Court of New Jersey and in 2010 was appointed Presiding Judge, Appellate Division, of the Superior Court of New Jersey. During his service, Judge Parrillo was responsible for administering and supervising the work of a panel of appellate judges deciding more than 450 cases annually.
- Between 1976 and 1990, prior to his appointment to the Superior Court, Judge Parrillo served multiple roles with the New Jersey Attorney General including Executive Assistant, Director, Deputy and Deputy Chief.

"We feel most fortunate to welcome Judge Parrillo to our firm after a distinguished career on the bench. He will be a valuable resource in our litigation and appellate work in addition to developing his own practice in arbitration, mediation and discovery management." said firm Co-Founder and Managing Partner, Barry Szaferman.

BRIAN G. PAUL RECOGNIZED AS 2015 FAMILY LAW “LAWYER OF THE YEAR” FOR PRINCETON METRO AREA BY *BEST LAWYERS IN AMERICA*®



BRIAN G. PAUL
PARTNER, EXECUTIVE COMMITTEE



Certified Matrimonial Attorney, Brian G. Paul, Partner and Executive Committee member, has been designated as *Best Lawyers in America's* 2015 Family Law “Lawyer of the Year” for the Princeton Metro area.

According to *Best Lawyers*, “Only a single lawyer in each practice area and designated metropolitan area is honored as the ‘Lawyer of the Year’ making this accolade particularly significant.” Brian was one of only five Family Law attorneys in New Jersey who *Best Lawyers* designated “Lawyer of the Year,” with the other four attorneys being recognized for the Hackensack, Newark, Toms River and Woodbridge regions.

This is the first time Brian has been selected as “Lawyer of the Year” and the third time he has been included on the *Best Lawyers in America* list for Family Law.

ARNOLD LAKIND AND CRAIG HUBERT REPEAT *BEST LAWYERS IN AMERICA*® LISTING

Attorneys Arnold C. Lakind and Craig J. Hubert have again been recognized by inclusion in the 2015 list of *Best Lawyers in America*.



ARNOLD C. LAKIND
CO-FOUNDER, EXECUTIVE
COMMITTEE MEMBER

Arnold’s 2015 *Best Lawyers in America* achievement is his fourth such listing (2009, 2011, 2014, 2015). This year Arnold was recognized in two practice areas: Commercial Litigation and Land Use and Zoning Law.



CRAIG J. HUBERT
EXECUTIVE COMMITTEE
MEMBER, PARTNER

Craig’s 2015 inclusion in the list of *Best Lawyers in America* is his third consecutive year for his Personal Injury – Plaintiff practice.



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PER COMMITTEE ON ATTORNEY ADVERTISING ETHICS OPINION 42, THIS ADVERTISING IS NOT APPROVED BY THE NEW JERSEY SUPREME COURT.