

Pashman Stein Recognized as a 2018 Regional Powerhouse by Law360

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Pashman Stein Walder Hayden (PSWH) announced today that the firm was named a Regional Powerhouse by Law360 in recognition of the firm's accomplishments over the past year in regulatory and litigation matters. The full article can be viewed [here](#). A profile of Pashman Stein will be published by Law360 soon.

“We appreciate being recognized by Law360 as a Regional Powerhouse in New Jersey,” said Michael S. Stein, Pashman Stein’s Managing Partner. “The firm has a deep and talented bench of top shelf litigators as well as a sophisticated appellate practice, having argued many landmark matters before the New Jersey Supreme Court. This Law360 honor is an acknowledgement of the efforts our lawyers put forth every day to represent our clients and positively impact the laws of our state.”

The Regional Powerhouse recognition is based upon Law360’s editors’ review of Pashman Stein’s litigation work, including the following matters:

North Jersey Media Group, Inc. v. Township of Lyndhurst

PSWH represented The Record—the state’s second largest newspaper—in an action challenging the State’s refusal to release its records relating to a high-speed police chase and shooting under the Open Public Records Act (OPRA) or the common law. In the most highly anticipated OPRA case in many years, perhaps ever, the Supreme Court held that The Record was entitled to use of force reports, the names of the police officers involved in the shooting, and dash cam videos of the incident. The case was so significant that nearly 30 amici curiae participated in the case. Importantly, the Supreme Court’s decision restored transparency over police use of force incidents. As a result of the decision, the Attorney General has issued a new directive

to all law enforcement agencies requiring them to disclose dash camera and body camera videos of police-involved shootings within 20 days in most instances.

North Jersey Media Group, Inc. v. State of New Jersey, Office of the Governor

PSWH represented The Record in a case against the Office of the Governor for records relating to the “Bridgegate” Scandal. The suit alleged that the State willfully violated the Open Public Records Act (OPRA) in failing to produce certain Bridgegate emails in response to an OPRA request. The case received considerable news coverage because the public officials that could have been potentially fined include Governor Christie’s press secretary, Michael Drewniak. Ultimately, the matter settled on remand.

Jones v. Morey’s Pier, Inc.

After the tragic death of an 11-year-old girl who fell from a Ferris wheel while on a school trip, PSWH was retained to serve as appellate counsel for third-party defendant PleasanTech Academy. PSWH successfully moved before the Supreme Court of New Jersey for leave to file an interlocutory appeal on the issue of whether a public entity is insulated from liability on a claim for indemnification where no party had complied. In a ruling that will have a broad impact on public entities across the state, the Supreme Court determined that the charter school was not subject to claims for indemnification in those circumstances. The result will significantly limit the future exposure and litigation expenses of not only the client, but all public entities in the State.

HV Associates LLC v. PNC Bank, N.A.

PSWH obtained dismissal of all claims asserted against defendant Royal Bank of Canada in a litigation filed by the wife of a disgruntled former employee and her company. Significantly, the court accepted PSWH’s argument that plaintiffs’ common law invasion of privacy claim was time barred even though the court had rejected a similar argument raised by PNC’s counsel approximately one month earlier. PNC successfully moved for reconsideration based on the reasoning in the court’s decision on RBC’s motion.

Deborah Heart & Lung Center vs. Virtua Hospital

In July 2016, the Cardiology Group, P.A. (CGPA) and a number of individual CGPA physicians retained PSWH in a long-running business tort case in which Deborah Heart and Lung Center claims that CGPA and Virtua Health, Inc.—a healthcare company that owns three hospitals in Southern New Jersey—conspired to force Deborah out of business by refusing to recommend that their patients be transferred to Deborah. PWSH filed a final round of dispositive motions, which were granted in their entirety, ending a litigation of more than 7 years, and dismissing all of Deborah’s remaining claims with prejudice.

Maxlite

Three individual defendants accused of violating non-competition agreements asked PSWH to represent them in this action pending in the U.S. District Court for the District of New Jersey. The defendants lacked the financial resources to

retain litigation counsel and they had been enticed to leave Maxlite and join ATG on the promise by ATG's CEO that ATG would fund the defense of any lawsuit initiated by Maxlite. ATG quickly tired of the litigation expense, fired the individual defendants, refused to continue to fund the defense, and thus left the individual defendants in the middle of a federal lawsuit with no counsel and no funding. PSWH took on the case, assuming great risk, and argued that ATG could not terminate its funding obligations without first obtaining leave of court, for good cause shown. The court ruled that PSWH's clients could bring a Grand Jury motion for dispositive relief on a summary basis and reasoned that PSWH would likely succeed on the merits.

Scheeler v. Atlantic County Municipal Joint Insurance Fund

PSWH represented a North Carolina man who sought access to government records from New Jersey through the Open Public Records Act (OPRA). The case presented an issue of first impression: whether a non-citizen has standing to utilize OPRA. In this case, the trial court ruled that only NJ citizens could utilize OPRA. The Appellate Division issued a published opinion and reversed the trial court. It held that despite Section 1 of OPRA's statement that "government records shall be readily accessible for inspection, copying, or examination by the citizens of this State," numerous other operational provisions of the statute made it clear that "any person" could utilize OPRA. More than 20 amicus curiae participated in the case.

Wronko v. N.J. Society for the Prevention of Cruelty to Animals

PSWH represented a requestor who sought records from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) pursuant to the Open Public Records Act (OPRA). The NJSPCA argued that it was not subject to OPRA because it was a private, non-profit organization and not a government agency. Both the trial court and the Appellate Division ruled that NJSPCA falls within OPRA's definition of "public agency" because it is an "instrumentality of the State" that enforces New Jersey's animal cruelty statutes. ACLU-NJ was amicus curiae.