



**Directory of New Jersey
Labor, Employment
& Immigration
Law Practices**

An **ALM** Publication

2010 / 2011



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Labor, Employment
& Immigration
Law Practices**

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New Jersey Law Journal

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An **ALM** Publication

INTRODUCTION

This directory of New Jersey labor, employment and immigration law practices is being provided to in-house counsel and officers at corporations in New Jersey and in-house counsel in New York, Pennsylvania and Delaware. Our purpose is not to encourage you to flip through the directory to choose a lawyer, but to provide concise, convenient information about a firm you might have heard about or might otherwise want to include on a short list of possible choices.

THE QUALIFICATION PROCESS

The firm profiles you see here were paid for and provided by each firm. However, much more than that was required for inclusion in this directory.

First, each firm had to submit its profile in our standard format and to be as “hype” free as possible. Firms were asked to list attorneys with specific experience in labor and employment law.

Second, each firm had to be willing to avoid descriptions of its work and experience so general as to make the profile of little value to its readers. Thus, we often asked firms to rewrite their profiles.

Third, each firm had to provide the names of specific clients in the profile itself. Or, if the firms did not want to publish the names, we required that it at least provide references to us.

Forcing these requirements on our paying customers was at times problematic. But in the end I believe that the process resulted in a directory that will be truly useful to you as you continue to choose counsel in this important practice area.



Robert S. Steinbaum
Publisher
New Jersey Law Journal

The **2010/2011** Directory of
New Jersey Labor, Employment and
Immigration Law Practices

TABLE OF CONTENTS

Archer & Greiner, P.C.....	2
Bauch Zucker Hatfield LLC.....	4
Bressler, Amery & Ross.....	6
Coughlin Duffy LLP	8
Epstein Becker & Green, P.C.	10
Fox Rothschild LLP	14
Fragomen, Del Rey, Bernsen & Loewy, LLP	16
Gibbons P.C.....	18
Lindabury, McCormick, Estabrook & Cooper, P.C.	20
Lum, Drasco & Positan LLC	22
McCarter & English, LLP.....	24
McElroy, Deutsch, Mulvaney & Carpenter, LLP.....	26
Ogletree Deakins.....	28
Proskauer Rose LLP	30
Riker Danzig Scherer Hyland & Perretti LLP	32
Saiber LLC.....	34
Wolff & Samson PC.....	36
Alphabetical Index of Attorneys	38

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173 Attorneys
20 Attorneys Practicing in
Labor and Employment Law

Additional locations: Flemington, NJ; Georgetown, DE; Philadelphia, PA; Princeton, NJ; New York, NY; Wilmington, DE

Overview

Archer & Greiner's Labor and Employment Law Department handles the full array of issues facing private and public employers today, in both union and nonunion settings. The department represents local, regional, and nationally based businesses in litigation in state and federal courts, administrative proceedings before government agencies, and arbitration. Our attorneys also assist with contract negotiations, counseling, and general advice on workplace policies and procedures.

Relationship Workplace Policies and Procedures

Our attorneys recommend appropriate workplace policies, draft employee handbooks and personnel manuals, and develop training programs that help management focus employee efforts and achieve those long-term goals.

Employment Litigation

We handle employment-based litigation, including discrimination and harassment, wrongful discharge, "whistle-blower," workplace defamation, and other employment claims. We consult closely with our clients to define litigation objectives, carefully plan an overall strategy, control costs, and achieve both short-term and long-term goals.

Governmental Compliance

Our attorneys have defended numerous companies against federal and state wage and hour audits, government lawsuits, and citations. Working on the belief that strong policies and practices help minimize, and even eliminate, governmental compliance issues, our attorneys also routinely assist clients in developing "best practices" methods of dealing with employees.

Employee Benefits

Our attorneys provide a spectrum of services regarding the creation, administration, and termination of qualified and nonqualified plans, including 401(k) plans, profit-sharing plans, pension plans, stock bonus plans, tax shelter annuities, ESOPs, and multi-employer plans. We have developed master and prototype plans to assure efficient processing and approval of these plans, as well as health, welfare, and cafeteria plans.

Union Organizing and Negotiations

With an extensive management-based labor practice. Our attorneys advise clients in unionized settings, by drafting and negotiating collective bargaining agreements, handling grievance proceedings and arbitrations, rendering advice concerning strike planning, and representing employers before the National and State Labor Relations Boards. They also counsel nonunion employers in how to effectively address union boycotts, picketing, organizational campaigns, and other union activity.

Immigration

Our immigration attorneys are members of the American Immigration Lawyers Association, and utilize their experience to counsel businesses of all sizes. We focus in the areas of temporary visas and permanent immigration for employees and their families. We help our clients assess their need for foreign workers in the U.S. and help them to send U.S. workers abroad, guiding the client through each step of the process with the Department of Labor, the U.S.C.I.S. (previously the I.N.S.) and Consular offices. We counsel our clients in proper procedures regarding the D.O.L. and U.S.C.I.S. employer compliance issues, termination of visa workers, and public access file issues.

Attorneys

- **John C. Connell**, Partner, represents clients in employment matters involving the full range of employment issues, including age, gender, and race discrimination, hostile work environment, sexual harassment, privacy/confidentiality, whistle-blower, workplace and employment defamation and speech, and ERISA.
- **Neal L. Schonhaut**, Partner, handles cases throughout the state of New Jersey in both the state courts and federal courts involving significant personal injuries, whether caused by harassment or job termination.
- **Peter L. Frattarelli**, Partner, regularly represents management and employers in labor and employment litigation and proceedings. He has extensive experience defending employers and individuals against harassment and discrimination lawsuits. He also has represented employers in numerous collective bargaining negotiations and labor arbitrations.
- **John P. Quirke**, Partner, represents and counsels clients in all types of employment matters, including negotiations, grievance and arbitration proceedings, and hearings before state and federal agencies which oversee the workplace.
- **Susan S. Hodges**, Partner, is involved in labor and employment matters including wrongful termination, discrimination, sexual harassment, Family and Medical Leave Act and restrictive covenants.
- **Gregory J. Palakow**, Partner, chairs the firm's Immigration Group, and handles employer-sponsored petitions for foreign workers, D.O.L. and U.S.C.I.S. (legacy I.N.S.) filings, as well as family-based immigration matters.
- **David A. Rapuano**, Partner, counsels clients to ensure compliance with all aspects of labor and employment law, including reviewing and drafting employment handbooks, workplace investigations, hiring and termination issues, wage payment issues and compliance with state and federal leave laws.
- **Patrick J. Doran**, Partner, represents management clients throughout the country in connection with traditional labor matters, including union organizing campaigns, collective bargaining negotiations, unfair labor practice charges and grievance arbitrations.
- **Malcolm S. Gould**, Partner, represents clients in employment agreement and restrictive covenant disputes; union negotiations and related proceedings under collective bargaining agreements.
- **Richard R. Morris**, Partner, represents management in contract negotiations, grievances, unfair labor practices and employment discrimination matters for the past 10 years.
- **Douglas Diaz**, Partner, represents labor and employment litigation, with particular emphasis on discrimination, wrongful discharge, restrictive covenants and wage and hour issues, as well as traditional labor law matters representing employers.

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5 Attorneys
5 Attorneys Practicing in
Labor and Employment Law

Bauch Zucker Hatfield LLC was founded in 2008 to provide personalized and affordable counseling and representation by highly skilled, senior attorneys to business, nonprofit and governmental organizations in all phases of the employer-employee relationship and in the broader law-related challenges they face, including litigation and contract review. Our attorneys work closely with clients to develop customized solutions to employment problems affecting the efficiency and productivity of the workplace.

Employment Law

We counsel employers on all legal aspects of their relationship with employees, including family/medical leave, discipline, reasonable accommodation, safety, and compensation matters. We prepare and revise employee handbooks and policy manuals, customizing them to each client's unique needs.

Labor Law

We help unionized employers administer and interpret contracts, serve as chief negotiator for management, and support clients who negotiate themselves. We handle grievance and interest arbitration, defend or prosecute unfair labor practice charges and unit clarification petitions, and provide training and materials to combat an organizing drive or to keep a workplace non-union.

Litigation

Our first objective is to help our clients avoid litigation through careful planning and documentation, or effective negotiations and release agreements. When litigation is unavoidable, we zealously represent our clients in employment and commercial disputes involving discrimination, harassment, whistle-blowing, retaliation, compensation, breach of contract, defamation, and restrictive covenants/non-competes. We practice in state and federal courts and before administrative agencies in many states. Whether the plaintiff is an individual or a class, we produce effective results for our clients.

Investigations/Audits

As either regular or special counsel, we conduct investigations of employee complaints or misconduct, and perform audits of personnel and compensation policies and practices, Sarbanes-Oxley and I-9 immigration compliance.

Training

We are committed to engaging supervisors and employees as active learners, to make each in-service training hour count. We provide customized training on nearly every topic concerning employment and compliance, including workplace harassment, diversity, family/medical leaves, reasonable accommodation, documentation and discipline and permissible inquiries. We also conduct the State-mandated 12-hour professional development training for school administrators and supervisors.

Employee Benefits

We counsel employers regarding pension and employee benefits plans, including fiduciary duties and ERISA's substantive requirements, and develop and review pension and welfare plans and plan documents. When disputes arise, we defend employers against individual and class-action claims involving employee benefits, denial of claims and breach of fiduciary duty.

Attorneys

Richard H. Bauch (Founding Member) represents management in labor, employment, civil rights and education law matters, including litigation. Rich handles traditional labor matters, including elections, unfair practice matters, grievance and interest arbitration, and collective bargaining. Rich defends public entities in civil rights litigation and civil service matters, and represents boards of education in a broad array of education law issues. *New Jersey Monthly* and *Law & Politics* magazine recognized him as a labor and employment "Super Lawyer" (2006, 2008, 2009, 2010).

Education: Rutgers University Law School, New Jersey City University (MA, BA)

Admissions: New Jersey, Pennsylvania, U.S. Supreme Court

Douglas S. Zucker (Founding Member) represents private and public employers and nonprofit organizations in labor and employment and general business law. Douglas counsels employers on family and medical leave, reasonable accommodation, discipline, compensation, discrimination, and harassment, reviews and prepares handbooks and policies, conducts management training, performs workplace investigations, and is an approved I-9 auditor. Douglas litigates employment and commercial cases, including restrictive covenants and arbitration hearings, has extensive experience negotiating union contracts, and handles executive contracts.

Education: Fordham University Law School, Rutgers University (MS), Rider College (BS)

Admissions: New Jersey, New York

Kathryn Van Deusen Hatfield (Founding Member) represents public and private employers in labor and employment law matters, including employment, civil rights and commercial litigation. Kathy provides counseling on discipline, harassment, leaves of absence, compensation, and employee benefits, and prepares handbooks and policies. Kathy negotiates collective bargaining agreements, handles grievance and interest arbitration, litigates impasse and unfair practice proceedings and conducts workplace investigations. *New Jersey Monthly* magazine recognized Kathy as a N.J. "Rising Star Super Lawyer" (2006, 2007).

Education: Vermont Law School (JD, MA), Lehigh University (BS)

Admissions: New Jersey, New York, U.S. Supreme Court

Elizabeth Farley Murphy (Counsel) represents management in education, special education, and labor and employment law matters. Elizabeth advises boards of education on student rights, domicile, ethics, public meetings, public records, elections, construction, and special education issues involving IDEIA compliance, IEPs and defense of claims. Elizabeth advises employers on tenure issues, labor disputes and contract interpretation.

Education: Seton Hall University Law School, Rutgers University (BA)

Admissions: New Jersey

Evan M. Lison (Associate) represents employers in labor and employment law, including employment and commercial litigation, defending claims involving discrimination, retaliation, defamation, medical leave, emotional distress, breach of contract, and wages. Evan counsels employers on restrictive covenants, medical leaves, discrimination, and a variety of employment issues.

Education: Chicago-Kent College of Law, University of Michigan (BA)

Admissions: New Jersey, New York, District of Columbia

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10 Attorneys Practicing in
Labor and Employment Law

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Bressler, Amery & Ross, P.C. represents management in all aspects of labor and employment law and litigation. Whether the issue involves employment litigation, arbitration, a labor dispute, strategic planning for mergers, acquisitions, or reductions in force, or day-to-day advice, our goal is to help employers understand and achieve their objectives. Our attorneys are experienced, well-trained, and devoted to their clients' right to manage their businesses.

Strategic Advice and Counseling. Bressler, Amery & Ross advises on matters relating to discharge and discipline; grievance handling and resolution; wage and hour; the NLRA and NLRB procedure; equal opportunity issues, including Title VII, NJLAD, ERISA, ADA, ADEA, FMLA, FLSA, IRCA, and WARN; employee benefits and executive compensation; single and multi-employer pension and health and welfare plans; strategic planning for mergers, acquisitions, consolidations and reductions-in-force; personnel policies and procedures; employee handbooks; and immigration.

Employment Litigation. The firm's sophisticated trial lawyers have a well-deserved reputation for aggressively, passionately, and successfully representing their clients before state and federal courts and various civil rights agencies throughout the United States, as well as in administrative and arbitral forums. The cases we try run the gamut: employment discrimination; retaliation; harassment; disability discrimination; complex class and collective actions; ERISA; whistle-blower; unfair competition; FMLA and state leave laws; wrongful termination; employment agreements; restrictive covenants; wage and overtime actions; labor injunctions; unfair labor practices.

Trade Secrets and Unfair Competition. No one has the right to steal our clients' confidential information, trade secrets, or employees, or to unfairly compete with them. We work hard to make sure that our clients' ability to fairly compete are protected. Our attorneys draft covenants not to compete, nonsolicitation, nondisclosure, nonrecruitment, and confidentiality agreements. We help our clients with strategies to protect them from employees who might misappropriate proprietary information, and will aggressively litigate cases to protect our clients' rights when necessary.

Preventive Services. Our ultimate aim as labor and employment lawyers is to work with our clients to develop policies, strategies and procedures for preventing lawsuits and claims in the first place. We draft employee handbooks and manuals, and policies and procedures governing such areas as drug testing, background checks, pre-employment testing, harassment, and protection of trade secrets. We also assist employers in the training of their managers and supervisors in the implementation of those policies and procedures. We train employees, supervisors and executives to comply with federal and state employment and labor laws, including sexual and other forms of harassment, workplace violence, diversity and unionization. The firm's experienced lawyers, many of whom are ex-prosecutors, conduct specialized investigations in matters involving harassment, discrimination, and whistle-blower claims.

Wage and Hour Law. Our attorneys know and understand the many complicated wage and hour law issues facing employers. We help employers comply with the Fair Labor Standards Act, the Davis Bacon Act, the Service Contract Act, and similar state laws. We conduct compliance audits, assist employers in determining whether employees are truly exempt from minimum wage and overtime requirements, and advise employers on the recordkeeping requirements under the various wage and hour laws. We also represent our clients in investigations and enforcement actions conducted by federal and state wage and hour divisions, and defend them in wage and hour lawsuits in court, including class and collective actions.

Traditional Labor Law. Bressler, Amery & Ross advises employers in connection with union elections and representation proceedings, labor agreements, grievances and arbitrations; decertification proceedings and strikes, lockouts and picketing. Its lawyers are skilled and experienced in getting strike-related injunctions and in fending off 10(j) injunctions sought by the NLRB.

Partners

Jed L. Marcus chairs the firm's Labor and Employment Law Practice Group. Mr. Marcus represents employers throughout the United States on all types of employment and labor relations matters. He is well known for his vigorous and successful representation of employers in employment and labor litigation, including class and collective actions, and before the NLRB. Mr. Marcus regularly counsels employers on employment discrimination, wrongful termination, sexual harassment, NLRB matters, wage and hour, and Title VII compliance. He conducts investigations into harassment, discrimination, and whistleblower claims, and regularly trains supervisors and employees on labor and employment matters. Mr. Marcus is a frequent speaker and panelist at seminars and workshops. (Rutgers University, A.B. 1975, M.A. 1978; University of Oklahoma College of Law, J.D. 1982). jmarcus@bressler.com.

Cynthia J. Borrelli is a partner and directs the firm's insurance regulatory practice group, and is a member of the Labor and Employment Law Practice Group. Her practice is concentrated in the area of benefits and insurance law, representing insurance companies, insurance producers, managed care entities and third-party administrators in their corporate activities and regulatory matters before departments of insurance, and includes mergers and acquisitions as well as insolvency proceedings of regulated corporations. She has developed an expertise in benefits, individual health reform, managed care regulation, insurer withdrawal, life insurance, and annuity product development and sales practice issues. (Lehigh University, B.A., 1982; Seton Hall University School of Law, J.D. 1985). cborrelli@bressler.com

Stephen R. Knox is a partner and a member of the Labor and Employment Law, Commercial Litigation and Environmental Law Practice Groups. He has extensive experience in employment litigation before federal and state trial and appellate courts, as well as alternative dispute resolution panels. Mr. Knox counsels businesses and individual clients on the avoidance of litigation and achievement of just and reasonable settlements. He has lectured to various groups on a wide range of topics, including department store security, punitive damages, police training and employment law issues. (Wesleyan University, B.A., 1969; University of Texas, J.D. 1974). sknox@bressler.com.

Richard C. Szuch is a partner and a member of the Labor and Employment Law Practice Group and Securities Litigation and Regulatory Practice Groups. He has extensive civil and criminal litigation experience with a concentration in securities litigation and regulatory enforcement defense, representing national and regional broker-dealers in a wide variety of claims, including allegations of insider trading, selling away, overtrading of customer accounts, misappropriation of customer funds, and the destruction of evidence related to pending investigations, as well as employment and contract litigation issues. He regularly counsels public and private companies regarding employment and contract litigation issues, and defends employers before the NASD and other venues. (Emory University, B.A. 1984; University of Pittsburgh, J.D. 1987). rszuch@bressler.com

Associates

Angela Scafuri (Seton Hall University School of Law, J.D. 2000).

Michael T. Hensley (Seton Hall University School of Law, J.D. 2001).

Danielle Greene (Villanova University, J.D. 2003).

Risa David (Seton Hall University School of Law, J.D. 2005).

Emily J. Wexler (New England School of Law, J.D. 2006).

Shannon M. Ryman (New England School of Law, J.D. 2007).

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60 Attorneys
8 Attorneys Practicing in
Labor and Employment Law

Additional Location: New York, New York

Firm Profile

Coughlin Duffy is a full-service firm providing legal services to local, regional, national and international clients. Our clients range from privately and publicly held entities and not-for-profit organizations to governmental entities and individuals. Our client base reflects virtually every industry, including the manufacturing, pharmaceutical, telecommunications, banking, health-care, and services industry.

Employment Counseling and Litigation Avoidance

Our goal is to minimize employment disputes and to help clients avoid litigation. We are in daily contact with HR professionals and in-house attorneys, providing counseling and preventive assistance in all phases of the employment relationship. We draft policies and handbooks, conduct employment audits, and provide independent investigations into claims of discrimination and harassment. We also regularly guide clients through hiring issues, leave of absence issues, disciplinary actions, reductions-in-force, and other employment-related matters.

Employment Litigation

We litigate in federal and state courts and agencies throughout the country. We represent our clients in all types of employment cases under federal and state laws, contract principles, and common-law tort laws. Common claims we defend include discrimination, harassment, whistle-blower, wage and hour, family leave, and restrictive covenant.

Employment Training

We provide training on numerous topics, including compliance with anti-harassment/discrimination laws and the interplay of family leave, disability and workers' compensation laws. We tailor training to our clients' business and drive it home with real-life examples we have defended. Our unique vignette training provides mock interviews and investigations, with follow-up interactive Q&A sessions.

Attorneys

Steven J. Luckner, Partner & Department Head, represents clients in all types of labor and employment matters. He litigates before federal and state courts and agencies, drafts various employment documents, and provides day-to-day advice to clients on all aspects of employment law. He has been selected by the *N.J. Law Journal* as one of N.J.'s "Top 40 Under 40" (2008), listed in *N.J. Super Lawyers – Rising Stars Edition* (2008, 2009, 2010), and listed in *Chambers USA* in N.J. for Labor & Employment Law (2009, 2010).

Daniel Cohen, Partner, litigates employment matters for both private and public-sector clients. He also acts as general counsel for various clients, advising them on labor and employment issues and drafting employment-related agreements. Mr. Cohen has been selected for inclusion in *N.J. Super Lawyers*, General Litigation (2009).

Timothy Duffy, Partner, represents clients in all employment-related issues. He has extensive experience in the pharmaceutical industry and the employment nuances associated with it. Mr. Duffy has been selected for inclusion in *N.J. Super Lawyers*, Products Liability Defense (2007-2010).

Michael Sullivan, Partner, provides advice on employment-related matters to commercial clients. He also represents corporate and individual clients in NASD arbitrations and SEC actions. Mr. Sullivan has been selected for inclusion in *N.J. Super Lawyers*, Business Litigation (2007, 2009, 2010).

Mary Jean Barnes, Associate, drafts and negotiates employment contracts, executive compensation agreements, and noncompete agreements in relation to corporate and business transactions.

Kim Mercado-Washington represents employers in state and federal court and agency employment law matters, including harassment, discrimination and whistle-blower lawsuits. For clients with bilingual work forces, she drafts employment policies, provides training and counseling, and conducts harassment/discrimination investigations in both Spanish and English. In 2010 she was listed in *N.J. Super Lawyers – Rising Stars Edition*.

Mark Silver, Associate, litigates labor and employment law cases before federal and state courts and agencies, including the DOL and NLRB. He has been listed in *N.J. Super Lawyers – Rising Stars Edition* (2009, 2010).

Michael Goldstein, Associate, litigates labor and employment law cases before federal and state courts and agencies and counsels employers on various employment law matters.

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Additional Office Locations: Atlanta, GA; Boston, MA; Chicago, IL; Houston, TX; Los Angeles, CA; Miami, FL; New York, NY; San Francisco, CA; Stamford, CT; and Washington, D.C.

EpsteinBeckerGreen's Labor and Employment practice is one of the largest in the U.S. limited to the representation of management. The Firm provides labor and employment advice and representation to companies across various industries, with particular depth in financial services, hospitality, energy, and the full spectrum of health care and life sciences organizations, including hospitals and health systems, biotechnology and life sciences companies, health plans and health care insurers, pharmaceutical and medical device manufacturers, academic medical centers, and others.

The Firm represents clients in the full range of labor and employment issues, including the following:

- ADA and Disability Law
- Class Actions – All State and Federal Discrimination Claims
- Discrimination Complaints and Form I-9 Audits
- Employee Benefits/ERISA-Related Litigation
- Employment Litigation
- Employment Tax
- Employment Training, Practices and Procedures
- ERISA
- Executive Compensation
- Health and Welfare Plans
- HIPAA
- Immigration
- International Employment Law
- Labor Management Relations
- Mergers And Acquisitions/Downsizing
- Multi-Employer Plans
- Non-Competes, Unfair Competition and Trade Secrets
- OSHA (Health and Safety)
- Retirement Plans
- Wage and Hour, Individual and Collective Actions
- Whistleblowing and Compliance

The Firm's Health Employment And Labor (HEAL) Initiative unites two of EpsteinBeckerGreen's premier, national practices – the Health Care and Life Sciences practice with the Labor and Employment practice – to assist health care and life science clients address the many challenges they face in the labor and employment area. In addition, the Firm's HELLO group—shorthand for “Hospitality Employment and Labor Law Outreach”—is comprised of professionals dedicated to every aspect of labor and employment law affecting hospitality employers. Supplementing these U.S. capabilities, the Firm maintains affiliations worldwide and is also a founding member of the International Lawyers Network (ILN), one of the largest federations of independent law firms in the world.

EpsteinBeckerGreen takes pride in being “a law firm with a lifetime commitment to diversity and inclusion.” From its very early years, the Firm has provided employment and advancement opportunities for women, minorities, and persons from other traditionally excluded groups.

Thus, EpsteinBeckerGreen offers its clients an exceptional level of international and diverse talent and resources.

Attorneys

- **Patrick G. Brady** works extensively on complex employment litigation, particularly Rule 23 discrimination and state wage and hour class actions and FLSA collective actions. He represents management in court/administrative proceedings covering ERISA, federal and state fair employment laws, WARN and family leave laws, and labor relations. He has obtained successful jury verdicts and summary judgment in numerous wrongful discharge, sexual harassment, breach of contract, discrimination/retaliation, and whistle-blower cases in state and federal court. Mr. Brady also counsels clients on immigration matters, including compliance reviews under the Immigration Reform and Control Act. Rutgers University School of Law, J.D., 1980.

- **Joan A. Disler** focuses her practice on a full range of services in employee benefits law. Her experience includes designing, implementing, and terminating qualified and nonqualified retirement plans, executive compensation, cafeteria and health plans, and other welfare benefits. She consults with clients on plan administration issues and ERISA fiduciary duties, and advises on employee benefit issues in corporate mergers and acquisitions with an emphasis on corporate compliance. New York University School of Law, LL.M. (in Taxation), 1980; Rutgers School of Law, J.D., 1976.

- **David W. Garland** defends clients in employment discrimination, wrongful discharge, wage and hour, and other employment-related litigation. He also counsels employers on developing employee handbooks and policies to avoid employment-related litigation, and advises on and litigates restrictive covenant issues. Mr. Garland has received national recognition for numerous complex jury trials that he won on behalf of employers. He lectures frequently on employment law topics and has authored articles on various employment law issues. In addition, Mr. Garland has a long history of public service. George Washington University Law School, J.D., 1985.

- **Joseph D. Guarino** concentrates his practice on a wide range of employment matters and complex commercial and health care issues. He has successfully litigated claims, including employee theft, sexual harassment, whistle-blower, and wrongful discharge; third-party administrator suits; and hospital network disputes. Mr. Guarino also counsels clients on virtually all aspects of employment law. He is a former senior aide in the New Jersey Senate and a former law clerk to Associate Justice Marie L. Garibaldi of the New Jersey Supreme Court. Seton Hall University School of Law, J.D., 1996.

- **Carmine A. Iannaccone** focuses his practice on management labor relations and employment litigation. He has extensive jury trial experience in employment discrimination litigation. Mr. Iannaccone also has extensive litigation experience in the area of restrictive covenants and unfair competition. He represents employers in connection with the avoidance of union organizing campaigns, collective bargaining negotiations, disputes before the National Labor Relations Board, and related proceedings before federal and state courts and administrative tribunals. In addition, he counsels employers regarding a wide range of employment issues, including training, investigations, terminations, union grievances, and arbitrations concerning work-rule disputes and discharges for both unionized and nonunionized employers. Tulane University School of Law, J.D., 1977.

(continued on next page)

(Attorneys continued)

- **Maxine H. Neuhauser** concentrates her practice on representing management in sexual harassment, discrimination, wrongful discharge, restrictive covenant, whistle-blower, and other employment-related disputes. She also conducts training, develops handbooks and policies, and counsels employers on virtually all aspects of employment law and related matters. Ms. Neuhauser is admitted to practice in several jurisdictions. She is a New Jersey Court Rule 1:40 Qualified Mediator and a Certified American Health Lawyers Association mediator. Rutgers Law School, J.D., 1983.
- **John M. O'Connor** focuses his practice on employment litigation and counseling. His extensive experience includes defending employers in all aspects of state and federal employment law, including allegations of discrimination, harassment, retaliation, wrongful discharge, and violations of restrictive covenants. Mr. O'Connor represents management in proceedings in federal and state courts, state and federal civil rights agencies, arbitrations, and mediations. He counsels clients on employment policies and procedures, wage and hour compliance, investigations of employee misconduct, and other employment issues. Georgetown University Law Center, J.D., 1990.
- **Kerry M. Parker** focuses his practice on employment and labor law counseling and litigation, and in health law matters. Mr. Parker represents employers in employment-related and ERISA litigation before federal and state courts and administrative agencies, and in arbitration matters. He also represents management in all aspects of labor relations, including collective bargaining negotiations, arbitrations, and labor board proceedings. Mr. Parker regularly counsels employers regarding disciplinary and discharge matters, work force restructuring, discrimination, harassment, and other labor relations issues, and advises health care entities in compliance, transactional, and litigation matters. Seton Hall University School of Law, J.D., 1981.
- **Clara H. Rho** represents management in employment discrimination, wrongful discharge, and other employment-related litigation. She defends employers against allegations of discrimination, harassment, retaliation, wrongful discharge, breach of contract, and whistle-blower claims. Ms. Rho counsels employers on employment policies and practices, reductions-in-force, investigations of employee misconduct, and other employment issues. She also has experience defending state wage and hour class actions and FLSA collective actions. Cornell Law School, J.D., 1995.
- **Michael D. Thompson** represents employers before state and federal courts in litigation concerning federal and states discrimination laws, whistle-blower claims, and other employment matters. He also counsels clients regarding wage and hour matters and other workplace issues (including hiring, firing, discipline, and the implementation of employment policies), anti-kickback issues, and the avoidance of whistle-blower claims. Mr. Thompson has authored articles on whistle-blower issues and unlawful kickbacks in the pharmaceutical industry. University of Notre Dame Law School, J.D., 1995.

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Additional Office Locations: Los Angeles and San Francisco, CA; Stamford, CT; Wilmington, DE; West Palm Beach, FL; Las Vegas, NV; New York, NY; Exton, Blue Bell, Philadelphia, Pittsburgh and Warrington, PA.

Fox Rothschild LLP is a full-service law firm built to serve business leaders. We provide tailored labor and employment services that meet the needs of unionized and nonunionized, private or public employers, regardless of industry.

Employment Litigation

Our attorneys defend management interests in state and federal court in employment discrimination, EEO retaliation, sexual/other harassment issues, reasonable accommodation, FMLA/state leave laws, wrongful termination, employment agreements, restrictive covenants, affirmative action complaints, IRCA compliance, OSHA violations, constructive discharges, public policy claims, employment torts, wage/overtime actions, labor injunctions, unfair labor practices, union contract actions, class actions and whistle-blower claims.

Union Negotiations & Labor Crisis Management

With years of experience dealing with tough labor relations issues and tougher unions, we routinely negotiate labor agreements, most without labor discord and many for an extended term. Where labor disputes are unavoidable, we achieve a successful outcome with minimum disruption.

Labor & Employment Training

We work closely with employers to provide customized training to supervisors on the various laws that govern the workplace and on their obligations under these laws.

Immigration

We represent corporate employers and select individuals before the USCIS, DOL and DOJ and assist employers and individual employees in obtaining E, H, L, O and P nonimmigrant visas, as well as permanent resident status (green cards).

Employee Benefits & Compensation Planning

We provide representation in executive compensation; profit sharing, 401(k) and retirement plans; health and welfare plans; HIPAA withdrawal liability claims; severance, bonus and other fringe benefits plans; stock option plans; specialty nonqualified plans and trusts; PBGC practice; COBRA compliance; retiree health benefits; and ERISA litigation. We also act as employer counsel on multiemployer Taft-Hartley Funds and represent management in benefits-related litigation.

Wage & Hour Compliance

We counsel employers on the application of executive, administrative, professional, outside sales, 7i, motor carrier and other overtime exemptions; overtime payments options; travel time, on-call time, training time, volunteer time and other working time issues; prevailing wage requirements; salary studies and Equal Pay Act compliance; homework; child labor laws; minimum wage compliance; recordkeeping; and payments upon employment separation.

Affirmative Action Plans

We annually prepare plans—including all required policies, procedures, forms, records and statistical analyses—for government contractors throughout the country to comply with federal and state regulations.

Public Sector

We represent both unionized and nonunionized public entities—including states, counties, municipalities, universities, school boards, local housing authorities, sports and exposition authorities and public transit unions—in every aspect of employee and labor relations, including policy development, procedures, training and hands-on advice.

Fox Rothschild hosts several employment-related blogs on such topics as

Wage and hour issues
(<http://wagehourlaw.foxrothschild.com>)

Employee benefits
(<http://employeebenefits.foxrothschild.com>)

Employment discrimination
(<http://employmentdiscrimination.foxrothschild.com>)

FMLA
(<http://fmla.foxrothschild.com>)

Contact: **Stanley L. Goodman**, Esq., Co-chair, Labor & Employment Practice;
sgoodman@foxrothschild.com; 973.994.7520

New Jersey Labor & Employment Attorneys

Atlantic City Office

Partners: **Jack Gorny**, **William M. Honan**
Associate: **Sarah Beth Johnson**

Princeton Office

Partners: **Francis V. Cook**, **Michael S. Hanan**, **Ian D. Meklinsky**, **Wayne E. Pinkstone**
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250 Attorneys
250 Attorneys Practicing in
Immigration Law

Office Locations Worldwide: Australia, Belgium, Canada, China, Costa Rica, France, Germany, Hong Kong, India, New Zealand, Singapore, South Africa, United Arab Emirates, United Kingdom, United States of America

Fragomen is the world's leading global corporate immigration law firm. We have more than 1,200 employees, including more than 250 attorneys, barristers and solicitors and more than 800 paralegals and immigration professionals in 35 offices located throughout 15 countries. In addition to our offices abroad, we have 15 offices in the United States. A member of the AmLaw 200, Fragomen has both the resources and the reach to provide strategic advice and effective solutions around the globe.

Fragomen represents many of the world's largest multinational corporations and Fortune 100 companies in global immigration matters. Our client base is quite diverse, spanning numerous industries and geographies. We are widely regarded as thought leaders on immigration law and policy. We are the authors of seminal publications and guides that serve as key resources, relied upon by other immigration practitioners, corporate counsel and in-house immigration specialists. *The Immigration Procedures Handbook*, which is updated annually, is a source of the latest developments in immigration law, and *Immigration Law and Business*, a three-volume publication, provides comprehensive coverage of the business aspects and considerations involved in immigration law. Our *Global Immigration Handbook* is a highly authoritative guide to the major immigration destination countries. Since its inception, *The International Who's Who of Business Lawyers* has named us Global Corporate Immigration Law Firm of the Year and *Best Lawyers* has ranked Fragomen as the No.1 firm in U.S. immigration law.

We partner with each client to develop a customized service model tailored to their corporate needs and business goals. Whether we are offering strategic counsel on specific issues, assuming responsibility for select immigration functions, or providing a complete outsourced solution for the entire immigration program, Fragomen has the flexibility to adapt our service model to align with each company we represent.

We have dedicated resources for global compliance, including I-9 compliance, export control requirements and government relations. Our Professional Practices Committee drives efficiency, quality assurance and the integration of world class best practice into our proprietary global case management system. Our Global Legal Content team has resources located in each of our global regions to monitor and report on changes in immigration legislation and policies around the world. Our sizable Information Technology staff understands our business and is dedicated to fulfilling the technology needs of both our own legal staff and our clients. Our global reach and resources allow us to deliver immigration services in more than 140 countries.

Partners

Gwendolyn M. Robosson: Ms. Robosson is the Managing Partner of Fragomen's New Jersey office and a member of the firm's Executive Committee. She has extensive experience representing Fortune 500 clients and other entities as to mobility concerns affecting the employment of a global professional work force; immigration considerations in light of corporate restructurings; and strategies for complex business visitor assignments. grobosson@fragomen.com (Admitted to bar: 1981, Pennsylvania, U.S. District Court, Western District of Pennsylvania; 1989, New Jersey and U.S. District Court of New Jersey.)

Jonathan C. Adams: Mr. Adams is the Managing Partner of the firm's office in Philadelphia and also is resident with the N.J. office. Mr. Adams has extensive experience in counseling the technology, tax and insurance sectors as to cross-border engagements with India, China and Eastern Europe. jadams@fragomen.com (Admitted to bar: 1995, New Jersey; 1996, New York; 1998, District of Columbia; 2006, Pennsylvania.)

Lance Kaplan: Mr. Kaplan is the Managing Partner of the firm's Global Practice Group and is resident in the Matawan, N.J. office. He serves as a member of the firm's Executive Committee. Mr. Kaplan directs the firm's international practices and oversees global engagements for multinational corporate clients. lkaplan@fragomen.com (Admitted to bar: 1988, California; 2004, U.S. Supreme Court; not admitted in New Jersey.)

Jeffrey W. Pitts: Mr. Pitts advises multinational companies in connection with corporate immigration programs. In addition, Mr. Pitts counsels employers concerning employer sanction regulations, Department of Labor, Department of Homeland Security and USCIS compliance audits, and responding to Office of Special Counsel investigations. jpitts@fragomen.com (Admitted to the bar: 1999, New York and New Jersey; 2008, U.S. Supreme Court; 2001, U.S. District Court of New Jersey.)

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230 Attorneys
20 Attorneys Practicing in
Labor and Employment Law

Additional Office Locations: New York, NY; Trenton, NJ; Philadelphia, PA; and Wilmington, DE

With 230 attorneys, Gibbons is a leading law firm in the New York, New Jersey, Philadelphia, and Delaware metropolitan regions and ranked among the nation's top 200 firms by *American Lawyer*.

The attorneys in the Gibbons Employment Law Department are commended by clients and peers alike for the strategic business solutions and responsive, hands-on service they provide. The department's chair and another director were listed in the most recent *Best Lawyers in America* for the New York area. Ten department attorneys were listed in the most recent *Super Lawyers* and *Rising Stars* for New Jersey, New York, and Pennsylvania. *New Jersey Super Lawyers* included the Gibbons Employment Department chair in its rankings of the Top 100 Lawyers and Top 50 Female Lawyers, and she was ranked in the *Chambers USA Guide to America's Leading Lawyers for Business*. These client- and colleague-driven rankings acknowledge the department's experience, proficiency, insight, and commitment.

The department represents clients in many fields, including research and development, advanced technology, pharmaceuticals, financial services, telecommunications, health care, manufacturing, construction, education, consumer products, publishing, service-oriented businesses, transportation, and not-for-profit agencies.

Discrimination/Harassment

Gibbons represents employers with respect to the various federal antidiscrimination laws, including the Age Discrimination in Employment Act, Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964, as well as similar state and local laws. The department has extensive experience in federal and state court litigation and administrative proceedings involving claims of discrimination, as well as claims of harassment and/or retaliation. The firm's experience ranges from defense of individual claims of discrimination to matters involving multiple plaintiffs and classes, including one of the largest collective actions filed under the Age Discrimination in Employment Act.

Employment-at-Will/Employment Contracts/Wrongful Discharge

Court decisions impacting the employer/employee relationship, altering the traditional employment-at-will principle, have created new rights and causes of action for employees in contract and tort law and significantly increased employers' potential exposure. Gibbons represents employers in litigation involving a variety of contract and tort causes of action and claims involving restrictive covenants and trade secrets.

Employee Compensation Issues

Gibbons represents employers in litigation and administrative proceedings, initiated by the U.S. Department of Labor and state enforcement agencies under the Fair Labor Standards Act (FLSA) and state laws, ranging from defense of individual employees' claims to FLSA collective actions and claims under state law involving large numbers of employees, in the areas of:

- Exempt/nonexempt status
- Overtime compensation
- Failure to pay wages
- Severance pay
- Employee vs. independent contractor status
- Executive compensation

Gibbons attorneys also routinely counsel clients on all of the above issues.

Employee Benefits/ERISA

Gibbons employment lawyers frequently litigate disputes in federal and state courts involving employee retirement, deferred compensation, and welfare benefit plans governed by the Employee Retirement Income Security Act (ERISA), either separately or as one of a number of claims asserted in other litigation.

Employment Counseling and Training

Department attorneys counsel employers with regard to rights and obligations under the many statutes and regulations that govern the employer/employee relationship. They consult with clients regarding terminations and discipline, as well as general performance issues. The department conducts investigations of employee misconduct, including allegations of harassment, discrimination, and dishonesty. It also advises on compliance with leave-of-absence and disability laws, including federal and state family and medical leave acts and other federal and state antidiscrimination laws. Gibbons provides advice on employment issues affecting corporate transactions such as mergers and acquisitions and guides clients through reductions in force, work force restructurings, and plant closings, including WARN Act compliance. Firm attorneys draft employment-related policies and handbooks and employment and severance agreements.

The Employment Department partners with clients to prevent or resolve employment disputes whenever feasible, often through employment-related training. Training sessions are tailored to meet individual company needs and are offered in either instructor-led or train-the-trainer formats. Popular training programs include:

- Prevention of workplace harassment and discrimination
- Compliance with federal and state family and medical leave laws
- Performance management
- Handling of disability-related requests for accommodation
- Effective hiring techniques

Labor Relations

Gibbons attorneys handle traditional labor/management relations matters in the public and private sectors, tapping prior experience in the U.S. Department of Labor and the National Labor Relations Board. They represent management in connection with collective bargaining negotiations, grievance and arbitration proceedings, union organizing campaigns, and unfair labor practice charge investigations, as well as in connection with hearings before the National Labor Relations Board.

Department Directors

Christine A. Amalfe, Department Chair
Kelly Ann Bird
Loren Gesinsky
Susan L. Nardone
Madeline M. Sherry
Steven H. Sholk
Richard S. Zackin

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65 Attorneys
13 Attorneys Practicing in
Labor and Employment Law

Additional Offices: Summit, Red Bank, New York, Philadelphia

Overview

At Lindabury, McCormick, Estabrook & Cooper, P.C. we have a comprehensive Labor and Employment Law Practice. We provide our clients with services that cover every aspect of the labor and employment relationship, including timely counseling and in-house training, union management relations, representation in the litigation, negotiation and arbitration of labor and employment disputes.

Scope of Our Employment Practice

Employment Counsel and Training – We advise employers on numerous aspects of the employment relationships in order to help them create and maintain a constructive and well-managed work force. We assist management in all aspects of employment law, including wage and hour issues, employment policies, employee terminations, discipline and performance issues, reductions in work force, grievance processes, immigration, employee benefits and executive compensation. Our attorneys provide staff training, daily guidance, and long-range planning to help our clients implement programs and reach sensible and legal decisions regarding the treatment of individual employees. We also conduct extensive investigations into employee complaints of sexual harassment and other forms of unlawful discrimination in the workplace.

We firmly believe that the proper implementation of a comprehensive set of policies and procedures that cover training, documentation, interviews and investigations is essential for containing employment litigation costs and creating a long-term positive work environment. We work under a variety of arrangements with clients—project-fixed fee, corporate monthly retainer and hourly billing rates—to encourage workable solutions on a preventive basis.

Employment Litigation – We represent clients in all aspects of litigation involving claims of breach of contract, ERISA violations, wrongful termination, defamation, sexual harassment, FLSA, CEPA, ADA, NJLAD, FMLA/FLA, and other workplace issues in federal and state courts.

Labor Relations – Our attorneys have experience representing management in all aspects of their relations with labor organizations. We provide specialized representation to police benevolent associations, law enforcement officers and firefighter labor organizations. Our attorneys counsel in all aspects of NLRA and state labor representation and negotiation. We have provided representation before the National Labor Relations Board, the New Jersey Public Employment Relations Commission, the Federal Mediation and Conciliation Service and the U.S. Department of Labor.

Immigration – We practice immigration and nationality law, with an emphasis on business and employment immigration issues. We assist businesses, organizations and individuals with employment-based visa petitions and applications. We counsel and advise businesses and organizations with respect to immigration law compliance issues. We assist individuals with family-based petitions, naturalization applications and other immigration law matters. The attorneys in our immigration law practice draw upon the extensive experience we have in related legal areas like employment discrimination law, executive compensation, tax and estate planning and school law to provide appropriate and complete counsel for all issues raised under immigration law.

Reported Employment Cases:

United States of America ex rel Phil Hefner v. Hackensack University Medical Center, 495 F.3d 103 (3d Cir. 2007)
Feldman v. Hunterdon Radiological Associates, 187 N.J. 228 (2006) - N.J. Supreme Court decision
Peters v. Lincoln Technical Institute, Inc., 255 F. Supp. 2d 417 (E.D. Pa. 2002)
Wade v. Kessler Institute for Rehabilitation, 2001 WL 845744
Higgins v. Pascack Valley Hospital, 158 N.J. 404, 730 A.2d 327 (N.J. 1999)
City Assn of Superintendents and Administrators v. State Operated School District of City of Newark, 709 A.2d 1328 (N.J. 1998)
Falco v. Community Medical Center, 296 N.J. Super. 298, 686 A.2d 1212 (App. Div. 1997)
Casseus v. Elizabeth General Medical Center, 287 N.J. Super. 396, 671 A.2d 176 (App. Div. 1996)
Sprague v. Shore Care, 679 A.2d 685 (App. Div. 1996)

Labor and Employment Law Attorneys

Peter A. Somers – Labor Counsel; Adm. NJ, 1970

John H. Schmidt, Jr. – Labor and Employment Counsel and Litigation; Certified by the Supreme Court of New Jersey as a Civil Trial Attorney. Fellow to the College of Labor and Employment Lawyers. Adm. NJ, 1977

James K. Estabrook – Employment Benefits, Pension Funds; Adm. NJ, 1982

Anthony P. Sciarrillo – School Board Labor and Employment Counsel and Litigation; Adm. NJ, 1982

Donald B. Ross, Jr. – Labor and Employment Council and Negotiations; Adm. NJ, 1973

Steven Backfisch – Employment Litigation; Adm. NJ, 1980

John F. Goemaat – Labor and Employment Counsel; Adm. NJ, 1970, DC, 1975, and NC, 1979

Kathleen M. Connelly – Employment Council, Litigation; Adm. NJ, 1990 and NY, 1991

Athina Lekas Cornell – School Board Labor and Employment Counsel and Litigation; Adm. NJ, 1996 and NY, 2002

Jeffrey R. Merlino – School Board Labor and Employment Counsel and Litigation; Adm. NJ, 1997 and NY, 2002

Dennis McKeever – School Board Labor and Employment Counsel and Litigation; Adm. NJ, 2001

Deborah E. Klahr – Immigration; Adm. NJ, 1992 and NY, 1993

Stacey Edelbaum Boretz – Labor and Employment Counsel and Commercial Litigation. Adm., NJ, 1992 and NY, 1987

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25 Attorneys
8 Attorneys Practicing in
Labor and Employment Law

Firm Profile

Founded in Newark in 1870, the firm is a full-service firm with three principal groups: Labor and Employment; Litigation; and Corporate/Commercial. We represent a broad spectrum of New Jersey businesses, including closely held family businesses, public-sector clients and Fortune 500 companies, and act as local counsel to nationally based law firms.

Employment Litigation

Our Labor and Employment Group has been involved extensively in litigation, trial, arbitration/alternate dispute resolution procedures and appellate practice of labor and employment matters. This includes many cases in the defense of companies and individual defendants concerning alleged violations of the NJLAD, CEPA, and many other statutory and common-law causes of action. We have been involved in a number of reported cases in this area of the law, including *LePore v. National Tool*; *Baliko v. Stecker*; *Franks v. Ivy Club*; *Chai v. FDU*; *Hermann v. FDU*; *Local 68 v. DRBA*; *Gaines v. Bellino*; *Scott v. New Jersey*; *Beasley v. Passaic County*; *Klein v. UMDNJ*; and *New Jersey Department of Labor v. Pepsi-Cola Co.* We have extensive experience in noncompetition litigation.

Traditional Labor Law

We have extensive NLRB experience, including representation of companies in union-related matters, union avoidance campaigns, collective bargaining, project labor agreements, contract administration and labor arbitrations. We are also experienced in administrative law matters concerning the state and federal departments of labor and other administrative entities. We also represent a variety of public-sector clients in PERC-related work.

Representation of Public Entities and Officials

Our attorneys have handled many matters representing public entities and officials of the state, counties, bistrate and state agencies and municipalities in various forms of litigation, including discrimination matters, claims under 42 U.S.C. 1983 and other federal and state laws.

Human Resources Consultation and Training

We provide full services concerning drafting, implementation and consultation concerning labor and employment policies, antidiscrimination policies, training of employees and investigations in conjunction with them. We have also been involved in restrictive covenant and trade secret situations, RIFs, ERPs and an extensive variety of severance matters, including the negotiation of severance agreements.

ADR/Mediation

We have vast experience in arbitration and mediation of traditional labor and litigation matters at the state and federal level. We have experience as mediators under the N.J. mediation program and as court-appointed or party-selected mediators, and have successfully mediated a variety of employment discrimination and other claims.

Representative Clients

State of N.J., UMDNJ, Port Authority of NY and NJ, Essex County, Passaic County, City of Linden; Essex County College, Administrative Office of the Courts, Marotta Controls, Inc, Dry Ice, Inc., GTS Welco, United States Mineral Corp., MACTEC, and Pepsi Bottling Group. In addition, we represent private-sector clients in many industries, such as the tool and die industry, trucking, distribution, construction, manufacturing, garment industry, industrial gas distribution, food warehousing and professional firms, as well as other public-sector clients. We have also interacted with various insurance carriers in defense matters and as local counsel to national law firms.

Members of the Firm

• **Wayne J. Positan:** President, New Jersey State Bar Association (2006-2007); Chair, NJSBA Labor and Employment Section (1995-1997); Member, American Bar Association Board of Governors (2006-2009), Executive Committee (2008-2009), Chair, ABA Operations and Communications Committee (2008-2009); Member, ABA House of Delegates (2003-present); Editor-in-Chief, NJ ICLE book “New Jersey Labor and Employment Law”; Chair, ICLE Annual Labor Law Forum/Bench Bar Conference (1994-present); Chair, ABA Commission on Multijurisdictional Practice (2000-2002); Coordinating Council of ABA Center for Professional Responsibility; ABA Section of Litigation: Managing Director (2001-2002); Council Member (1997-2000); Chair of Committee on Employment and Labor Relations Law (1990-1993); Fellow: College of Labor and Employment Lawyers (1996) and American Bar Foundation (2002). “Best Lawyers in America” for Labor and Employment Law (since 1993); ECBA Professional Achievement Award (2001); ICLE Distinguished Service Award 2008; ICLE Alfred Clapp Award (2010), N.J. Commission on Professionalism Award (2009); *New Jersey Monthly* magazine Top Lawyers (1997, 1999, 2003). Chambers USA America’s Leading Business Lawyers as one of top employment defense lawyers in New Jersey (2003-2010); *New Jersey Monthly* magazine, Top 10 Superlawyers 2007-2010 (Ranked #2, 2007-2009); “Top 100” Superlawyers (2005-2010); *New York* magazine; Metropolitan New York Best Lawyers (2005-2010); International Who’s Who of Labor and Employment Lawyers Distinguished Alumni Award, Boston University College of Arts & Sciences (2009), Boston University Alumni Council (2010-2015), Defense Research Institute; N.J. Court-Approved Mediator.

• **Christina Silva:** Hispanic Bar Association Liaison to NJSBA Labor and Employment Law Section; Co-Chair, Essex County Bar Association Labor and Employment Section (2003-2005); Corporate Secretary, New Jersey Women Lawyers Association; NJSBA Labor and Employment Quarterly, Editorial Board (1995 to present); NJ Super Lawyers (2010); “Rising Star”(2007-2009), *New Jersey Monthly* magazine (2006-2009); “Best Lawyers in America” for Labor and Employment Law (2010); ABA Section of Labor and Employment Law; ABA Section of Litigation; former judicial clerk to Assignment Judge Theodore Bozonelis, Superior Court of N.J., Morris County; N.J. Court-Approved Mediator.

• **Michael F. Nestor:** has been a defense litigator for nearly 30 years, and is admitted in New Jersey, Pennsylvania and New York. He is a former Chancery Division judicial clerk to Hon. James J. Petrella. He is a N.J. Court-Approved Mediator.

Counsel:
Daniel Santarsiero

Associates:
Christopher Capone, Noah Gold, Elizabeth Moon, Scott Reiser

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400+ Attorneys
23 Attorneys Practicing in
Labor and Employment Law

Additional Office Locations: Boston, MA; Hartford and Stamford, CT; New York, NY; Newark, NJ; Philadelphia, PA and Wilmington, DE

Labor and Employment Law

As one of the oldest and largest law firms in the Northeast, McCarter & English has a long history of assisting employers with all legal aspects of the employment relationship. The firm's 23-attorney Labor and Employment Law Practice Group draws on the combined resources of more than 400 attorneys in offices in New Jersey, Massachusetts, Connecticut, New York, Pennsylvania, and Delaware. Keeping abreast of current business and employment issues, including continual changes in statutes and regulations, the Group's attorneys counsel clients and defend employers against litigation ranging from single-plaintiff cases to class actions challenging company wide and nationwide policies.

Employment and Discrimination Litigation

McCarter & English represents employers in state and federal courts and before state and federal administrative agencies in cases relating to wage and hour issues, discrimination, sexual harassment, whistle-blowers, wrongful discharge, unfair labor practices, breach of contract, OSHA, and virtually all other aspects of employment law. The firm works with each client on a case-by-case basis to develop an effective and efficient defense strategy, drawing on its extensive defense history and broad experience in the field.

Wage and Hour Matters

McCarter & English's Labor and Employment Law Practice Group works with its clients on all aspects of the wage and hour laws. We help clients prevent problems through self-audits and counseling on classification of employees and compliance with state and federal requirements regarding meal and break periods, off the clock work, overtime, and other issues specific to particular industries, such as tip pooling and service charges prevalent in the hospitality industry. We also represent our clients in regulatory audits and have significant experience defending them against claims ranging from administrative complaints to collective and class actions in the state and federal courts.

Restrictive Covenants, Noncompete, and Confidentiality Agreements

Among a company's critical assets are its confidential and proprietary information, investments in hiring, training and developing employees, and relationships with customers and clients. Employee restrictive covenant and confidentiality agreements allow companies to protect these valuable resources. The attorneys in McCarter & English's Labor and Employment Law Practice Group have extensive experience drafting these key agreements, in compliance with laws that vary from state to state. In addition, our attorneys have extensive experience helping employers limit potential liability when prospective employees have such agreements with former employers.

Employee Relations Counseling and Training

As part of its commitment to its clients, McCarter & English conducts and/or helps develop management and employee training on all aspects of the employment relationship, including training in workplace harassment, EEO issues, interviewing, hiring and firing, employee discipline, performance reviews, recordkeeping, and medical and disability leave. In addition, the firm helps HR personnel and management staff make smart and informed decisions at every step of the employment relationship, in full compliance with ever-changing employment laws.

Labor and Employee Relations Counseling and Training

In the area of labor relations, the firm helps its union-free clients stay union-free with sound, progressive labor relations practices. For clients whose employees are represented by a union, the firm negotiates collective bargaining agreements and helps clients develop effective ways to manage their businesses without unnecessary and counterproductive strife and disruption. We also have extensive experience handling both grievance and interest arbitration in both the private and public sector.

Executive Compensation and Contracts

Our clients, including compensation committees and boards of directors of publicly traded corporations, hedge funds, private equity funds, senior executives, CEOs, and leaders of major financial institutions, require executive compensation services that bring practical business sense to bear on the integrated, multidisciplinary approach required in today's highly regulated marketplace. Working with our tax, securities, intellectual property, ERISA, and financial institutions practice groups, McCarter & English's Executive Compensation attorneys assist our clients on every aspect of executive compensation, including employment agreements, severance agreements, change-in-control agreements, indemnification arrangements, deferred compensation arrangements, long-term incentive plans, and retention issues arising out of leveraged buyouts, mergers and acquisitions, and restructurings.

Immigration Services

Foreign employees are often needed for key technical and managerial positions, and ever-evolving laws and restrictions can make the immigration process especially challenging. Our immigration attorneys assist both Fortune 500 and mid-cap companies in obtaining various types of visas, and they advise our clients on related tax matters. Our business clients regularly seek our assistance with applications for employees in professional-level positions (H-1B visas), and clients with foreign offices often seek our help with transfers of employees from overseas to the U.S. (L-1 visas).

ERISA Litigation

A greater national focus on employee rights, especially in terms of pension plans and health-care delivery, has led to an increase in ERISA litigation. McCarter & English's ERISA Litigation Team has handled claims involving the liquidation of employer stock funds when the employer merges or is acquired, claims for benefits under welfare and pension plans, plan wide disputes over payment of severance, early retirement benefits, HMO liability, alleged mismanagement of pension funds, and alleged misrepresentations concerning tax qualification or other benefits available under company plans.

*For more information about McCarter & English's employment services, please contact **Pamela J. Moore, Esq.**, Chair, Labor and Employment Law Practice Group, at 973.849.4094 or at pmoore@mccarter.com.*

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287 Attorneys
57 Attorneys Practicing in
Labor and Employment Law

Additional Offices: Newark & Ridgewood, NJ; New York, NY; Philadelphia, PA; Boston, MA; Hartford & Southport, CT; Greenwood Village, CO

McElroy, Deutsch, Mulvaney & Carpenter, LLP, was formed in 2004 when McElroy, Deutsch & Mulvaney, LLP and Carpenter, Bennett & Morrissey merged. A full-service firm, MDMC provides innovative legal services of superior quality and value while recognizing the client as our most important asset. Our labor and employment practice (established in 1947) is the largest among New Jersey's full-service firms. Our outstanding attorneys partner with clients to reduce litigation exposure and to achieve the best possible results in litigation and at trial.

Employment Litigation: We try cases and are proud of our record of success. We are experienced in federal and state courts, arbitrations, agencies such as the NLRB, EEOC, OSHA, and DOL, and in mediation and other alternative dispute resolution programs. We defend employers, officers and managers against actions for wrongful discharge, breach of employment contracts, restrictive covenants and trade secrets, and alleged violations of civil rights, discrimination and whistle-blower statutes, as well as class actions. **Recent cases:** *Richards v. Johnson & Johnson Consumer Companies*, (D.N.J. 2010) (discrimination/retaliation claims—no-cause jury verdict); *DiMare v. MetLife*, (3d Cir. 2010) (retaliation, common law and breach of contract claims; dismissal affirmed); *Smith v. Johnson & Johnson* (3d Cir. 2010) (affirmed dismissal of class action by pharmaceutical representatives seeking overtime pay); *Gabel v. Richards, Kibbe & Orbe*, (S.D.N.Y. 2009) (no-cause jury verdict on hostile work environment and retaliation claims); *Powell v. Janssen Pharmaceutical, Inc.*, (N.J. Sup. Ct. 2009) (directed verdict dismissing whistle-blower claim).

Employment Advice: Our attorneys work with clients to pro-actively identify problems that can result in litigation, audit employer policies, help develop best-in-class policies that lead to a workplace where talent and not strife prevails, and to identify industry-leading initiatives in areas such as corporate governance, diversity and inclusion, and litigation avoidance. We advise in-house counsel and management on all aspects of the employment relationship, including wage and hour, restructurings, leaves, drug testing, background checks, Foreign Corrupt Practices Act, benefits, contracts, restrictive covenants, trade secrets, and OFCCP, DOL and EEOC issues.

Traditional Labor Law: Our premier traditional labor law practice represents both public- and private-sector employers before the NLRB, in collective bargaining, union election campaigns, labor arbitrations, strike and picketing injunctions, status-quo injunctions, and in wage-hour, OSHA and other employment matters.

Public Sector: For many years, we have represented Rutgers, The State University, and various public employers in litigations, administrative hearings and arbitrations.

Employee Benefits: We represent employers sued by individuals and in major class actions by employee groups, labor unions and the PBGC for terminating or altering employee benefits, including retiree medical benefits, withdrawing from or terminating multi-employer plans, and other denials of benefits under ERISA, LMRA, ADEA and various common-law theories.

Immigration: We assist multinational firms in obtaining business-related nonimmigration visas and lawful permanent resident status based on employment-based immigration petitions. We also assist businesses in compliance proceedings with the Department of Homeland Security with respect to I-9 audits of the work force to ensure employee work authorization.

Representative clients: AIG; Ashland, Inc.; Avaya; Cantor Fitzgerald; Citigroup; Credit Suisse; DRS Technologies; Eisai, Inc.; Evergreen Shipping Agency (America) Corp.; Georgian Court College; Hercules, Inc.; IDT; Johnson & Johnson; Maher Terminals, Inc.; McDonald Investments, Medco Health Solutions, Inc.; Merck & Co., Inc.; Merrill Lynch; MetLife; Montclair State University; Moran Towing Company; Morgan Stanley; New Jersey Turnpike Authority; RBC Dain Rauscher; Rutgers, The State University of New Jersey; St. Thomas Aquinas College; Schering-Plough Corporation; Schindler Elevator Corporation; Seton Hall University; Stephen Gould Paper Co.; Telcordia Technologies, Inc; TIAA-Cref, UBS Financial Services Inc.; University of Medicine and Dentistry of New Jersey; USB Services USA, LLC; Verizon; Wyeth; and Yang Ming Shipping, as well as numerous hospitals and health care institutions. We also have served as national counsel on labor and employment matters for various clients.

Partners/Of Counsel

David Beal, Thomas Bigosinski, Kristi Blumhardt, William Cambria, Paula Castaldo, Linda Celauro, Craig Compoli, John Coyne, Francis Dee, Steven Del Mauro, Edward DePascale, Louis DiGiaimo, Colleen Duffy, Donna duBeth Gardiner, Diana Hendry, Thomas Hurd, Irving Hurwitz, Bernard Jacques, Randi Knepper, James Lidon, Michael Marone, Florina Moldovan, Victor Morales, Donald Morrice, George Parsells, Stephen Payerle, John Peirano, Laurence Reich, David Reilly, Jane Rigby, J. Michael Riordan, Donald Romano, Thomas Scrivo, Vimal Shah, Craig Smith, Kevin Walker and Margaret Watson.

Associates

David Alberts, Michael Boldt, Maria Brugg, Brian Carey, Elena Chkolnikova, Irina Constantin, Michael Dee, Neena Dutta, Christopher Galusha, Melanie Lipomanis, Sandra Lovell, Cora MacLean, John Miller, Joshua Pini, Erin Rowin, Grace Sacro, Irene Shapiro, Linda Torres, Mark Williams, and Edward Yures.

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500 Attorneys Practicing in
Labor and Employment Law

Additional Office Locations:

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Overview

Ogletree Deakins is the nation's third largest labor and employment law firm with 500 lawyers located in 40 offices across the country. For more than 25 years, Ogletree Deakins has offered employers representation in every aspect of labor, employment, employee benefits, immigration, and workplace safety and health law.

Ogletree Deakins' primary focus is client service. The firm is dedicated to partnering with in-house legal and human resources professionals to deliver timely, client-centered counsel and representation. Ogletree Deakins recognizes the many challenges facing employers today and consistently seeks to provide business solutions to legal problems. It is this focus that has led to Ogletree Deakins being selected as employment law counsel by a diverse range of clients, including Honeywell International, Tyco International and Covidien PLC. The firm also represents more than half of the country's Fortune 50 corporations.

The firm has 24 lawyers who are Fellows in the College of Labor & Employment Lawyers. The firm also has 110 attorneys listed in the field of Labor and Employment Law in the 2011 edition of *Best Lawyers in America*, more than any firm in the United States. Ogletree Deakins maintains a deep bench of lawyers, with experience in all aspects of labor and employment law, who are able to respond promptly and effectively to clients' needs.

Our litigation practice is comprehensive and diverse. We represent employers in the full range of employment suits, including employment discrimination, harassment, wrongful termination, breach of contract, restrictive covenant, wage and hour and health and safety matters before state and federal courts, agencies and arbitrators.

Ogletree Deakins also has extensive traditional labor law experience. The firm successfully represents clients in defending union-organizing efforts, "salting" and unfair labor practice cases, and a variety of other federal and state labor matters arising at projects and facilities throughout the United States.

The firm also has full-service employee benefits, immigration, and workplace safety and health practices to advise employers in these complex areas, which are subject to ever-changing federal regulation.

Advice and counseling is also a major component of our practice. We regularly conduct comprehensive employment audits with our clients to expose problem areas before they become legal nightmares and conduct management training seminars to equip supervisors to handle tough workplace issues.

Morristown Office Attorneys

Shareholders: **David Allen Copus, Mark Diana, Carmen J. DiMaria, Peter O. Hughes, Brian D. Lee, Sharon P. Margello, Richard C. Mariani, Thomas J. Rattay, Evan J. Shenkman, Cheryl M. Stanton, Patrick M. Stanton, Eric C. Stuart**

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650+ Attorneys
150+ Attorneys Practicing in
Labor and Employment,
Immigration and Employee
Benefits Law

With more than 40 labor and employment lawyers focused exclusively on labor and employment matters, Proskauer's Newark office has one of the strongest dedicated practices in New Jersey, and one of the only ones in the state to offer clients the complete universe of labor and employment services. This singular focus and vast experience are the reasons Garden State employers repeatedly turn to us to handle their most complex and high-stakes workplace issues.

We have a history of representing employers in the financial services and pharmaceutical industries, sectors that make up the backbone of New Jersey's economy. Clients we have represented in these areas include Bank of America, JPMorgan Chase, Prudential Financial, MetLife, UBS Financial, HSBC, Bristol-Myers Squibb, Purdue Pharma, sanofi-aventis, Celgene, Actavis, and Eisai.

We also represent numerous other New Jersey-based companies as well as global and national corporations with a presence in the state, including Honeywell, Realogy, T-Mobile, Hess, ADP, Pathmark, A&P, Bed Bath & Beyond, the NBA, and JVC Americas.

As clients and peers have told *Chambers USA*, the leading arbiter of legal service providers, our New Jersey lawyers produce "first-rate work" and "are incredibly pragmatic and incredibly business-savvy – understanding their clients is a cornerstone of the practice." We owe these reviews to the unique depth of service we offer our clients; from simple immigration questions to the most complex class actions, we stand ready to advise – and, when necessary, defend – our clients, drawing on the considerable resources of the following teams:

Employment Counseling & Litigation

In the face of increasingly complex federal, state and local employment laws prohibiting discrimination, harassment and retaliation with respect to ever-expanding protected classes of employees, our Newark-based team of employment lawyers advise and counsel clients daily in connection with personnel issues. We also routinely guide clients through reorganizations and reductions in force and the many complex severance and benefit issues relating to them.

When litigation is unavoidable, we vigorously defend our clients before courts and administrative agencies and in arbitration. Our phenomenal record of success in this area led *Chambers USA* to laud our "experienced, smart and reliable" employment litigators for achieving "great results."

Traditional Labor Law

Our New Jersey office is also home to a group of highly experienced traditional labor lawyers who regularly represent clients in matters arising under the National Labor Relations Act and the Railway Labor Act, including collective bargaining, unfair labor practice charges and representation matters, organizing drives, labor arbitrations, and federal court litigation. We also perform labor and employment-related due diligence for clients involved in M&A, private equity and other corporate transactions.

Immigration & Nationality Law

Proskauer's Newark-based Immigration & Nationality Group is one of the most well-respected such practices in the U.S. Our lawyers counsel corporate clients and their employees across the country in all areas of immigration, nationality and consular law, including: obtaining work authorizations and visas; defending against claims for nationality discrimination and unlawful immigration practices; obtaining immigrant or nonimmigrant visas to enable corporations to transfer personnel temporarily or permanently to the U.S.; and resolving I-9 audits and Department of Labor investigations of H-1B wage compliance. Our vast experience in this area led *Chambers USA* to call practice head David Grunblatt "one of the best" and to note his "creative and innovative solutions to particularly problematic situations."

Employee Benefits & Employee Benefits Litigation

Our Employee Benefits, Executive Compensation & ERISA Litigation Practice Center is one of the largest and most respected in New Jersey and covers the entire spectrum of benefits and compensation issues. We represent single-employer, multi-employer and collectively bargained pension and welfare plans and are regularly called upon to advise trustees, administrators, boards of directors and other plan fiduciaries and professionals on a wide variety of ERISA-related issues.

The members of our Newark benefits group also work with our lawyers across the country to handle all forms of ERISA litigation, arbitration, and mediation, including: individual and class-action lawsuits alleging claims for benefits and breaches of ERISA's fiduciary duty and prohibited transaction provisions; actions challenging particular investment decisions; delinquent employer contribution claims; and claims involving plan investment losses, modifications to retiree benefit plans, denial of benefits, severance pay, executive compensation, challenges to plan restrictions on particular types of coverages, and withdrawal liability. We also provide prelitigation strategic counseling and claims evaluation for both ongoing plan clients and independent fiduciaries retained by plans. Our Newark-based ERISA litigators are an integral part of the national team that *Chambers USA* refers to as an "ERISA juggernaut."

For more information about our practice in New Jersey and nationwide, please contact one of our resident partners:

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Riker Danzig is one of New Jersey's oldest and largest law firms, with a diverse and sophisticated litigation and business practice, focusing almost exclusively on the management side. We counsel clients regarding the complete range of issues modern employers face in a complex statutory and regulatory environment seemingly designed to limit productivity. When litigation is unavoidable, we serve as New Jersey trial counsel, regional trial counsel, and national defense counsel to some of the country's largest and best-known corporations.

We understand that employers immediately fear an impact on the bottom line when an attorney enters an employment situation. As a result, we partner with clients to minimize the risk and expense of litigation by creating policies that improve productivity and manage employee problems. When litigation is necessary, we develop strategies to meet our clients' goals.

Clients value our expertise with New Jersey-based federal and state judges, government entities, arbitrators and practitioners, which allows us to forecast employee situations from inception to litigation. We aim to leverage this expertise to resolve issues in a cost-effective way. Our group includes trial attorneys who have substantial experience trying difficult and sensitive cases. We represent employers in class actions, recently in a case involving a major retailer. The class certification reached the New Jersey Supreme Court, where one of our partners presented our client's argument.

Our attorneys work closely with clients to create and maintain successful employer/employee relations. We believe this is why our group is ranked as a leading practice in New Jersey by Chambers & Partners in its 2006-2010 *Chambers USA: America's Leading Lawyers for Business Guides*. The publication noted that "impressive clients display intense loyalty to this firm, retaining it not only for litigation but also counseling and workplace investigations."

Some of our more well-publicized cases follow:

In *Joanne Payton v. New Jersey Turnpike Authority*, the New Jersey Supreme Court held that materials involved in an employer's internal investigation of alleged sexual harassment were considered generally discoverable and that "conditional privilege" applied to such discovery. We subsequently tried this case and obtained a defense verdict of no cause of action on the plaintiff's harassment claims.

In *Paul Leodori v. CIGNA Corporation*, the New Jersey Supreme Court ruled that an arbitration program for employment disputes promulgated by written policy was enforceable if an employee agreed in writing to participate in the program. The case, involving a whistle-blower claim by an in-house attorney, was later tried before an arbitrator.

In *Weisenfeld v. Sun Chemical et al.*, the Third Circuit Court of Appeals denied the plaintiff certification for a substantial class of employees in the printing ink industry, where the plaintiff alleged members of the industry had illegally entered into no-hire agreements. The plaintiff voluntarily dismissed the case without any payment.

Michael K. Furey is the chair of our Labor and Employment Group. *Chambers USA* ranked Mr. Furey one of the leading employment attorneys in New Jersey, describing him as a "superb New Jersey counsel" who is "good on his feet and good before a jury." His practice emphasizes employment litigation in state and federal courts. He also has substantial experience arguing cases before the New Jersey Supreme Court. Mr. Furey is a trustee of New Jersey Legal Services and chair of the New Jersey Supreme Court's Disciplinary Oversight Committee. He is a former delegate to the ABA House of Delegates, trustee of the New Jersey State Bar Association, chair of its Amicus Committee, and president of the Morris County Bar Association.

Glenn A. Clark is managing partner of the firm. *Chambers USA's* research noted that clients credit his success to "good attention to detail and creative approach." He has extensive experience in litigating post-employment restrictive covenant matters, employee breaches of duties of loyalty, and misappropriation of trade secrets. He also regularly handles sexual harassment and related claims.

Scott A. Ohnegian has represented employer clients before federal and state courts and agencies and regularly counsels employers on personnel policies and practices, in addition to leading several employee/employer misconduct internal investigations. *Chambers USA* noted that he is "clearly respected as the rare attorney that will give objective advice." He has published employment law articles in state and national publications and given seminars on various employment law issues.

Daniel W. Zappo has significant litigation experience in federal and state courts, before various agencies, and the American Arbitration Association. He also practices litigation avoidance by regularly counseling employers regarding the gamut of employment law issues, including employee handbooks and policies, decision-making regarding employee discipline and discharge, and applying federal and state employment statutes, such as medical and family leave. *Law & Politics* magazine named Mr. Zappo a Super Lawyers "Rising Star" from 2007-2010.

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Joseph Asaro, Associate
Adam McInerney, Associate
Katherine Planer, Associate
Stephanie Wolfe, Associate

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Labor and Employment Law

Additional office locations: Newark, NJ; New York, NY; Atlantic City, NJ; Point Pleasant Beach, NJ

Employment Counseling

We advise clients on avoiding costly litigation by developing personnel policies and drafting appropriate employee handbooks. Working closely with human resource professionals, we help companies minimize the risk of litigation by addressing sensitive workplace problems and providing training on such issues as sexual harassment, substance abuse and employee privacy. We also provide counseling on employee discipline and discharge, reductions in force and compliance with EEO and other regulatory requirements.

Employment Litigation

Our experience includes litigation in the federal and state courts, administrative proceedings before federal, state and local regulatory agencies both in New Jersey and New York, as well as arbitration and mediation. We have successfully represented clients in jury and bench trials, in appeals and in pretrial settlements. The litigation matters we handle involve defense of whistle-blower and discrimination claims based on race, religion, disability, national origin, ancestry, age, marital status, affectional or sexual orientation, political affiliations, and claims of sexual harassment, as well as other allegations of discriminatory or disparate treatment. Our attorneys also defend clients against claims of wrongful termination, breaches of employment contracts and restrictive covenant and defamation. We are also regularly retained to act as coverage counsel in employment matters.

Labor Law

We represent management in all aspects of labor law, including labor arbitrations, unfair labor practice and representation hearings before the NLRB, and administrative hearings before the United States Department of Labor, the EEOC and the Division on Civil Rights. For companies that choose to maintain or reinstate a union-free work environment, we provide advice, counsel and strategic planning to help them achieve their objectives. We are experienced in the full range of wage-and-hour issues arising under the Fair Labor Standards Act, the New Jersey Wage and Hour Law and the New Jersey Wage Payment Act.

Immigration Law

The Firm provides U.S. immigration law-related counseling and advice to businesses and individuals, as well as for clients and members of other professional organizations (law firms, accounting firms, etc.). We are available to consult and render legal services with regard to employment-based immigration; job portability; U.S. consular practice; remedies for status violations; mergers and acquisitions; immigration-related corporate policies; crisis communication; government investigations; waivers of ineligibility; employer sanctions; legislative advocacy; and immigration/naturalization-related litigation. We can also provide assistance with audits and advice to assure compliance with government mandated information and recordkeeping requirements.

Members

William F. Maderer concentrates his practice in defending employers and key executives in employment and related complex business litigation. He has successfully tried employment cases to verdict, including a WARN Act class action in federal court and whistle-blower and LAD cases (based on disability and retaliation) in state court. Mr. Maderer has been recognized for the past two years as one of the Top 100 Lawyers in New Jersey by *New Jersey Super Lawyers*. Prior to joining the Firm, he was an Assistant U.S. Attorney for the District of New Jersey, where he was chief of the Special Prosecution Division. Mr. Maderer is past President of the Association of the Federal Bar of the State of New Jersey and has been appointed as a mediator by courts and attorneys in employment and other matters. Mr. Maderer is a Certified Civil Trial Attorney and is listed in *Chambers USA: America's Leading Lawyers for Business 2007-2010*. He is co-author of the treatise *New Jersey Federal Civil Procedure*.

David J. D'Aloia has extensive experience in employment counseling and litigation, director and officer liability claims and insurance and reinsurance coverage litigation in the federal and state courts. Additionally, he routinely provides business counseling and advice to Boards of Directors and officers of corporations. Mr. D'Aloia has significant appellate experience and has won many important decisions in the New Jersey Supreme Court and other appellate courts. Mr. D'Aloia is a Certified Civil Trial Attorney and has repeatedly been selected as a one of the top attorneys in the state by *New Jersey Super Lawyers*.

Sean R. Kelly focuses his practice on counseling employers and defending employment actions. He counsels businesses on executive compensation, stock options, severance agreements, preparation of employee handbooks and policy manuals. Mr. Kelly represents employers in all types of employment litigation including discrimination, retaliatory discharge, trade secrets and conversion of proprietary business information. Mr. Kelly has successfully tried employment cases to verdict, including sexual harassment and employee defamation cases. Mr. Kelly has several published articles on employment law issues and is a frequent speaker before business and legal associations. He is a current Master of the Hudson Inn of Court. Mr. Kelly is a Certified Civil Trial Attorney and has repeatedly been selected as one of the top attorneys in the state by *New Jersey Super Lawyers*.

Joan M. Schwab specializes in employment litigation with an emphasis on whistle-blower, discrimination, harassment and hostile work environment cases. She has considerable expertise in litigating insurance coverage issues relating to employment claims. She counsels companies on employment matters, and conducts seminars and in-house training on workplace issues.

Jennine DiSomma represents management in all aspects of employment and labor law including labor arbitrations and unfair labor practices before the NLRB as well as high-exposure employment cases before the New Jersey and New York Divisions on Civil Rights and the EEOC. She has successfully defended cases involving claims of discrimination, wrongful discharge and enforcement of restrictive covenants in New Jersey and New York courts. Ms. DiSomma regularly provides employment counseling and legal advice on a wide range of workplace issues and has been appointed as a mediator by the U.S. District Court in employment matters.

DanaLynn T. Colao focuses her practice on employment counseling and litigation. She specializes in matters arising in the workplace, including defense of sexual harassment claims and a wide variety of other discrimination claims, employment contracts, and non-compete agreements. Ms. Colao conducts seminars on a variety of issues including sexual harassment, interviewing, hiring and firing, workplace violence, workplace privacy, reasonable accommodation under the Americans With Disabilities Act (ADA), and employee handbooks.

Michael J. Wildes devotes his practice to representing clients in all aspects of immigration law. He has testified on Capitol Hill in connection with anti-terrorism legislation, and is internationally renowned for his successful representation of several defectors who have provided difficult to obtain national security information. He is frequently a legal commentator/analyst for network television.

Melissa A. Provost, Christina L. Fichera, Jennifer O'Connor, Paola Ciappina Hemsley, Jeffrey J. Pasek, Melissa A. Natale, Rina G. Tamburro, Jakob B. Halpern, Michael J. Grohs, Amy K. Smith, Jane Jhun, Geri L. Albin, Christopher J. Turano, Christle R. Garvey

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124 Attorneys
14 Attorneys Practicing in
Labor and Employment Law

Additional Office Locations: New York, NY; Trenton, NJ

Overview

Wolff & Samson is committed to working closely with clients to understand their needs and achieve their goals. Over the past four decades, we have expanded from eight to more than 120 members and associates, all of whom are dedicated to the legal profession and to the clients they serve. As the firm has grown, we have steadfastly maintained our commitment to excellence, offering businesses and individuals comprehensive legal representation in a cost-effective, efficient manner.

Employment Litigation

Wolff & Samson's Employment Group advises companies of all sizes and provides experienced counsel to help navigate the complex maze of federal and state employment laws and regulations. Our attorneys aim to minimize our clients' exposure to employment claims and other potentially costly actions. In cases where litigation cannot be avoided, our seasoned employment litigation team is prepared to vigorously represent clients in federal and state courts as well as in administrative proceedings before federal and state agencies.

We are experienced in litigating matters involving discrimination, workplace harassment, wrongful discharge and breach of employment agreements. We also prepare employment contracts, confidentiality and nondisclosure agreements, severance packages, company manuals and handbooks. In addition, our attorneys provide counseling and training for clients regarding workplace harassment investigations, compliance with state and federal laws, and the development and implementation of employer policies and company manuals.

Restrictive Covenant, Trade Secret and Unfair Competition Litigation

We assist clients in ensuring that the right measures and strategies are in place to protect against threats to a client's business from competitors, former employees and others. Whether enforcing restrictive covenants and trade secret protections, taking swift action to stop wrongful conduct, or implementing a more focused and long-term business solution, we work with clients every step of the way to protect their businesses. We represent clients with regard to the enforceability of restrictive covenants, trade secrets and confidentiality agreements, and we handle claims of "raiding" and unfair competition. We litigate matters in state and federal courts throughout the country, including all phases of injunctive hearings and trials. We also regularly arbitrate these matters.

ERISA and Employee Benefits

Wolff & Samson provides advice on a wide range of issues involving qualified retirement plans and nonqualified deferred compensation plans, executive compensation programs and related employee benefit matters. We counsel clients in the latest developments affecting pension and welfare benefit plans and assist plan sponsors in the development, implementation and operation of such plans. We also counsel plan trustees in their fiduciary and plan investment obligations and assist clients in structuring executive compensation programs, including stock bonus and deferred compensation arrangements. In addition, our attorneys develop and negotiate compliance agreements with the Internal Revenue Service through the Employee Plans Compliance Resolution System (EPCRS) and with the U.S. Department of Labor.

Employment Law Members

Catherine P. Wells (*Member of the Firm*) concentrates her practice on employment law and litigation, representing management in all types of employment-related matters and other business-related torts before the state and federal courts and administrative agencies in New Jersey. She also counsels employers in connection with the development and implementation of employment policies, training programs and other work-force management issues. Ms. Wells is a frequent lecturer on employment law topics for clients and a variety of other organizations. cwells@wolffsamson.com

William E. Goydan (*Member of the Firm*) represents clients throughout the country in complex commercial matters, including those involving restrictive covenants, trade secrets and unfair competition. He is a former trustee of the Association of the Federal Bar of New Jersey and served on the Securities Litigation and Regulatory Enforcement Committee of the New Jersey State Bar Association. He is also an arbitrator for FINRA and the National Futures Association. wgoydan@wolffsamson.com

Stephen L. Ferszt (*Member of the Firm*) focuses on ERISA and employee benefits, taxation, estate planning and estate administration. He is the past chair of the Taxation Law Section of the New Jersey State Bar Association and a member of the Internal Revenue Service's Northeast Pension Liaison Group. He is also a fellow of the American College of Trust and Estate Counsel (ACTEC) and was recently appointed to ACTEC's Employee Benefits Committee. In addition, Steve serves on the Legal Advisory Board of the Small Business Council of America. sferszt@wolffsamson.com

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Alphabetical Index of Attorneys In This Issue

Adams, Jonathan C. (<i>Fragomen, Del Rey, Bernsen & Loewy, LLP</i>).....	17
Alberts, David (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Albin, Geri L. (<i>Saiber LLC</i>).....	35
Amalfe, Christine A. (<i>Gibbons P.C.</i>)	19
Asaro, Joseph (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Backfisch, Steven (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Bahal, Alka (<i>Fox Rothschild LLP</i>)	15
Barabander, Michael (<i>Fox Rothschild LLP</i>)	15
Barnes, Mary Jean (<i>Coughlin Duffy LLP</i>)	9
Barry, John P. (<i>Proskauer Rose LLP</i>)	31
Bauch, Richard H. (<i>Bauch Zucker Hatfield LLC</i>)	5
Beal, David (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Bigosinski, Thomas (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Bird, Kelly Ann (<i>Gibbons P.C.</i>)	19
Blumhardt, Kristi (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Boldt, Michael (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Boretz, Stacey (<i>Edelbaum Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Borrelli, Cynthia J. (<i>Bressler, Amery & Ross</i>).....	7
Borzelli, Theresa (<i>Fox Rothschild LLP</i>)	15
Boshak, Heather R. (<i>Fox Rothschild LLP</i>)	15
Brady, Patrick G. (<i>Epstein Becker & Green, P.C.</i>)	11
Brugg, Maria (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Cambria, William (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Cannella, Christine A. (<i>Fox Rothschild LLP</i>)	15
Capone, Christopher (<i>Lum, Drasco & Positan LLC</i>)	23
Capozzola, Dominick (<i>Ogletree Deakins</i>)	29
Carey, Brian (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Castaldo, Paula (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Caufield, Brian A. (<i>Fox Rothschild LLP</i>)	15
Celauro, Linda (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Chkolnikova, Elena (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Clark, Glenn A. (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Cohen, Daniel (<i>Coughlin Duffy LLP</i>)	9
Colao, DanaLynn T. (<i>Saiber LLC</i>)	35
Compoli, Craig (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Connell, John C. (<i>Archer & Greiner, P.C.</i>)	3
Connelly, Kathleen M. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Constantin, Irina (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Cook, Francis V. (<i>Fox Rothschild LLP</i>)	15
Copus, David Allen (<i>Ogletree Deakins</i>)	29
Cornell, Athina Lekas (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Coxson, Christopher R. (<i>Ogletree Deakins</i>)	29

Coyne, John (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
DaCosta, Jennifer L. (<i>Fox Rothschild LLP</i>)	15
D'Aloia, David J. (<i>Saiber LLC</i>)	35
David, Risa (<i>Bressler, Amery & Ross</i>)	7
Dee, Francis (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Dee, Michael (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Del Mauro, Steven (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Delello, Richard J. (<i>Fox Rothschild LLP</i>)	15
DePascale, Edward (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Diana, Mark (<i>Ogletree Deakins</i>)	29
Diaz, Douglas (<i>Archer & Greiner, P.C.</i>)	3
DiGiaimo, Louis (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
DiMaria, Carmen J. (<i>Ogletree Deakins</i>)	29
Disler, Joan A. (<i>Epstein Becker & Green, P.C.</i>)	11
DiSomma, Jennine (<i>Saiber LLC</i>)	35
Doran, Patrick J. (<i>Archer & Greiner, P.C.</i>)	3
Duffy, Timothy (<i>Coughlin Duffy LLP</i>)	9
Duffy, Colleen (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Dutta, Neena (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Eisenberg, Theodore M. (<i>Fox Rothschild LLP</i>)	15
Epstein, Robert A. (<i>Fox Rothschild LLP</i>)	15
Estabrook, James K. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Ferszt Stephen L. (<i>Wolff & Samson PC</i>)	37
Fichera, Christina L. (<i>Saiber LLC</i>)	35
Frattarelli, Peter L. (<i>Archer & Greiner, P.C.</i>)	3
Fried-Grodin, Lisa I. (<i>Fox Rothschild LLP</i>)	15
Furey, Michael K. (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Galusha, Christopher (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Gardiner, Donna duBeth (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Garland, David W. (<i>Epstein Becker & Green, P.C.</i>)	11
Garvey, Christle R. (<i>Saiber LLC</i>)	35
Gesinsky, Loren (<i>Gibbons P.C.</i>)	19
Glassman, Jerold E. (<i>Fox Rothschild LLP</i>)	15
Glassman, Steven S. (<i>Fox Rothschild LLP</i>)	15
Goemaat, John F. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Gold, Noah (<i>Lum, Drasco & Positan LLC</i>)	23
Goldstein, Michael (<i>Coughlin Duffy LLP</i>)	9
Goldstein, Marvin M. (<i>Proskauer Rose LLP</i>)	31
Goodman, Stanley L. (<i>Fox Rothschild LLP</i>)	15
Gorny, Jack (<i>Fox Rothschild LLP</i>)	15
Gould, Malcolm S. (<i>Archer & Greiner, P.C.</i>)	3
Goydan, William E. (<i>Wolff & Samson PC</i>)	37
Greene, Danielle (<i>Bressler, Amery & Ross</i>)	7
Grohs, Michael J. (<i>Saiber LLC</i>)	35
Grunblatt, David (<i>Proskauer Rose LLP</i>)	31
Guarino, Joseph D. (<i>Epstein Becker & Green, P.C.</i>)	11
Halloran, Brett D. (<i>Fox Rothschild LLP</i>)	15
Halpern, Jakob B. (<i>Saiber LLC</i>)	35
Hanan, Michael S. (<i>Fox Rothschild LLP</i>)	15

Hatfield, Kathryn Van Deusen (<i>Bauch Zucker Hatfield LLC</i>)	5
Hemsley, Paola Ciappina (<i>Saiber LLC</i>)	35
Hendry, Diana (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Hensley, Michael T. (<i>Bressler, Amery & Ross</i>)	7
Hodges, Susan S. (<i>Archer & Greiner, P.C.</i>)	3
Hoffman, Harold L. (<i>Fox Rothschild LLP</i>)	15
Hollows, Brynn (<i>Fox Rothschild LLP</i>)	15
Honan, William M. (<i>Fox Rothschild LLP</i>)	15
Hughes, Peter O. (<i>Ogletree Deakins</i>)	29
Hurd, Thomas (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Hurwitz, Irving (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Iannaccone, Carmine A. (<i>Epstein Becker & Green, P.C.</i>)	11
Israel, Ronald L. (<i>Wolff & Samson PC</i>)	37
Jacques, Bernard (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Jhun, Jane (<i>Saiber LLC</i>)	35
Johnson, Sarah Beth (<i>Fox Rothschild LLP</i>)	15
Kalp, Susan M. (<i>Ogletree Deakins</i>)	29
Kaplan, Lance (<i>Fragomen, Del Rey, Bernsen & Loewy, LLP</i>)	17
Kelly, Sean R. (<i>Saiber LLC</i>)	35
Klahr, Deborah E. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Knepper, Randi (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Knox, Stephen R. (<i>Bressler, Amery & Ross</i>)	7
Krieger, Shira L. (<i>Ogletree Deakins</i>)	29
Kuperstein, Daniel N. (<i>Fox Rothschild LLP</i>)	15
Lee, Brian D. (<i>Ogletree Deakins</i>)	29
Lidon, James (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Lipomanis, Melanie (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Lison, Evan M. (<i>Bauch Zucker Hatfield LLC</i>)	5
Lovell, Sandra (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Luckner, Steven J. (<i>Coughlin Duffy LLP</i>)	9
Lukanski, John O. (<i>Wolff & Samson PC</i>)	37
MacLean, Cora (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Maderer, William F. (<i>Saiber LLC</i>)	35
Manning, Nicole K. (<i>Fox Rothschild LLP</i>)	15
Marcus, Jed L. (<i>Bressler, Amery & Ross</i>)	7
Margello, Sharon P. (<i>Ogletree Deakins</i>)	29
Mariani, Richard C. (<i>Ogletree Deakins</i>)	29
Marone, Michael (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Massey, Desmond (<i>Fox Rothschild LLP</i>)	15
McInerney, Adam (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
McKeever, Dennis (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Meklinsky, Ian D. (<i>Fox Rothschild LLP</i>)	15
Mercado-Washington Kim (<i>Coughlin Duffy LLP</i>)	9
Merced, Jocelyn A. (<i>Ogletree Deakins</i>)	29
Merlino, Jeffrey R. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Meyers, Jonathan (<i>Fox Rothschild LLP</i>)	15
Miller, John (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Moldovan, Florina (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Moon, Elizabeth (<i>Lum, Drasco & Positan LLC</i>)	23

Moore, Pamela J. (<i>McCarter & English, LLP</i>)	25
Morales, Victor (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Morrice, Donald (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Morris, Richard R. (<i>Archer & Greiner, P.C.</i>)	3
Murphy, Elizabeth Farley (<i>Bauch Zucker Hatfield LLC</i>)	5
Nardone, Susan L. (<i>Gibbons P.C.</i>)	19
Natale, Melissa A. (<i>Saiber LLC</i>)	35
Nestor, Michael F. (<i>Lum, Drasco & Positan LLC</i>)	23
Neuhauser, Maxine H. (<i>Epstein Becker & Green, P.C.</i>)	12
O'Connor, John M. (<i>Epstein Becker & Green, P.C.</i>)	12
O'Connor, Jennifer (<i>Saiber LLC</i>)	35
Ohnegian, Scott A. (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Palakow, Gregory J. (<i>Archer & Greiner, P.C.</i>)	3
Parker, Kerry M. (<i>Epstein Becker & Green, P.C.</i>)	12
Parsells, George (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Pasek, Jeffrey J. (<i>Saiber LLC</i>)	35
Payerle, Stephen (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Peirano, John (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Pini, Joshua (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Pinkstone, Wayne E. (<i>Fox Rothschild LLP</i>)	15
Pitts, Jeffrey W. (<i>Fragomen, Del Rey, Bernsen & Loewy, LLP</i>)	17
Planer, Katherine (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Ploscowe, Stephen A. (<i>Fox Rothschild LLP</i>)	15
Porio, Matthew R. (<i>Fox Rothschild LLP</i>)	15
Positan, Wayne J. (<i>Lum, Drasco & Positan LLC</i>)	23
Powers, Eileen (<i>Fox Rothschild LLP</i>)	15
Provost, Melissa A. (<i>Saiber LLC</i>)	35
Quirke, John P. (<i>Archer & Greiner, P.C.</i>)	3
Rapuano, David A. (<i>Archer & Greiner, P.C.</i>)	3
Rattay, Thomas J. (<i>Ogletree Deakins</i>)	29
Reich, Laurence (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Reilly, David (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Reina, Brett (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Reinfeld Keith (<i>Fox Rothschild LLP</i>)	15
Reiser, Scott (<i>Lum, Drasco & Positan LLC</i>)	23
Rho, Clara H. (<i>Epstein Becker & Green, P.C.</i>)	12
Rigby, Jane (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Riordan, J. Michael (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Robosson, Gwendolyn M. (<i>Fragomen, Del Rey, Bernsen & Loewy, LLP</i>)	17
Romano, Donald (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Rosenberg, Kenneth A. (<i>Fox Rothschild LLP</i>)	15
Ross Jr., Donald B. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Rowin, Erin (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Ruderman, Suzanne J. (<i>Fox Rothschild LLP</i>)	15
Rygiel-Boyd, Jennifer A. (<i>Ogletree Deakins</i>)	29
Ryman, Shannon M. (<i>Bressler, Amery & Ross</i>)	7
Sacro, Grace (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Sandak, Lawrence R. (<i>Proskauer Rose LLP</i>)	31
Santarsiero, Daniel (<i>Lum, Drasco & Positan LLC</i>)	23

Scafuri, Angela (<i>Bressler, Amery & Ross</i>)	7
Schmidt Jr., John H. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Schonhaut, Neal L. (<i>Archer & Greiner, P.C.</i>)	3
Schwab, Joan M. (<i>Saiber LLC</i>)	35
Sciarrillo, Anthony P. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Scrivo, Thomas (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Sevier, Lee Alexandria (<i>Fox Rothschild LLP</i>)	15
Shah, Vimal (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Shapiro, Irene (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Shenkman, Evan J. (<i>Ogletree Deakins</i>)	29
Sherry, Madeline M. (<i>Gibbons P.C.</i>)	19
Sholk, Steven H. (<i>Gibbons P.C.</i>)	19
Silva, Christina (<i>Lum, Drasco & Positan LLC</i>)	23
Silver, Mark (<i>Coughlin Duffy LLP</i>)	9
Siminoff, Ian W. (<i>Fox Rothschild LLP</i>)	15
Smith, Craig (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Smith, Allyson M. (<i>Ogletree Deakins</i>)	29
Smith, Cheoma M. (<i>Ogletree Deakins</i>)	29
Smith, Amy K. (<i>Saiber LLC</i>)	35
Somers, Peter A. (<i>Lindabury, McCormick, Estabrook & Cooper, P.C.</i>)	21
Stanton, Cheryl M. (<i>Ogletree Deakins</i>)	29
Stanton, Patrick M. (<i>Ogletree Deakins</i>)	29
Stoneburner, Christina A. (<i>Fox Rothschild LLP</i>)	15
Stuart, Eric C. (<i>Ogletree Deakins</i>)	29
Sullivan, Michael (<i>Coughlin Duffy LLP</i>)	9
Sullivan, Brian D. (<i>Fox Rothschild LLP</i>)	15
Szuch, Richard C. (<i>Bressler, Amery & Ross</i>)	7
Tabakman, Mark E. (<i>Fox Rothschild LLP</i>)	15
Tamburro, Rina G. (<i>Saiber LLC</i>)	35
Thompson, Michael D. (<i>Epstein Becker & Green, P.C.</i>)	12
Torres, Linda (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Turano, Christopher J. (<i>Saiber LLC</i>)	35
Walker, Kevin (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Watson, Margaret (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Wells, Catherine P. (<i>Wolff & Samson PC</i>)	37
Wexler, Emily J. (<i>Bressler, Amery & Ross</i>)	7
Wildes, Michael J. (<i>Saiber LLC</i>)	35
Williams, Mark (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Wolfe, Stephanie (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Wood, Margaret O'Rourke (<i>Wolff & Samson PC</i>)	37
Wright, Luke P. (<i>Fox Rothschild LLP</i>)	15
Yures, Edward (<i>McElroy, Deutsch, Mulvaney & Carpenter, LLP</i>)	27
Zackin, Richard S. (<i>Gibbons P.C.</i>)	19
Zappo, Daniel W. (<i>Riker Danzig Scherer Hyland & Perretti LLP</i>)	33
Zucker, Douglas S. (<i>Bauch Zucker Hatfield LLC</i>)	5

