



**SZAFERMAN  
LAKIND**  
ATTORNEYS AT LAW

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# TRUE COUNSEL®

FALL 2017

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## FIVE SZAFERMAN LAKIND ATTORNEYS RECEIVE NATIONAL RECOGNITION, LISTED AMONG THE *BEST LAWYERS IN AMERICA*™

Szaferman Lakind announced this August that five (5) of its attorneys have been listed among *Best Lawyers*®' 2018 *Best Lawyers in America*™.

Per BestLawyers.com, "*Best Lawyers* employs a sophisticated, conscientious, rational, and transparent survey process designed to elicit meaningful and substantive evaluations of the quality of legal services." "For more than three decades, *Best Lawyers* publications have earned the respect of the profession, the media, and the public, as the most reliable, unbiased source of legal referrals anywhere."



BARRY D. SZAFERMAN	CRAIG HUBERT	ARNOLD LAKIND	BRIAN PAUL	KEITH HOVEY
FAMILY LAW	PERSONAL INJURY LITIGATION - PLAINTIFF	COMMERCIAL LITIGATION + LAND USE & ZONING	FAMILY LAW	COMMERCIAL LITIGATION
<i>Best Lawyers in America</i> ™ 2016 - 2018	<i>Best Lawyers in America</i> ™ 2013 - 2018	<i>Best Lawyers in America</i> ™ 2009, 2011, 2014 - 2018	<i>Best Lawyers in America</i> ™ 2013 - 2018	<i>Best Lawyers in America</i> ™ 2016 - 2018

Szaferman Lakind Managing Partner Barry Szaferman commented, "It is an honor to have five of the firm's attorneys recognized by this national organization. Even more satisfying is the knowledge that this recognition results from an assessment by lawyers in our area, which includes lawyers with whom at times we collaborate and at other times confront as adversaries."

**FOR MORE INFORMATION ABOUT SZAFERMAN LAKIND'S *BEST LAWYERS IN AMERICA*, VISIT [SZAFERMAN.COM/ATTORNEYS/BEST-LAWYERS](http://SZAFERMAN.COM/ATTORNEYS/BEST-LAWYERS).**



\* SZAFERMAN LAKIND LAWYERS WERE SELECTED TO THE BEST LAWYERS IN AMERICA® LIST. THE BEST LAWYERS LIST IS ISSUED BY WOODWARD/WHITE. SZAFERMAN LAKIND WAS SELECTED TO BEST LAWYERS® BEST LAW FIRMS LIST. THE BEST LAW FIRMS LIST IS ISSUED BY U.S. NEWS & WORLD REPORT. A DESCRIPTION OF THE SELECTION METHODOLOGIES CAN BE FOUND AT BESTLAWYERS.COM/ABOUT/METHODOLOGYBASIC. NO ASPECT OF THIS ADVERTISEMENT HAS BEEN APPROVED BY THE SUPREME COURT OF NEW JERSEY.



## FIRM OBTAINS \$6,500,000 JUDGEMENT AGAINST ASBESTOS SUPPLIERS

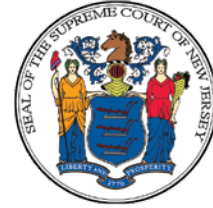


**Robert E. Lytle, Esq.**  
Partner  
Executive Committee

A Judge in New Brunswick, N.J. recently awarded \$6,500,000 to our client for pain, suffering and eventual death from the deadly cancer mesothelioma.

The client's mesothelioma was caused by direct and indirect exposure to asbestos fibers that Johns-Manville ("JM") used in the manufacture of various products at its plant in Manville, New Jersey. Because he grew up only a few blocks away from the JM plant, the client was environmentally exposed

throughout his childhood to airborne asbestos that was emitted daily from the facility.



In addition, our client's mother worked as a weaver at the JM plant. During that time she was exposed to asbestos dust which was brought home on her clothing, further exposing our client to asbestos fibers when he was a child.

After a hearing in June, NJ Superior Court Judge Ana Viscomi entered a judgment in favor of our client and his family to be paid by Anova Holding, AG and Becon, AG, who are foreign companies based in Switzerland that supplied asbestos to Johns-Manville from the 1950's into the 1980's, according to partner Bob Lytle.

SZA FERMAN LAKIND SEEKS JUSTICE. IF YOU KNOW A VICTIM, HAVE THEM CONTACT US TODAY.

## PARTNER DAN SWEETSER PREVAILS IN THIEVERY TRIAL AGAINST GRANDDAUGHTER



**Daniel S. Sweetser, Esq.**  
Partner

On June 8, 2017, a Morris County Chancery Judge ruled in favor of our elderly client following a two-day trial in which Dan Sweetser proved that our client's adult granddaughter unlawfully took tens of thousands of dollars from her in 2011.

Due to an injury suffered by the elderly client in late 2010, she entrusted her financial affairs to her granddaughter. During this time, the granddaughter pilfered tens of thousands of dollars from her grandmother until her misconduct was discovered a year later by her grandson, who immediately took steps to remove his sister from control over their grandmother's finances.



After a two day trial before Morris County Presiding Chancery Judge Robert Brennan, the Court entered a verdict in favor of our client finding the granddaughter liable for breach of fiduciary duty, fraud and conversion. Judge Brennan ordered the granddaughter to pay damages in the full amount of our client's claim.



*Morris County Courthouse, Morristown, N.J.*

## FIRM MAKES NEW LAW IN AREA OF HIV PRIVACY PROTECTION



**Craig J. Hubert, Esq.**  
Partner  
Executive Committee



**Keith L. Hovey, Esq.**  
Of Counsel



**Brandon C. Simmons, Esq.**  
Attorney

Working as a team, attorneys Craig Hubert, Keith Hovey, and Brandon Simmons successfully represented the plaintiff ["patient"] in *Smith v. Datla*, a case involving a physician's disclosure of his patient's HIV diagnosis to a third party without the patient's consent. The Appellate Division of the Superior Court of New Jersey rendered its decision in the plaintiff's favor on July 12 of this year, making new law in the process.

During a consultation, the defendant, Dr. Datla, disclosed the patient's HIV diagnosis (which had before this time been private) to a third party who was in the patient's hospital room at the time.

Following the disclosure, Szaferman Lakind filed suit on behalf of the patient advancing three theories of liability: medical malpractice, invasion of privacy, and violation of the AIDS Assistance Act. New Jersey recognizes four types of invasion of privacy actions, each with different statutes of limitations requiring a plaintiff to bring a claim within a certain time. The categories are as follows: intrusion (two year statute), public disclosure of private facts (the claim advanced in the *Smith* case, held to have a two year statute), false light (one year statute), and misappropriation (six year statute).

Prior to the *Smith* case, no appellate court in New Jersey had decided which statute of limitations applied to claims alleging public disclosure of private facts or for claims under the AIDS Assistance Act. The Appellate Division, in its precedential opinion, agreed with plaintiff, and his amici, the New Jersey State Bar Association, and the New Jersey Association for Justice, that these claims were subject to the two-year statute of limitations governing personal injury claims and not the one-year statute of limitations applicable to defamation claims as argued by the defendant. The statewide decision strengthens a patient's, and particularly an HIV patient's, privacy rights in his or her medical information.

## SZAFERMAN LAKIND CELEBRATES 40 YEARS

The law firm of Szaferman, Lakind, Blumstein & Blader, P.C., celebrates its 40th anniversary in October 2017.

A full-service law firm of 35+ attorneys and staff has been awarded Martindale-Hubbell's highest rating of AV-Preeminent® as well as being listed among *Best Law Firms in America*™ as a Tier-1, Princeton-Metro law firm by *U.S. News & World Report* for 2014, 2015, 2016 and 2017.

Szaferman Lakind consists of four primary practice groups: Business Law, Family Law, General and Commercial Litigation and Personal Injury. Many of our attorneys have been recognized in their respective practice areas by *Best Lawyers in America*, SuperLawyers™, Martindale-Hubbell and New Jersey Association for Justice.

The firm has three New Jersey Supreme Court-certified attorneys and is proud to have multiple retired Judges serving as in-house legal experts for Szaferman Lakind's Business Law, Family Law and Commercial & General Litigation client matters.



PHOTO (L to R): Named Partners of Szaferman Lakind, Jeffrey P. Blumstein, Esq.; Arnold C. Lakind, Esq.; Barry D. Szaferman, Esq.; Steven Blader, Esq.



VISIT [SZAFERMAN.COM/ABOUT-US](http://SZAFERMAN.COM/ABOUT-US) AND WATCH OUR 40TH ANNIVERSARY VIDEO.

## HUNDREDS OF BOOKS COLLECTED FOR CHILDREN OF MERCER COUNTY

(reprinted media alert via Mercer County Prosecutor's Office, Mercer County, NJ)

When Mercer County Prosecutor Angelo J. Onofri took his oath of office in January 2017, he announced a staggering statistic. "In the suburbs, for every child there are 17 books in the home, but in the inner cities, there's one book per 100 kids," he said. Onofri committed to working with organizations to increase access to books for those children.

The Mercer County Bar Association (MCBA) stepped up to help, and through the effort of community co-chairs Stacey Geurds (Mercer County Prosecutor's Office) and Robin Echevarria (MCBA), hundreds of books were collected throughout the months of March, April and May. The books are being donated to Gregory Elementary School in Trenton.

"The Mercer County Bar Association was happy to partner with Prosecutor Onofri to support such an important initiative," said Bob Lytle, President of the MCBA and Partner with Szaferman Lakind.



PHOTO (L to R): Robert E. Lytle, Esq. president of the Mercer County Bar Association and Partner, Szaferman Lakind; Trenton Mayor Eric E. Jackson; Mercer County Prosecutor Angelo J. Onofri; Trenton Police Director Ernest Parrey Jr.; and Mercer County Prosecutor's Office Chief of Detectives Veldon Harris

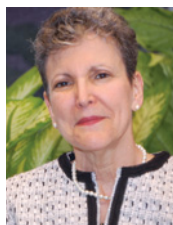
## SZAFERMAN LAKIND PARTICIPATES IN MCBA-SPONSORED EVENT, "ETHICS: A VIEW FROM THE BENCH, A JUDICIAL PERSPECTIVE"



The Mercer County Bar Association (MCBA) hosted an expert legal panel featuring four (4) New Jersey Judges at Rat's Restaurant this past June entitled, "Ethics: A View From the Bench, A Judicial Perspective." The event was organized and directed by Szaferman Lakind Attorney Melissa Chimbangu in her capacity as Co-Chairperson of the Women Lawyer's Committee of the Mercer County Bar Association ("MCBA").



**Robert E. Lytle, Esq.**  
Partner  
Executive Committee



**Hon. Linda R. Feinberg (Ret.)**  
Of Counsel



**Melissa Chimbangu, Esq.**  
Attorney

Current President of the MCBA, Partner Bob Lytle acted as event moderator. Retired Assignment Judge of the Superior Court of New Jersey, Mercer Vicinage, Judge Linda Feinberg, Of Counsel with the firm, volunteered her time and expertise as a member of the panel which included the federal and state benches of New Jersey: Hon. Tonianne Bongiovanni, U.S. Magistrate, District Court of New Jersey; Hon. Kay Walcott-Henderson, Judge of the Superior Court of New Jersey and Hon. Christine M. Gravelle, U.S. Bankruptcy Judge, United States Bankruptcy Court.

With the assistance of Melissa Chimbangu, Bob Lytle guided the panel through several hypothetical, ethical scenarios including:

- Client insists on testifying as fact what the attorney knows is false, what should the attorney do?
- Attorney secures compensation for client's "permanent injuries"; however, shortly thereafter, social media provides proof that the client's injuries were not permanent.
- Representation of a difficult client has concluded. The client does not like the outcome and is now leaving negative and untrue reviews. What can an attorney do?
- Attorney advises a client that a proposed claim lacks merit yet the client insists on proceeding. What options are available?



PHOTO (L to R): Hon. Tonianne Bongiovanni, U.S. Magistrate, District Court of New Jersey; Hon. Kay Walcott-Henderson, Judge of the Superior Court of New Jersey; Hon. Linda R. Feinberg (Ret.) Assignment Judge, Superior Court of New Jersey; Hon. Christine M. Gravelle, U.S. Bankruptcy Judge, United States Bankruptcy Court; 2017 President, Mercer County Bar Association, Robert E. Lytle, Partner, Executive Committee, Szaferman Lakind.

## ATTORNEY JEFF HALL JOINS SZAFTERMAN LAKIND



**Jeffrey M. Hall, Esq.**  
Of Counsel

Jeffrey M. Hall, Esq., has joined the firm's Business Law Group as Of Counsel at the firm's Lawrenceville, N.J. office.

Chair of Szaferman Lakind's Business Law Group, Scott Borsack commented, "A number of our attorneys are well-acquainted with Jeff Hall and his considerable abilities and reputation for decades – he is a well-respected attorney and a recognized Mercer

County leader. We are pleased that the firm could attract an attorney of Jeff's caliber."

Mr. Hall concentrates his legal practice in land use matters, redevelopment, eminent domain, tax appeals, lender representation, commercial real estate transactions and outdoor advertising law.

Jeff's 40 years practicing law includes a private practice as a sole practitioner and more recently a Partner resident in major law firms in the greater Princeton, N.J. region.

Some of Jeff's roles with professional and community organizations have included:

- Co-Chair of a national law firm's Real Estate Tax Appeals Group
- Board of Directors, Princeton Regional Chamber of Commerce
- Board of Directors, MIDJersey Center for Economic Development
- Honorary Board of Directors, New Jersey Children's Home Society
- President, Mercer Family of YMCAs
- President and Director, Trenton Area YMCA
- Board of Directors, Morris Hall Foundation
- Board of Directors, Land Use Section, New Jersey State Bar Association
- General Counsel, New Jersey Outdoor Advertising Association

Jeff graduated from Colgate University and Georgetown University Law Center and is a member of the Bars of New Jersey, Connecticut, U.S. District Court, District of New Jersey and the U.S. Court of Appeals, Third Circuit.

## PARTNER CRAIG HUBERT APPOINTED TO TWO (2) NEW JERSEY STATE BAR ASSOCIATION COMMITTEES



**Craig J. Hubert, Esq.**  
Partner  
Executive Committee

Partner and Executive Committee member, Craig Hubert, has been appointed to two New Jersey State Bar Association (NJSBA) Committees by NJSBA President Robert Hille, both terms spanning 2017 - 2018.

As Co-Chair of the Judicial Administrative Committee, per NJSBA.com, Craig "implements and updates the Association's philosophy of judicial administration by ensuring that court

management systems are economical, fair and efficient; ensuring the independence of judges, practicing attorneys and administrators; and developing and promoting communication among judges, attorneys and administrators."

As Chair of the Meeting Arrangements and Program Committee, Craig helps to "recommend to the Board of Trustees the selection site, travel agent, facilities and hotel room rates for the Annual and Mid-Year Meetings of the Association. Recommends appropriate policies to the Board of Trustees in furtherance of its assigned functions."



## BRIAN PAUL APPOINTED TO NEW JERSEY STATE BAR ASSOCIATION "AMICUS COMMITTEE"



**Brian G. Paul, Esq.**  
Partner  
Executive Committee

Partner and Executive Committee member, Brian Paul, has been appointed to the New Jersey State Bar Association (NJSBA)'s Amicus Committee.

Per NJSBA, the Committee "Reviews requests that the NJSBA become involved in matters presenting pending before New Jersey and federal courts and recommends to the Board of Trustees whether the Association should appear as an amicus party in the litigation. Coordinates the effort to file briefs of the highest possible quality upon request of the Board."

Brian is a recipient of four Amicus Curiae awards from NJSBA in the past 3 years; he is a New Jersey Supreme Court-Certified attorney and he most recently was named as *Best Lawyers in America's* Family Law 2018 Lawyer of the Year\* for the Princeton-metro region.

Brian Paul joins fellow Szaferman Lakind Partners, Craig Hubert and Michael Paglione, as members of the NJSBA Amicus Committee.



## FIRM'S AVIATION GROUP SUCCESSFULLY DEFENDS CLIENT IN AIRCRAFT ACCIDENT



**Robert Lakind, Esq.**  
Attorney

Szaferman Lakind's Aviation Practice, which is headed by Robert Lakind, has successfully defended a client that was involved in an aviation accident in New Jersey in April 2016. Robert Lakind represented the client during the Federal Aviation Administration (FAA)'s and National Transportation Safety Board (NTSB)'s investigation.

The FAA just recently closed its investigation and noted that it "has not established a violation of the Federal Aviation Regulations, and therefore you may consider the matter closed."

Attorney Robert Lakind stated that, "Szaferman Lakind is very satisfied with the outcome of the FAA's investigation. We were glad to have helped our client during the FAA's and NTSB's investigation and to have delivered a positive result for our client."



**ROBERT LAKIND IS A FORMER AIRLINE PILOT WHO IS NOW AN ATTORNEY WHO PRACTICES AVIATION LAW AND REPRESENTS CLIENTS IN THEIR DEALINGS WITH THE FAA, NTSB AND IN CORPORATE TRANSACTIONS.**

## PARTNER LIONEL FRANK JOINS ANTITRUST PANEL AT NJSBA'S NEW JERSEY LAW CENTER



**Lionel J. Frank, Esq.**  
Partner

This September, the New Jersey State Bar Association (NJSBA) played host to a seven attorney panel, "Antitrust Litigation Today: Recent Developments and Hot Topics" at the New Jersey Law Center in New Brunswick, NJ.

Szaferman Lakind partner Lionel Frank was one of the seven-attorney antitrust and competition law panel, all of whom discussed antitrust, monopoly and business regulation specific to the State of New Jersey, the United States of America and their impact and influence on the global economy.

The moderated, 3.5-hour discussion included:

- Various forms of horizontal restraints (i.e. boycotts) and vertical restraints (i.e. resale price maintenance)
- Monopolization and attempted monopolization
- Intersecting principles of intellectual property and antitrust
- Utilization and trends in antitrust: small business, land use, product hopping, pay for delay, licensing schemes, exclusive deal arrangements and more



*NJSBA's New Jersey Law Center, New Brunswick, NJ*



**Keith L. Hovey, Esq., RN**  
Of Counsel

## KEITH HOVEY, ATTORNEY AND REGISTERED NURSE, INTRODUCES KEYNOTE SPEAKER AT ANNUAL TAANA CONFERENCE IN BOSTON

The American Association of Nurse Attorneys (TAANA), a non-profit organization of both nursing and law school graduates, held its 35th annual conference in Boston, Massachusetts this past August.

Keith Hovey, attorney, registered nurse and member of TAANA's Planning Committee, attended the conference where he received the award for "2017 Outstanding Education Section Member." He also introduced the conference's keynote speaker, MBTA Sgt. Richard Donohue (Ret.), the Mass-Transit Officer critically wounded in the line of duty during the Watertown shoot out following the Boston Marathon bombings.

Keith also had the opportunity (PHOTO) to meet with Prof. Anita Hill, only the 5th recipient in 35 years of TAANA's recognition of contribution to health law, nursing and policy, the Mary Elanor McGarvah Award.

Upon returning from the conference, Keith commented that "TAANA is an organization comprised of remarkable individuals who are committed to professional development as well as advocating for the improvement of the health care system, and the nursing and legal professions. I am privileged to be a member of such a worthwhile organization and to work in an area of the law where I can use my experience as a nurse and an attorney to better serve my clients."



*PHOTO (courtesy Boston.com): Metro Boston Transit Authority Sergeant Richard Donohue*



*PHOTO Keith Hovey, Attorney and Prof. Anita Hill*

## NEW JERSEY SUPREME COURT MODIFIES THE STANDARD TO RELOCATE CHILDREN OUTSIDE OF NEW JERSEY

An Article By: *Robert P. Panzer, Esq.*



**Robert Panzer, Esq.**  
Partner

On August 8, 2017, the New Jersey Supreme Court decided the case of Bisbing v. Bisbing, which changed the law pertaining to custodial parents attempting to relocate minor children outside of New Jersey.

Prior to the recent Bisbing holding, custodial parents seeking to move with minor children to another state had the burden of proving: (1) a good faith reason for the proposed move; and (2)

that the move would not be inimical to the child's best interests. However, the New Jersey Supreme Court has now departed from this two-part test, and, in its place, has instructed lower courts to conduct a "best interest" analysis to determine whether there is "cause" under

N.J.S.A. 9:2-2 (the statute prohibiting parents from removing children to another state) to permit the move. By adopting this new standard, our Supreme Court mandated that the same best interest standard be applied to all interstate relocation disputes in which the parents share legal custody, inasmuch as the best interest analysis previously applied only to those cases in which parties shared residential custody of the children.

The new best interest standard is presumably more difficult for a custodial parent to satisfy because the prior law merely required that custodial parents establish that the proposed move was not inimical (or, in other words, not harmful or detrimental) to the children. Custodial parents must now affirmatively establish that the move is in the child's best interest. Because the Bisbing holding is so recent, however, its impact remains to be seen.

**IF YOU HAVE ANY QUESTIONS REGARDING THIS CHANGE TO NEW JERSEY LAW, OR ANY OTHER FAMILY LAW ISSUE, CONTACT OUR FAMILY LAW GROUP.**

## VIDEO CAMERAS IN PATIENT ROOMS? CRAIG HUBERT AND CLIENT ON WHYY-NPR RADIO

In December 2016, New Jersey Attorney General Christopher Porrino began the state-funded "Safe Care Cam" program – surveillance video cameras for residents in assisted living. Per Porrino, "The initiative is really designed to do two things – provide peace of mind to those New Jersey families who've entrusted the care of their loved ones to someone else and also to send a loud message to any unscrupulous providers or abusers... we're watching, and, if you abuse a patient, we will prosecute you to the fullest extent under the law."

To discuss the Safe Care Cam program, National Public Radio (NPR)'s Philadelphia affiliate, WHYY-FM reporter Jeanette Beebe, met with firm Partner Craig Hubert and Craig's client, Richie, who's mother suffered from dementia and fell and fractured her femur twice within three weeks while in assisted living. Advised Craig, "This was a mistake, and, quite frankly, if there had been a video camera in that room after the first fracture, the administration, the nurses, and all of the caregivers would have learned from the improper transfer procedure."

To read transcription of the NPR interview or listen to the WHYY radio report, visit [goo.gl/qDqwTW](http://goo.gl/qDqwTW).



PHOTO: Szaferman Lakind Partner Craig Hubert sits down with WHYY-NPR radio reporter Jeanette Beebe.

# FOR SECOND TIME IN FOUR YEARS, PARTNER BRIAN PAUL RECOGNIZED AS BEST LAWYERS IN AMERICA™'S "2018 LAWYER OF THE YEAR"\*



**Brian G. Paul, Esq.**  
Partner  
Executive Committee

New Jersey Certified Matrimonial Attorney Brian G. Paul, Esq. has been selected the 2018 Family Law "Lawyer of the Year"\* for the Princeton-Metro area by Woodward/White, Inc.© *Best Lawyers in America*. This is the second occasion in four years that Mr. Paul has been so designated.

Per BestLawyers.com, "*Best Lawyers* is the oldest and most respected peer review publication in the legal profession. Recognition in *Best Lawyers* is widely regarded by both clients and legal professionals as

a significant honor, conferred on a lawyer by his or her peers." Specific to the description of its "Lawyer of the Year" award, "Additional recognitions are also awarded to individual attorneys with the highest overall peer-feedback for a specific practice area and geographic region. Only

one attorney is recognized as the "Lawyer of the Year" for each specialty and location."

In addition to being twice selected as the "Lawyer of the Year", Brian has for six consecutive years been included in *Best Lawyers in America* list for Family Law.

Brian's other professional recognitions include:

- Top 100 SuperLawyers™ in New Jersey, 2009
- New Jersey SuperLawyers™, Family Law, 2007 - Present
- Martindale-Hubbell™'s Highest Rating of AV-Preeminent®, 2011 - Present
- New Jersey State Bar Association, 4 Amicus Curiae Awards since 2014

Brian received his Juris Doctor from Widener University School of Law in Wilmington, DE in 1995, where he was awarded the American Jurisprudence Award for superior skills in Legal Research and Writing. He earned his Bachelor of Arts degree from Rutgers College of New Brunswick, N.J.

## SZAFERMAN LAKIND TRUE COUNSEL® ATTORNEYS AT LAW

**Szaferman, Lakind,  
Blumstein & Blader, P.C.**  
101 Grovers Mill Road  
Suite 200  
Lawrenceville, NJ 08648

609.275.0400  
**Szaferman.com**



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