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WINTER 2017

LEGAL HIGHLIGHTS

BOB LYTLE INSTALLED AS 2017 PRESIDENT OF MERCER COUNTY BAR ASSOCIATION

PERSONAL INJURY GROUP SECURES SETTLEMENTS

BRIAN PAUL RECEIVES 4TH AMICUS CURIAE AWARD IN 3 YEARS

MICHAEL BROTTMAN NAMED PARTNER

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SEVEN FIRM ATTORNEYS IN FIVE PRACTICE AREAS RECOGNIZED AS 2017 SUPERLAWYERS™ BY THOMSON REUTERS®*

Seven (7) Szaferman Lakind attorneys have been named 2017 SuperLawyers™ by Thomson Reuters®.

According to SuperLawyers, "only 5% of attorneys are selected to SuperLawyers."

Szaferman Lakind's 2017 SuperLawyers are representative of five (5) legal sub-practice areas: Business Law, Class Action, Family Law, General Litigation and Personal Injury: Plaintiff.

FAMILY LAW	PERSONAL INJURY: PLAINTIFF	GENERAL LITIGATION	CLASS ACTION	PERSONAL INJURY: PLAINTIFF	FAMILY LAW	BUSINESS / CORPORATE
JEFFREY K. EPSTEIN PARTNER	CRAIG J. HUBERT PARTNER EXECUTIVE COMMITTEE	ARNOLD LAKIND FOUNDING PARTNER EXECUTIVE COMMITTEE	ROBERT E. LYTLE PARTNER EXECUTIVE COMMITTEE	MICHAEL R. PAGLIONE PARTNER EXECUTIVE COMMITTEE	BRIAN G. PAUL PARTNER EXECUTIVE COMMITTEE	BARRY D. SZAFERMAN FOUNDING PARTNER MANAGING PARTNER EXECUTIVE COMMITTEE

Per SuperLawyers.com, "Super Lawyers selects attorneys using a patented multi phase selection process. Peer nominations and evaluations are combined with independent research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement. Selections are made on annual, state-by-state basis. The objective is to create a credible, comprehensive and diverse listing of outstanding attorneys that can be used as a resource for attorneys and consumers searching for legal counsel."

Managing Partner, Barry Szaferman, observed, "We, at Szaferman Lakind, take great pride in the quality of all the attorneys, paralegals and support staff at this firm. I am pleased and proud of the recognition conferred by Thomson Reuters on those attorneys receiving the SuperLawyers listing for 2017."



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PERSONAL INJURY GROUP SETTLES THREE MATTERS



CRAIG J. HUBERT
 Partner
 Executive Committee

MICHAEL PAGLIONE SETTLES PRINCETON MARKETFAIR ACCIDENT FOR \$325,000

Partner Michael Paglione secured a \$325,000 settlement on behalf of a woman injured in a fall in March of 2010 in the parking lot of the Marketfair Mall on Route 1 in Princeton.

The client suffered a severe fracture of her left ankle when she fell as a result of a “black ice” condition following a 6 inch snowfall a few days prior to the incident. The victim was transported by ambulance to Princeton Medical Center, where she was treated for a trimalleolar fracture. The surgery, performed without the benefit of general anesthesia due to pregnancy, utilized a semi-tubular plate affixed by 12 screws. A second surgery followed for the removal of two of the screws and the client had to undergo lengthy physical therapy after a three month, non-weight bearing period. As a result of the victim’s injuries, her “quality of life” has been diminished significantly.

Mr. Paglione and defense counsels participated in mediation, resulting in the settlement prior to proceeding to trial.



MICHAEL R. PAGLIONE
 Partner
 Executive Committee



THOMAS J. MANZO
 Attorney

THOMAS MANZO ACHIEVES \$250,000 SETTLEMENT FOR WOMAN INJURED IN FALL

Thomas Manzo, of the firm’s Personal Injury Group, achieved a \$250,000 settlement for injuries his 81-year-old client sustained while walking near her Lawrence Square Village home in 2012.

The victim was injured as a result of a trip and fall caused by a raised section of sidewalk. The client was taken to Princeton Medical Center where x-rays revealed a fractured elbow, requiring surgical insertion of a metal plate affixed by screws to stabilize the area. Tom’s client underwent two additional surgeries, the first to remove the plate and additional hardware and the second principally to move the ulnar nerve to a position that eliminated irritation. The surgeries were followed by lengthy regimens of physical therapy. Prior to her injuries, the client was a very young, active octogenarian, who now suffers continuing discomfort, thereby curtailing her active lifestyle.

Settlement was reached prior to trial utilizing the services a retired Superior Court Judge as the mediator.



BRIAN A. HEYSEY
 Attorney

BRIAN HEYSEY SECURES \$250,000 SETTLEMENT IN AUTO COLLISION CASE

Attorney Brian Heyesey achieved a \$250,000 settlement for a client injured as a result of a collision with a truck hauling a 28-foot long container used to transport construction material and asbestos in New Brunswick in 2012. The accident caused the client to suffer injuries to his hip, wrist and the cervical and lumbar regions of his back.

The client was driving on Route 1 North near the interchange with Route 18 when the large truck, which was also driving north, abruptly changed lanes and struck the client’s vehicle, crushing it up against the concrete barrier separating the northbound and southbound lanes of Route 1. The vehicle had to be towed from the scene and declared a total loss. The client, complaining of pain in a number of areas of his body, was transported by

ambulance to a nearby hospital. As a result of his injuries, the client had to undergo surgical intervention, which included two left hip joint replacements and a carpal tunnel release.

During the deposition of truck driver, Brian Heyesey was able to elicit that prior to the lane change, the truck driver failed to look at a separate 8-inch blind spot mirror located under the West Coast mirror, which would have allowed him to see the client’s vehicle and any other traffic along the driver’s side of the container he was hauling.

The \$250,000 settlement was reached at mediation.



**IF YOU’VE BEEN INJURED, KNOW YOUR RIGHTS.
 CONTACT SZAFERMAN LAKIND FOR A FREE PERSONAL INJURY CONSULTATION TODAY.**

PARTNER ROBERT LYTLE INSTALLED AS 2017 PRESIDENT OF THE MERCER COUNTY BAR ASSOCIATION



Robert E. Lytle
 Partner
 Executive Committee

Partner Robert Lytle was installed as the 2017 President of the Mercer County Bar Association (MCBA) at its annual Officers Installation Dinner at the Trenton Country Club in January.

Bob has been an active member of the MCBA for over two decades and served for many years as a Trustee before becoming an Officer in 2013. Bob concentrates his legal practice on complex civil litigation and criminal defense in both state and federal court. His civil practice includes business and commercial litigation of various types, consumer class actions, representing victims of asbestos-related diseases, the prosecution of civil rights claims, the defense of professionals at administrative hearings and environmental litigation. Bob focuses his criminal practice on the representation of individuals, corporate officers and corporations who are subject to both traditional and white collar prosecutions. Bob has served as the Chairperson of the Statewide Panel for the New Jersey Supreme Court Committee on Character and was also appointed by the New Jersey Supreme Court as a member of a Special Committee on Attorney Ethics and Admissions. He is a recipient of the Professionalism Award from MCBA and was recognized in 2014 by Legal Services of New Jersey with the Equal Justice Award for his pro bono work.

Outgoing 2016 MCBA President, Colleen Crocker, Esq., observed, "Bob is exceptionally qualified to be President of the Mercer County Bar Association. With over a decade

of active involvement in MCBA, Bob has shown his unique strength of character and dedication to our legal community. He is the consummate professional who has demonstrated the necessary experience, commitment and compassion that will lead us into a successful 2017. Most importantly, Bob is a really good guy."

Regarding his appointment, Bob commented, "The MCBA has, over the course of its 115 year history, promoted its mission of service to its members, as well as to aid and instruct the public in matters pertaining to the law, the practice of law and the legal system, while at the same time advancing the equal administration of justice in Mercer County, the State of New Jersey and the United States of America. I am honored to serve as President of the MCBA and I intend to lead the organization in a manner consistent with its rich history and worthy mission."



PHOTO (L to R):
 Thursday, January 19, 2017:
 Szaferman Lakind Partner,
 Robert E. Lytle, Esq., is
 joined by his wife, Molly,
 as Honorable Edward
 M. Neafsey, J.S.C. (ret.)
 swears-in Mr. Lytle, the
 2017 President of the
 Mercer County Bar
 Association (MCBA).

Bob Lytle is licensed to practice in the State of New Jersey, the United States District Court for the Districts of New Jersey and Connecticut; as well as the United States District Court of Appeals for the Third Circuit. He has a Masters of Law in Environmental Law from Pace University School of Law and a Juris Doctorate from the University of Dayton School of Law.



Brian G. Paul
 Partner
 Executive Committee

BRIAN PAUL RECEIVES TWO AMICUS CURIAE AWARDS FROM NEW JERSEY STATE BAR ASSOCIATION

Partner Brian Paul was recognized by the New Jersey State Bar Association (NJSBA) for the third consecutive year when the NJSBA presented him with two (2) amicus curiae awards for his pro bono work in representing the Bar Association before the New Jersey Supreme Court in Major v. Maguire, 224 N.J. 1 (2016) and In the Matter of the Adoption of a Child by J.E.V. and D.G.V., 226 N.J. 90 (2016). Both

cases were precedent setting decisions that will have wide-ranging impact on family law in New Jersey.

In Major v. Maguire, the New Jersey Supreme Court adopted new procedures that trial courts must now follow when handling grandparents visitation cases. In the Matter of the Adoption of a Child by J.E.V. and D.G.V., the court agreed with the NJSBA that indigent parents have a constitutional right to court-appointed counsel in private adoptions. Brian has now received four (4) amicus curiae awards from the NJSBA over the past three (3) years.

KNOW YOUR FAMILY'S RIGHTS. CONTACT SZAFTERMAN LAKIND'S FAMILY LAW GROUP TODAY.

JANINE BAUER PARTICIPATES IN HISTORIC PRESERVATION PANEL AT 2017 NEW JERSEY PLANNING CONFERENCE



Janine G. Bauer, Esq.
Partner

Environmental attorney and Partner, Janine Bauer, joined the panel “Dispelling the Myths About Historic Preservation” during the American Planning Association’s New Jersey Chapter annual event held at the Hyatt Regency New Brunswick this past January.

Janine and the panel discussed the most common misconceptions about regulating historic property including, “I can’t paint my house” and “designation will decrease property values.” Conference attendees included planners, consultants, engineers, construction groups and employees from municipal, county and state planning offices throughout New Jersey.



PHOTO (L to R): Glenn Ceponis, Principal Historic Preservation Specialist, NJ Historic Trust; Jonathan Kinney, Senior Historic Preservation Specialist & CLG Coordinator, Historic Preservation Office, NJ DEP; Janine Bauer, Esq., Partner, Szaferman Lakind; Dorothy Guzzo, Executive Director, NJ Historic Trust

**SZAFTERMAN LAKIND CAN HELP YOU
PROTECT NEW JERSEY AND ITS ENVIRONMENT.
CONTACT US TODAY.**

SZAFTERMAN, LAKIND, BLUMSTEIN & BLADER TURNS 40 THIS YEAR

Now in our 40th year, we first opened our doors on Main Street in Lawrenceville in October of 1977. The firm was founded by three friends - Barry Szaferman, Arnold Lakind and Jeffrey Blumstein who worked together in the Attorney General’s Office of the State of New Jersey. Steven Blader joined the firm a few years later as the fourth named partner. We were at first a general practice firm, representing just about anyone who sought our assistance. Since its

founding the firm has grown considerably, adding lawyers and developing specialty practices while remaining true to a core set of ideals - zealously protect the interests of our clients while maintaining the highest ethical standards of professional practice. When, in 1984, the firm outgrew its modest space on Main Street, we relocated to our present home at the Quakerbridge Executive Center.



KEITH HOVEY PRESENTS AT PRINCETON ADULT SCHOOL



Keith L. Hovey, Esq.
Of Counsel

Attorney Keith Hovey has renewed his informational course at Princeton Adult School this Winter, “L.A. Law: Separating Legal Fact from Fiction in Hollywood.”

In the course, Keith discusses the accuracy of Hollywood’s portrayal of our legal system in three (3) award-nominated films.

For the Winter 2017 Session, Keith selected:

- *To Kill A Mockingbird* (1962)
- *The Verdict* (1982)
- *Woman in Gold* (2015)

Last year (Winter 2016) Keith presented on *12 Angry Men* (1957), *Erin Brockovich* (2000), and *My Cousin Vinny* (1992).

MICHAEL D. BROTTMAN NAMED PARTNER



Michael D. Brottman
Partner

Szaferman Lakind announced earlier this year that Michael D. Brottman has become a firm partner.

Mr. Brottman is a member of Szaferman Lakind's Personal Injury Group, having joined the firm in 2004 after a clerkship with Hon. Linda R. Feinberg (Ret.), Assignment Judge for the Mercer Vicinage. He has devoted his legal practice to workers compensation, employment law, personal injury and general litigation matters and

has successfully represented clients before various state courts including the Appellate Division of the New Jersey Superior Court.

Michael has maintained Martindale-Hubbell™'s highest attorney rating, AV-Preeminent®, since 2011. He is past Chairman of the Mercer County Bar Association (MCBA) Workers Compensation Committee and was a Trustee of Project Freedom, Inc. from 2005 - 2010.

Craig J. Hubert, Esq., head of the firm's Personal Injury Group, commented: "Michael Brottman is a quality attorney as recognized by his peers throughout the Mercer County legal community. I am most pleased to have him as a partner at our firm."

Mr. Brottman is admitted to practice in New Jersey, New York and Florida as well as the U.S. District Court, District of New Jersey. Michael received his Juris Doctorate from the Rutgers School of Law and his undergraduate from Rutgers College.

KEITH HOVEY JOINS NEW JERSEY STATE NURSES ASSOCIATION REGION 4 - BOARD OF DIRECTORS



Keith Hovey, a Registered Nurse and Attorney in the firm's Personal Injury and Litigation Groups, was sworn in as a member of New Jersey State Nurses Association (NJSNA)'s Region 4 Board of Directors in January of this year.

According to NJSNA.org, "Members are generally assigned to the Region in which they live; however, they may choose to belong to another Region. These regions have their own newsletters, conduct educational programs and business meetings." Keith's Region 4 of NJSNA covers the New Jersey counties of Hunterdon, Mercer, Middlesex and Somerset (and Bucks County, PA).



PHOTO (L to R) - NJSNA Region 4 Board of Directors: Crystal Gadd, VP Communications, Rutgers School of Nursing; Beth Knox, DNP, APN, AOCN, Specialty Director for Adult Gerontology Primary Care Program, Instructor, Rutgers School of Nursing; Keith Hovey, Esq., RN, Of Counsel, Szaferman Lakind; Tyea Santiago, BSN, RN, NJ State Nurses Association.

BRIAN HEYESEY BECOMES MEMBER OF BOARD OF DIRECTORS - NEW JERSEY ASSOCIATION FOR JUSTICE



Brian A. Heyesey
Attorney

Attorney Brian Heyesey has accepted an invitation to join the Board of Directors of the New Jersey Chapter of the National Association for Justice.

New Jersey Association for Justice (NJAJ) was founded in the late 1940s and is headquartered in Trenton, NJ. Per NJ-Justice.org,

"NJAJ is dedicated to protecting New Jersey's families by working to preserve and strengthen the laws for safer products and workplaces, a cleaner environment and quality health care."

Advised Brian Heyesey, "NJAJ is comprised of families and communities we know. NJAJ does work that many other organizations may not want to do or simply cannot do - and I am excited to be joining the leadership of an organization driving for truth in justice."

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AERIAL PROPERTY RIGHTS: DRONE REQUIREMENTS

An Article By: Benjamin Branche, Robert Lakind and Jason Sokel



Benjamin T. Branche
 Partner



Robert L. Lakind
 Attorney



Jason M. Sokel
 Attorney

As the number of Unmanned Aerial Vehicles (“UAVs”) continues to increase for business and personal use, the question arises, “Who owns the airspace over my land?”

There is no easy answer to this question as airspace above an individual’s land has always been resolved on a case-by-case basis. Until recently, most people were not concerned about airspace above their property because most air traffic was passing at heights in excess of 1,000 feet (500 in non-congested areas). This is no longer the case with an estimate of 2.5 million drones being sold last Christmas season.

Due to the lack of oversight of lower air spaces, many states and local governments have begun establishing their own laws. While New Jersey has yet to pass any regulations, we can look to what other states have done as examples of what may be coming. Oregon implemented a law authorizing landowners to sue anyone who flies a drone below 400 feet over their land more than once without permission, California has offered a bill establishing a no-fly zone for up to 350 feet above private property, and certain cities have implemented similar restrictions. Although such restrictions would seem to comport with the Federal Aviation Associations (“FAAs”) view of airspace, the FAA has commented that “A navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe-and-sound air transportation system.” The agency recommended that any states or cities considering laws on restricting drone flight altitude consult with them first.”

Of course, the tug-of-war between the FAA and state and local governments would be an interesting constitutional battle, as states and local governments are the authority for regulating the property rights within their boundaries. However, the FAA is correct in its position that the regulations need to be consistent, especially with the future of UAVs in our society.

The range of uses for UAVs is limitless. Earlier this year UPS used a UAV in its package delivery business, and competitors surely will follow. Amazon is developing plans for its delivery network as well. UAVs have been utilized to



assist law enforcement to find lost or missing individuals¹ and companies are now using UAVs to evaluate property, perform aerial photography and much more.

With increased interest, it is important to understand all of the regulations that are imposed, even on those operating UAVs for hobby purposes. Although Section 336 of the Modernization and Reform Act of 2012 specifically limits the FAA’s right to regulate model aircraft flown for hobby or recreational use, the FAA has imposed various rules on UAVs that may qualify for the exemption. As a result, many of the 2.5 million drones sold last Christmas season may have to be registered with the FAA.

Although there are other factors, the most significant criterion for registration is the weight of the UAV. Any UAV over .55 lbs must be registered and the UAV operator must have a compliant label for identification and carry a Certificate of Registration. In some cases, it may also be necessary to take and pass the Part 107 Test or obtain a 333 Exemption (requires pilots license), depending on the circumstances. This is especially important if the Owner or Operator of the UAV intends to use the UAV for commercial purposes.

Although not specifically defined, a commercial purpose may be deemed any use that benefits a party’s business, clients, or generates revenue. As a result the FAA had sought to fine UAV operators who sold pictures or posted videos on YouTube². However, those using a UAV to examine a roof, take pictures of a property for sale, agricultural / environmental evaluations, or to entertain thousands of fans at a football game without proper registration, may be subject to criminal penalties and fines up to \$250,000.

Before you fly, it is suggested you review the rules and registration requirements. A good place to start for this information is https://www.faa.gov/uas/getting_started/. However, if you have had an issue with the FAA, or you are unclear as to your requirements, it is best to consult an attorney with experience regarding the FAA and related regulations.

For those concerned with privacy and the impingement on property rights, there are options to keep drones away. Such options include Anti-Drone Rifles that use radio signals to disrupt the device, static drone jammers, drone notification systems, drone blinding lasers, drone hijack programs, and your faithful shotgun, among others. However, if harm is caused to the UAV, be aware that a lawsuit may follow.

¹ February 21, 2017 a drone equipped with heat detecting cameras found 5 individuals who were lost in an avalanche prone part of British Columbia.
² The FAA has stated that it generally will not seek to penalize those who post videos to YouTube.

IS THE LAW ON REGISTRATION OF DISPARAGING TRADEMARKS ABOUT TO CHANGE?

An Article By: *Lionel Frank, Esq., Partner*



Lionel J. Frank
Partner

On January 18th, the U.S. Supreme Court heard oral arguments in a trademark case brought by an Asian-American rock band named “The Slants” that the registration of THE SLANTS as a trademark with the U.S. Patent and Trademark Office (“USPTO”) should be allowed.

The USPTO refused to register the mark under Section 2(a) of the Lanham Trademark Act because it concluded that the word “slants” was disparaging to people of Asian descent, and therefore did not qualify for trademark registration. The USPTO also rejected the band’s argument that it had a first amendment right to use the name which should not prevent trademark registration.

The U.S. Court of Appeals for the Federal Circuit rendered an opinion in April 2015 affirming the decision of the USPTO not to register the mark based upon Section 2(a), and rejected the band’s first amendment argument. Thereafter, the Federal Circuit on its own initiative decided to have all the judges of that court reconsider the case. In February 2016, it reversed its prior decision stating,



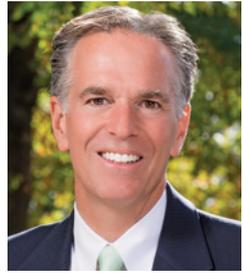
“Whatever our personal feelings about the mark at issue here, or other disparaging marks, the First Amendment forbids government regulators to deny registration because they find the speech likely to offend others.”

The U.S. Supreme Court will now consider the Federal Circuit’s decision and the arguably competing interests of Section 2(a) of the trademark act and the rights protected by the First Amendment. If it affirms the Federal Circuit’s decision to permit registration of THE SLANTS trademark, many other marks which have been rejected because they are deemed to be immoral, scandalous or disparaging may now qualify for trademark registration. The decision is likely to have significant trademark and first amendment issues which, at least from the trademark perspective, could dramatically change what is allowed to be registered as a trademark.



PHOTO: Courtesy of TheSlants.com

PARTNER CRAIG HUBERT SELECTED TO EXECUTIVE COMMITTEE CIVIL TRIAL BAR SECTION OF THE NJ STATE BAR ASSOCIATION



Craig J. Hubert
Partner
Executive Committee

Craig Hubert has been selected as a member of the Executive Committee for the Civil Trial Bar Section of the New Jersey State Bar Association (NJSBA).

The mission of this section is to provide a forum for the professional advancement of civil trial attorneys by improving and promoting the administration of justice in civil trial practice.

SCOTT BORSACK DELIVERING “BUSINESS CLASSIFICATION” WEBINAR WITH NJBIA

Partner Scott Borsack opens Spring, 2017 with a free 60-minute webinar designed for business leaders and entrepreneurs via New Jersey Business & Industry Association (NJBIA) titled, “Doing Business: LLP, Inc. or LP?”

In reference to the event, Scott noted, “It is best to classify a business correctly from the day it open its doors. NJBIA is a great New Jersey business advocate and if my 60 minute ‘Business Classification’ webinar helps a New Jersey business prepare itself for the future, that’s a win for the business owner, for NJBIA and for business growth in the State of New Jersey.”

WATCH: SCOTT BORSACK’S FREE “BUSINESS CLASSIFICATION” WEBINAR AVAILABLE AT NJBIA.ORG



PHOTO (L to R): Szaferman Lakind Partner Scott P. Borsack, Esq., sits down for a pre-webinar video interview with NJBIA Chief Communications Officer, Peter Peretzman.

SZAFERMAN LAKIND ATTORNEYS AND STAFF PROVIDE HOLIDAY GIFTS FOR 70 HOMEFRONT CHILDREN



Szaferman Lakind attorneys, paralegals and staff proudly fulfilled holiday season wishes with gifts for 70 area children through HomeFront this December.

A Mercer County agency combatting family homelessness, HomeFront-NJ has worked to break the cycle of poverty and end homelessness in central New Jersey for over 20 years, serving thousands of families with emergency shelter, free food, clothing and household goods, as well as educational and recreational programs for both children and adults.



Szaferman Lakind Holiday Angels - L to R (standing): Keith Hovey, Esq.; Christopher Myles, Esq.; Craig Hubert, Esq.; Melissa Chimbangu, Esq.; Lauren Breese; Karen Adornetto; Scott Borsack, Esq.; Robert Rossi; Diana Pabers; Bill Guhl; Lisa Williams; Edith Bryan; Mindi Martinez; Stuart Tucker, Esq.; Janine Bauer, Esq.

L to R (sitting): Robert Lytle, Esq.; Patti Kaese; Barry Szaferman, Esq.; Susan Jabanoski; Thomas Manzo, Esq.; Michael Paglione, Esq.

TO FIND OUT MORE ABOUT HOMEFRONT AND ITS PROGRAMS TO HELP HOMELESS AREA FAMILIES, VISIT HOMEFRONTNJ.ORG.

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ATTORNEYS AT LAW

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