



Joseph J. Colao, Jr.

PARTNER

732.405.3683

jcolao@pashmanstein.com

PRACTICE AREAS

Litigation

Public Entity Law

Business Divorce & Ownership Disputes

Construction Law

Corporate & Business Law

Trusts, Estates & Fiduciary Litigation

CLERKSHIPS

Honorable Patrick J. McGann, J.S.C.
Presiding Judge, Chancery Division,
General Equity, Superior Court of New
Jersey, Monmouth County

EDUCATION

B.A., Bucknell University, 1985

J.D., The Catholic University of America,
1989

Jay Colao is a business attorney. He litigates business disputes and assists clients to avoid those disputes; manages crises; and addresses clients' routine legal issues. He provides advice on such matters as choice of entity, governing documents, financing, employment, contracts, succession planning, franchising, licensing, real estate and proprietary information. Jay draws upon his 30 years of business litigation and counseling experience, along with the expertise of the Firm's more than sixty attorneys, to service his clients.

Jay litigates matters related to small and mid-size businesses before all levels of New Jersey state and federal courts, as well as the American Arbitration Association. He has extensive experience in matters involving shareholder/partner disputes and separation; unfair competition and business torts; employment and restrictive covenants; franchise, real estate interests and construction claims; and all facets of general commercial and contract law. Jay also has extensive experience litigating probate matters such as will contests, guardianships, and other contested trust and estate issues. Jay serves as a court-appointed attorney in performing a variety of duties for the court such as fiscal agent, provisional director, rent receiver, and attorney for alleged incapacitated persons in guardianship proceedings. He serves as an arbitrator in commercial/contract arbitrations.

Jay devotes substantial time to matters pending before various government entities on behalf of private parties and has litigated cases before courts and administrative agencies for both private and public

entities. He has specific experience with matters involving redevelopment zones, business improvement districts, public contracts, the New Jersey Tort Claims Act, general prerogative writs and land use matters, as well as the Open Public Records Act. He presently serves as the attorney for the Borough of Spring Lake while previously serving as special counsel to Monmouth County and counsel to the Monmouth County Construction Board of Appeals.

Prior to joining Pashman Stein Walder Hayden, Jay was a shareholder at Lindabury, McCormick, Estabrook & Cooper, P. C.

Representative Matters

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.

- Obtained a highly favorable settlement of litigation involving a gift trust consisting of several million dollars following applications for emergent relief and an interlocutory appeal to compel the arbitration. Guided our client towards a resolution that included a full distribution of trust proceeds and the equally favorable settlement of a related 5-year arbitration involving real estate holdings worth more than \$22 million.
- Represented eight siblings in litigation to set aside a will worth several million dollars based on a distant relative and caregiver's undue influence. Established numerous acts of self-dealing and the misappropriation of funds following a forensic analysis of extensive financial records. Also established likely undue influence following extensive discovery including the deposition of the attorney scrivener of the will. Achieved a favorable settlement on the very eve of trial resulting in a significant augmentation of their distributions as will beneficiaries.
- Served as outside general counsel to the world's largest high speed passenger ferry. Addressed terminal licenses, landing leases, governmental regulatory processes, and related routine legal issues as well as acquisition and financing transactions.
- Guided members of a limited liability company and limited liability partnership valued in excess of \$24 million through 8 years of litigation and arbitration culminating in a favorable settlement. Efforts included emergent applications for the appointment of a Receiver and Special Fiscal Agent while regularly and vigorously advocating for relief from the oppressive conduct of those members controlling the business.
- Successfully negotiated and then enforced a favorable buy out settlement among sibling owners of a highly profitable health service business. Obtained the appointment of a Special Fiscal Agent and avoided catastrophic harm to the business pending litigation.
- Obtained a favorable settlement after seeking emergent discovery on behalf of business owners whose partner formed and operated a competing business. Avoided protracted litigation through prompt and aggressive Court action.

- Successfully defended a private equity entity against fraud allegations following its acquisition of highly valuable proprietary software. Obtained a favorable settlement after extensive discovery and a multi-day mediation involving several parties.
- Avoided litigation and all liability on behalf of a national manufacturer that shipped non-conforming goods to a Fortune 500 customer/supplier. Addressed complex issues pertaining to the Uniform Commercial Code and aggressively refuted a claim that exceeded \$2.5 million.
- Served as Court Appointed Fiscal Agent and Provisional Director for a food service business and orchestrated a favorable partner buyout deal favorable to all parties.
- Defended a trustee of allegations of self-dealing and fraud along with vigorous and extensive efforts to remove her from that role. Obtained a dismissal of all claims following a nine day trial and then successfully defended an appeal of the dismissal.
- Obtained an Appellate reversal of an adverse ruling on behalf of a public Business Improvement District involving litigation over utility improvements in the right of way. The Appellate Court determined that the extensive improvements required the prior approval of the municipality.

Community & Professional Associations

- Member, New Jersey State Bar Association
- Member, Monmouth County Bar Association

Bar Admissions

New Jersey

Court Admissions

U.S. District Court, District of New Jersey