

LEGAL HIGHLIGHTS

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THE CIVIL TRIAL BAR SECTION OF THE NEW JERSEY STATE BAR ASSOCIATION (NJSBA) HONORS CRAIG J. HUBERT WITH THE JAMES J. MCLAUGHLIN AWARD



Craig J. Hubert
Partner

Szaferman Lakind is pleased to announce that Co-Managing Partner, Craig J. Hubert, has received the distinguished James J. McLaughlin Award. This annual award is presented to select individuals who demonstrate the highest level of civility, legal competence, and professionalism in the practice of civil trial law. Craig was recognized on February 5, 2024, at the Palace at Somerset, along with co-recipients, Honorable Yolanda Ciccone and Edward DePascale, Esq.

The James J. McLaughlin Award is conferred by the Civil Trial Bar Section of the New Jersey State Bar Association (NJSBA), which is dedicated to the professional advancement of civil trial attorneys and the promotion of justice in civil trial practice.

The James J. McLaughlin Award is named in honor of "Jimmy McLaughlin", a respected Mercer County trial attorney known for his skilled trial work and commitment to professionalism and civility.

Co-Managing Partner, Brian G. Paul, commented: "Our firm is immensely proud and honored to celebrate Craig's receipt of the James J. McLaughlin Award, the highest distinction bestowed by the New Jersey State Bar Association for a civil attorney. This prestigious accolade not only recognizes Craig's exceptional legal expertise and professionalism but also underscores his pivotal role in setting the standard for excellence in civil trial law. His achievement is a beacon of inspiration for us all and a testament to the unparalleled commitment and skill he brings to our profession."

Craig has been certified by the Supreme Court of New Jersey as a Certified Civil Trial Attorney. He has consistently been included in the list of New Jersey Super Lawyers™, a recognition awarded by Thomson Reuters since 2005, and has been annually selected to the Best Lawyers in America® list by BL Rankings, LLC, since 2013. He was honored by Best Lawyers as a 2019 "Lawyer of the Year" for Personal Injury-Plaintiffs in the Princeton-Metro region.

Szaferman Lakind proudly congratulates Craig Hubert for his outstanding achievements and well-deserved recognition.



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NINE SZAFERMAN LAKIND ATTORNEYS INCLUDED IN THE 2024 SUPER LAWYERS® LIST

The firm is proud to announce that nine (9) Szaferman Lakind attorneys have been included in the 2024 New Jersey Super Lawyers lists* issued by Thomson Reuters.

Recognized by their peers in the legal community, the attorneys included in the 2024 list represent four (4) practice areas including: Family Law, General Litigation, Workers' Compensation and Personal Injury: Plaintiffs.

The attorneys selected for the 2024 list include:

ARNOLD C. LAKIND
GENERAL LITIGATION



BARRY D. SZAFERMAN
FAMILY LAW



BRIAN G. PAUL
FAMILY LAW



JEFFREY K. EPSTEIN
FAMILY LAW



BRIAN M. SCHWARTZ
FAMILY LAW



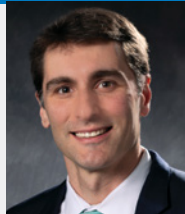
CRAIG J. HUBERT
PERSONAL INJURY
LITIGATION – PLAINTIFFS



MICHAEL R. PAGLIONE
PERSONAL INJURY
LITIGATION – PLAINTIFFS



THOMAS J. MANZO
PERSONAL INJURY
LITIGATION – PLAINTIFFS



SAMUEL M. GAYLORD
WORKERS' COMPENSATION



Thomas J. Manzo has been selected for inclusion in the New Jersey Super Lawyers list for the first time this year. Prior to this recognition, Mr. Manzo was distinguished as a New Jersey Rising Star from 2020 to 2023.

The firm takes immense pride in the outstanding achievements of our attorneys acknowledged in the 2024 New Jersey Super Lawyers lists. Their inclusion across a spectrum of practice areas underscores their dedication, knowledge, and unwavering commitment to providing top-tier legal services at Szaferman Lakind.



Edward S. Kahn
Partner

SZAFERMAN LAKIND WELCOMES NEW PARTNER EDWARD S. KAHN

Szaferman Lakind is pleased to announce the addition of Edward S. Kahn as the firm's newest partner. With a distinguished career spanning over four decades, Edward brings a wealth of experience, dedication, and community involvement to our team.

Edward has been a fixture in the legal profession since 1980, with an impressive track record in private practice. His focus in catastrophic and serious personal injury law has helped countless clients find justice during some of their most challenging moments. His unwavering dedication to his clients has earned him a reputation as a trusted advocate in the legal community.

Beyond his legal knowledge, Edward S. Kahn is deeply committed to the community he calls home. Fluent in Spanish, Edward's language skills have been an asset in helping clients from diverse backgrounds navigate the legal system.

PARTNER EDWARD KAHN SUPPORTS LOCAL STUDENTS THROUGH SCHOLARSHIPS AT MERCER COUNTY COMMUNITY COLLEGE

Partner Edward Kahn continues his collaboration with Mercer County Community College (MCCC) through substantial scholarship grants funded by the Albert B. Kahn Foundation. This foundation, established in memory of his father Albert B. Kahn—who graduated from Trenton Central High School (TCHS) in 1918 and believed strongly that education was the gateway to opportunity—aims to support TCHS graduates pursuing higher education. Reflecting the family's deep roots in the community, all four of Albert's children also attended TCHS, maintaining their family's longstanding connection to the school. Each year, approximately ten deserving students matriculating at MCCC from TCHS are selected to receive up to \$4,000 in annual grants. These grants cover tuition and other related expenses, alleviating the financial burden on students and their families.

The scholarship recipients are chosen through a careful selection process involving the principal, vice-principal, guidance counselors, and teachers at TCHS. This process ensures that the grants benefit students who demonstrate academic excellence, leadership, and notable achievements in athletics or the arts.

Szaferman Lakind is proud of Partner Edward Kahn's role in this important initiative and values the collective commitment of all partners to fostering educational opportunities. These initiatives are vital for developing future leaders and enhancing the prosperity of the wider area.



Craig J. Hubert
Partner

CRAIG J. HUBERT INSTALLED AS SECRETARY OF THE NEW JERSEY STATE BAR ASSOCIATION

On the evening of May 16, 2024, Craig J. Hubert was sworn in as Secretary of the New Jersey State Bar Association (“NJSBA”) at its Annual Meeting and Convention in Atlantic City, New Jersey. His selection as Secretary places him on track to become President of the NJSBA in 2029.

Craig is co-managing partner at Szaferman, Lakind, Blumstein & Blader, PC, and is a member of the Executive Management Committee. A distinguished trial attorney whose practice focuses on personal injury, he represents victims of criminal acts, sexual assault and child abuse, as well as clients in complex litigation involving serious accidents, nursing home negligence, product liability, and unsafe premises.

Craig previously served as an NJSBA Trustee and has chaired many committees in the Association over his approximate 30 years of membership. On behalf of the NJSBA, he has written briefs and argued causes before the New Jersey Supreme Court, and he remains an active advocate through the state and local judicial and prosecutorial appointments committees to help fill judicial vacancies with qualified judges. He is a proud past President of the Mercer County Bar Association, and a recipient of both the Lawyer of the Year Award and the Michael J. Nizolek Award in recognition of professionalism from the Mercer Bar. In February of 2024, the Civil Trial Bar Section of the NJSBA honored Craig with the James J. McLaughlin Award, the Section’s most prestigious award, recognizing professionalism, civility and leadership in the practice of civil trial law.

Craig commented: “After many years volunteering within the Association, it is a privilege to serve in a new capacity as NJSBA Secretary. I look forward to working with the Association’s other officers and Board of Trustees, including the Association’s new President, Bill Mergner, to help make a difference for all legal professionals in New Jersey.”



Samuel M. Gaylord
Partner

INTRODUCING “ATTORNEY TALK” PODCAST

Szaferman Lakind is proud to introduce the “Attorney Talk” podcast, hosted by Samuel M. Gaylord, this podcast delivers valuable perspectives on the legal industry through insightful and professional dialogues.

Samuel M. Gaylord specializes in Workers’ Compensation, Social Security Disability, and Disability Pension Appeals. Certified by the New Jersey Supreme Court as a workers’ compensation law attorney and licensed to practice in New Jersey and Pennsylvania, Mr. Gaylord brings a wealth of expertise to each episode of “Attorney Talk.”

“Attorney Talk” aims to offer listeners a comprehensive understanding of the legal landscape through engaging conversations with a diverse range of legal professionals.

Each episode features Samuel Gaylord in discussion with experienced attorneys, legal scholars, and industry experts, providing listeners with in-depth insights into various aspects of the law.

This podcast is an invaluable resource for legal practitioners, students, and anyone with a keen interest in the legal field. Topics range from complex legal concepts to current trends and developments, ensuring that every episode is both informative and relevant.

We invite you to subscribe to “Attorney Talk” on Apple Podcasts, Spotify, or YouTube to stay informed and inspired by thought-provoking discussions and expert opinions. Join Samuel Gaylord and his guests as they explore the intricacies of the legal world in a format that is both engaging and educational.

Szaferman Lakind is honored to sponsor this initiative, reflecting our commitment to advancing legal knowledge and supporting the professional growth of our community.



Scott Borsack
Partner

THE CORPORATE TRANSPARENCY ACT – WHAT YOU NEED TO KNOW

An Article By: Scott P. Borsack & Max H. Steinberg

We live in an ever more connected world which seems to get smaller each day. Financial transactions move at near the speed of light. Criminals and bad actors can pervert the tools and techniques developed to assist legitimate businesses to facilitate commerce to advance their nefarious purposes. Complex legal structures stretching across numerous jurisdictions have made the role of law enforcement ever more difficult. In recent years the United States Department of Treasury, as the result of new laws and regulations have caused financial institutions to learn more about their customers and their activities. Those who have been engaged in foreign currency transactions or maintain financial accounts across the world have had to disclose those dealings to a branch of the United States Treasury for more than a decade. It is against this background that the Corporate Transparency Act (the “CTA”) was enacted. As a result of the passage of the CTA, millions of entities in the United States have new disclosure obligations and face stiff penalties for failing to comply with the law.



Max H. Steinberg
Associate

Application of the law is being phased in during the 2024 calendar year:

- Registration under the CTA for legal entities formed on or after January 1, 2024 but before January 1, 2025 must be completed within 90 days of formation.
- For entities formed on January 1, 2025 or thereafter, registration must be completed within 30 days of formation.
- Compliance with the CTA for entities that existed before January 1, 2024 must be completed before December 31, 2024.

Failure to comply with the registration requirement can result in a fine of as much as \$10,000, assessed at \$500 for each day that registration is not completed when due. The CTA is no joke. There are a host of exceptions to the CTA, generally for legal entities with visibility in commerce. For example, banks, credit unions, tax-exempt entities and those that employ 20 or more individuals from a physical office in the United States and which has gross revenue of at least \$5 million. Those entities, which do not engage in any business activity, do not have a reporting obligation.

CTA is enforced by the Financial Crimes Enforcement Network (FinCEN for short) which was established by the United States Department of Treasury. As its name suggests, FinCEN connects law enforcement, financial and regulatory agencies both in the United States and abroad. At one time FinCEN’s primary responsibility included enforcement of the Bank Secrecy Act. Individuals with interests in foreign bank accounts have been reporting the existence of those accounts to FinCEN for many years. Reporting under the CTA is accomplished through the FinCEN landing page located at <https://www.fincen.gov>. You should note that the references to this reporting obligation are identified on FinCEN’s website under Beneficiary Ownership Information.

CTA requires that an entity with a reporting obligation identify individuals who exercise substantial control over the entity which is generally understood to be officers of the entity and those who can make significant decisions for the entity. It also includes individuals owning 25% or more of the ownership interest in the entity. The name, date of birth, home address and form of government identification of each such individual must be provided. Generally a drivers’ license or passport will satisfy the identification requirement.

The database created from all of the registrations provided is intended to advance the interests of law enforcement both domestically and internationally. Federal, state and local law enforcement will be able to request access to information reported under the CTA. Law enforcement will be able to use the database to identify beneficial owners of complex legal structures utilized to conceal criminal behavior. Financial institutions will be able to gain access to submissions by a legal entity if permission is granted by the reporting entity. Banks and other financial institutions will be able to use the database to confirm beneficial ownership information provided by customers.

(Continued on page 6)



Brian G. Paul
Partner

DECISIVE VICTORY IN APPELLATE CASE OF S.W. V. G.M. IV

We are proud to announce a decisive victory in the appellate case of S.W. v. G.M. IV, showcasing the tenacity and legal acumen of Brian G. Paul in the Appellate Division, complemented by the effective collaboration with Brian Schwartz during the remand trial. This complex case, initiated with the Final Judgment of Divorce in 2014 and concluding with the resolution of the fourth appeal in May 2024, has spanned a decade and underwent several pivotal shifts.

The legal battle initially focused on the miscalculation of alimony and the determination of a “Mallamo” credit—a concept stemming from *Mallamo v. Mallamo*, which allows for the adjustment of pendente lite support in light of the final alimony determination. The initial and second appeals (S.W. I and S.W. II, the latter being a precedent-setting published opinion), addressed the trial judge’s failure to properly calculate the alimony based on the marital lifestyle and to correctly apply the Mallamo credit. Each resulted in a remand due to persistent judicial errors in these critical financial issues.



Brian M. Schwartz
Partner

The third appeal (S.W. III) was particularly significant as it highlighted the trial judge’s continuous non-compliance with the Appellate Division’s directives. This led to a rare judicial action, reassigning the case to a different judge—the presiding judge of the Family Part—for the third remand proceeding, reflecting the severity of the judicial oversight.

The remand trial, adeptly conducted by Brian Schwartz with assistance from Brian Paul, resulted in significant corrections in the financial awards. The non-taxable alimony award was increased from \$36,792 per month to \$54,604 per month retroactive to 2014, with the remand judge awarding \$1.3 million in alimony arrears. Unfortunately, the remand judge made an error by conflating two separate credits, which led to her omission in calculating the \$1 million Mallamo credit. Brian Paul successfully appealed this error, persuading the Appellate Division to exercise original jurisdiction—a rarity in appellate proceedings—to correct this to the rightful \$2.3 million arrears figure. Additionally, the Appellate Division rejected the husband’s cross-appeal arguing that the alimony award should be reversed.

This case not only highlights the intricacies and challenges of matrimonial law but also demonstrates our firm’s dedication to rigorous legal advocacy and our commitment to achieving justice for our clients. Over the ten years of this case, our persistent efforts and strategic legal insights have ensured that errors were corrected, resulting in substantial financial benefits for our client. This victory reinforces our firm’s reputation as a leader in handling complex divorce litigation and appellate advocacy.

THE CORPORATE TRANSPARENCY ACT – WHAT YOU NEED TO KNOW *(continued from page 5)*

The CTA was first enacted in 2020 with wide spread bi-partisan support in both houses of Congress, as part of the National Defense Authorization Act. Congress directed that the Treasury Department release regulations for enforcement by 2022 and that the CTA become effective in 2023. Due to the complexities of the CTA, the effective date was extended into 2024. FinCEN publishes a weekly newsletter to address regulatory changes and interpretative issues which arise in CTA enforcement. As an evolving area of law enforcement, access to competent legal advice about the CTA is essential.

It is worth noting that the landscape of the CTA and FinCEN’s reporting requirements is dynamic and still developing. As more detailed information is released by FinCEN, updates and clarifications will be provided regularly to ensure accuracy and compliance. If your company has any additional questions or requires assistance with the application process, please do not hesitate to contact our offices at 609-275-0400 or email Msteinberg@Szaferman.com or SBorsack@Szaferman.com. We are committed to providing the necessary support and guidance to facilitate a smooth and compliant transition for your business.



Michael R. Paglione
Partner



Marc Brotman

PARTNER MICHAEL PAGLIONE AND MARC BROTMAN SECURE SIGNIFICANT SETTLEMENTS IN HIGH-PROFILE MIDDLESEX COUNTY SEX ABUSE CASE

Michael Paglione and Marc Brotman recently teamed up to settle a sex abuse claim during trial in Middlesex County Superior Court. Their client was a teenager when he was groomed and abused by his basketball coach for more than two years. He met the abusive coach in 2010 when he tried out for a travel basketball team at age 16.

The predator coach was also employed by the Borough of Dunellen as Director of Recreation, and was the head coach of the Middlesex County College basketball team. The national youth-sports organization that sponsored the travel basketball league, the Borough of Dunellen, and Middlesex County College were all sued individually for each act of sexual abuse which took place at their respective locations. Michael Paglione and Marc Brotman effectively argued that the coach used his positions of authority to target his victim in order to perpetuate his sexual deviance. They further contended that the corporate defendants breached their duty to protect vulnerable youth athletes, including their teenage client.

The defendants vigorously contested the litigation, which involved extensive discovery, motion practice, and complex legal issues. The Szaferman firm hired four expert witnesses, including an expert in standards of care for youth-sports organizations and an expert in the protocol of criminal background checks. Motions for summary judgment to dismiss the case were filed and argued by each of the corporate defendants. All motions were successfully defeated.

Immediately prior to trial, the Defendants filed more than 40 in limine motions dealing with significant evidentiary issues, including the admissibility of a 1995 criminal charge against the sexually abusive coach. Paglione and Brotman argued that the arrest record should have been detected, had a proper background check been conducted. The trial judge ordered Plaintiff's experts to appear in-person for Rule 104 hearings to determine the admissibility of their testimony. Ultimately, the judge ruled the criminal arrest admissible as evidence against the national youth-sports organization.

Middlesex County College agreed to settle its claim for half a million dollars before the motions were argued. After the motions were argued and decided by the court, Dunellen settled its claim for an additional \$500,000. On the second day of jury selection, the national youth-sports organization resolved its claim with our client. The resolution between our client and the national youth-sports organization is confidential. Therefore, neither the name of the organization nor any amount of money can be disclosed.

Michael Paglione commented, "I am deeply gratified to have brought resolution and closure for our client and his family. We believe this case will help make youth sports safer for all kids going forward." It is also important to note that the predator coach was criminally prosecuted and is currently incarcerated.

SZAFERMAN LAKIND FIGHTS FOR VICTIM RIGHTS - CONTACT US TODAY

IN THE NEXT ISSUE...

Join us in welcoming a new partner in the Matrimonial Department and a new Of Counsel in the General Litigation Department.

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