



## Timothy P. Malone

PARTNER

201.270.4938

[tmalone@pashmanstein.com](mailto:tmalone@pashmanstein.com)

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### PRACTICE AREAS

Litigation

Appellate Advocacy

Cannabis & Hemp Law

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### EDUCATION

B.A., Dartmouth College, 2007, *cum laude*

J.D., University of Virginia School of Law, 2012, *order of the coif*

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Timothy P. Malone represents clients in a wide range of complex litigation matters and has significant experience at both the trial and appellate levels on disputes involving commercial, corporate, and employment law, trusts and estates law and probate litigation, environmental law matters, and family law appeals. He has appeared before the United States Court of Appeals for the Third Circuit, the New Jersey Supreme Court, the New Jersey Appellate Division, and a number of administrative bodies, representing clients from individuals to multinational corporations.

Clients appreciate Tim's strategic litigation counsel, his capacity to resolve issues through mediation and arbitration, and his substantial knowledge of the processes involved in motion practice, administrative hearings, and state and federal trials and proceedings. An astute appellate lawyer, Tim is skilled at presenting arguments regarding complex financial issues, commercial disputes, and environmental regulations.

Prior to joining Pashman Stein Walder Hayden, Tim worked as a deputy attorney general in the New Jersey Office of the Attorney General's Environmental Practice Group. He brings a valuable perspective to counseling clients on the application of federal and state environmental and land use laws and the requirements for regulatory compliance. In addition, Tim has experience with state permitting decisions, water quality regulations, Spill Act litigation, and Open Public Records Act requests and disputes. He regularly works with Licensed

State Remediation Professionals (LSRPs) on behalf of his clients to ensure remediation compliance.

Tim clerked for the Honorable Carmen H. Alvarez, P.J.A.D., New Jersey Appellate Division. In 2020, Tim was honored at the New Jersey Judiciary Pro Bono Attorney Recognition Event for his pro bono appellate representation in a family law matter.

An avid equestrian, Tim grew up riding horses and competed at the professional level on the “A” rated hunter/jumper circuit prior to attending law school.

### In Tim's Words:

*"Drawing on my experience at the New Jersey Attorney General's Office where I worked closely with the NJDEP and the New Jersey Pinelands Commission on land use and development issues, I work with clients on environmental matters including regulatory compliance, disputes concerning due diligence investigations, and Spill Act litigation. I also handle complex commercial litigation matters, ranging from antitrust to fraudulent transfers to business ownership disputes and employer-employee disputes. I love the challenge of confronting a new issue and digging in to find the winning argument for the client."*

### 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.

- Successfully defended appeal that sought to overturn an order confirming a divorce arbitration award, resulting in an opinion affirming the arbitrator's division of the parties' assets and an order directing the release of funds to our client.
- Obtained the dismissal of claims asserted against a Canadian bank and its broker-dealer affiliate in a federal litigation venued in the U.S. District Court for the Southern District of New York involving claims of wrongful termination, breach of contract, and invasion of privacy.
- Representing the plaintiff in an oppressed minority shareholder suit concerning issues of oppression in a closely held corporation. This case resulted in the New Jersey Supreme Court issuing a precedential decision clarifying the State's oppressed shareholders jurisprudence and provided needed guidance on the question of the proofs necessary to trigger the availability of remedies under the oppressed shareholder statute. The case was remanded and appealed following the entry of a \$25 million judgment in our client's favor on remand. In a second Supreme Court decision, which also created new law on the applicability of a marketability discount in the context of a court ordered buy out of interests in closely held corporations, the Court reinstated in full the judgment of \$25 million (an \$18 million buyout and plus more than \$7 million in pre- and post-judgment interest). In post-judgment enforcement proceedings, assisted in collecting more than \$20 million through various execution avenues from both individual and corporate

judgment debtors. Successfully tried a fraudulent transfer claim, resulting in an opinion and order requiring the return of \$18 million in funds secreted overseas.

- Representing a liquidating trustee appointed by a federal bankruptcy court on an appeal to the New Jersey Appellate Division concerning more than \$200 million in claims against the corporate parents and affiliates of an insolvent entity relating to environmental liabilities for pollution of the Passaic River.

## Reported Decisions

- *G.C. v. Division of Medical Assistance and Health Services*, \_\_ N.J. \_\_ (2021)
- *In the Matter of the Adoption of a Child by C.J.*, 465 N.J. Super. 162 (App. Div. 2020)
- *State of New Jersey, State Agricultural Development Committee v. Quaker Valley Farms, LLC*, 235 N.J. 37 (2018)
- *New Jersey Conservation Foundation v. New Jersey Department of Environmental Protection*, 883 F.3d 360 (3d Cir. 2016)
- *In the Matter of the Petition of South Jersey Gas Company for a Consistency Determination for a Proposed Natural Gas Pipeline*, 447 N.J. Super. 459 (App. Div. 2016)
- *New Jersey Division of Child Protection and Permanency v. B.O. & T.E.*, 438 N.J. Super. 373 (App. Div. 2014)

## Honors & Awards

- Selected for inclusion in the list of Best Lawyers, Ones to Watch, Appellate Practice, Commercial Litigation, and Litigation - Environmental, 2022-2023
- Honored at the 2020 New Jersey Judiciary Pro Bono Attorney Recognition Event
- Selected for inclusion in the list of New Jersey Super Lawyers, Rising Star, 2021-2022

The Best Lawyers list is issued by Woodward/White, Inc. A description of the selection methodology can be found at <https://www.bestlawyers.com/About/MethodologyBasic.aspx>.

The *New Jersey Rising Star* list is issued by Thomson Reuters. A description of the selection methodology can be found at [http://www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html).

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

## Community & Professional Associations

- Member, New Jersey State Bar Association

- Member, District Ethics Committee for District IIB

## Bar Admissions

New Jersey

New York

## Court Admissions

U.S. District Court, Southern District of New York

U.S. District Court, District of New Jersey

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit