

LIEBERMAN & BLECHER

ATTORNEYS AT LAW



FIRM FILES SUIT IN JERSEY CITY SEEKING CHROMIUM REMOVAL

Lieberman & Blecher has filed a lawsuit on behalf of a community group organization and numerous homeowners in the Garfield Avenue area of Jersey City relating to chromium contamination. The suit is filed against PPG and other property owners who are maintaining chromium on their property. It alleges that even though chromium has been known to exist in this area for decades, it remains a sizable health problem.

Chromium became well known after the movie *Erin Brokovich*, which involved a community stricken with hexavalent chromium. That same kind of chromium is found in the Jersey City area.

L&B has substantial experience representing community groups throughout New Jersey in environmental contamination cases. We also represent corporations, individuals, and municipalities in either the defense or prosecution of contamination cases. Please contact us for an evaluation of your environmental contamination claims.

LIEBERMAN & BLECHER FILE SUIT AGAINST MILLSTONE BORO.

Lieberman & Blecher recently filed suit in Federal Court on behalf of the Rezem Family Partnership against the Borough of Millstone in Somerset County. This lawsuit alleges that various officials of that Township conspired to violate the civil rights of Rezem by not allowing the developer to gain approval for a 60+ acre residential development.

The suit has recently been amended following a purchase proposal that occurred after the filing of the complaint.

Among other counts, the lawsuit alleges that the substantive due process rights of the developer were violated in a concerted effort by the defendants to stifle several real estate contracts the Rezem Family Partnership had with various national home-builders.

Stuart Lieberman and Michael Sinkevich represent Rezem Family Partnership in this litigation.

BANKRUPTCY AND ESTATE LAW INVOLVEMENT INCREASES

Despite the economic woes that have reduced the need for certain kinds of transactional work, L&B has become increasingly involved in bankruptcy and estate cases involving environmental issues. Many clients contact us directly with their issues and in other instances, attorneys in firms that specialize in bankruptcy or estate law seek us out for assistance on the environmental issues in a case.

According to Shari Blecher, "this trend is expected to continue in our firm. There are many NJ firms that specialize in bankruptcy or estate law but do not have similar experience in environmental issues. This is where a cooperative relationship is extremely beneficial." If you have a bankruptcy/estate issue requiring environmental expertise, please contact Shari Blecher.

BILL WOULD REQUIRE PROOF THAT NJDEP HAS APPROVED CLEAN-UP PLAN BEFORE BUILDING PERMITS CAN BE ISSUED

There has been substantial concern lately about the effect that contaminants from former industrial establishments can have in buildings converted for residential or day care center use. In response, a bill has been advanced that requires proof that the NJDEP has approved a clean-up in instances where conversions to a residential building or day care center are proposed. No building permits can be issued under assembly bill 3519 until that proof is forthcoming.

The bill was reported out of an assembly committee with amendments following a second reading in January 2009.

SUIT FILED AGAINST GAS COMPANY OVER FALLEN TREES

We have recently filed suit against the South Jersey Gas Company (SJG) on behalf of a property owner in Gloucester, NJ. The allegations include one that SJG knocked down hundreds of trees located on our client's property without gaining permission. The suit seeks monetary damages.

According to Stuart Lieberman, "this case was filed because SJG seems to believe that it could gain access to property and commence a clean-up involving the destruction of many full grown, mature trees without securing the property owners' approval. Part of our evidence will include a phone conversation by a SJG official in which she treated our client very poorly, advising him that with or without his permission, the gas company was going to take this action."



The Plaintiff is seeking not only the value of the trees, but also enough money to punish SJG for this wrongful conduct.

LIEBERMAN & BLECHER PREVAILS IN PROPERTY OWNER CASE AGAINST THE PINELANDS COMMISSION

How many years does an applicant have to wait for approval from the Pinealnds Commission? In the case In Re: Resolution of New Jersey Pinelands Commission, the Court found that a nearly three year delay in responding to an application denied our client, the applicant, his right to due process. The Court took the unusual step of invoking its original jurisdiction to grant the application of our client.

Lieberman & Blecher was proud to represent the property owner in this case. He had previously been represented by several other attorneys during this case and L&B was the firm that ultimately prevailed. We are pleased with this achievement and most of all, we are happy our client has secured this important victory.

L&B frequently represents individuals, citizen groups and municipalities that have been aggrieved by New Jersey regulatory agencies. If you find yourself in this unfortunate position, please contact us and we will get you out of it!

L&B CHALLENGES ANIMAL HOUSE LAW

In a case filed in Belmar, Monmouth County, we have challenged the validity of that town's animal house law. This case involves a summer tenant of our client (the landlord), and a guest of that tenant. This guest was found to have violated a municipal noise ordinance which resulted in an Animal House hearing against our client in his capacity as the landlord. Even though the hearing officer determined there was nothing our client could have done to prevent the guest of his tenant from violating the ordinance, the hearing officer fined our client-landlord. Lieberman & Blecher challenged this decision, alleging it violates NJ State law. Please let us know if you've been a victim of overreaching, unconstitutional local and/or state laws.

NEWS AT L&B

Shari Blecher and her husband, Dr. Haim Blecher, welcomed their third child, Rachel, on October 3, 2008. Congratulations to the Blechers!

Lieberman & Blecher is also excited to welcome two new Paralegals: Anna Will and Sean Herman. Ms. Will is a graduate of Vassar College, with a B.A. in Environmental Studies. Her environmental knowledge is valued here at L&B! Welcome, Anna.

Mr. Herman is a graduate of Boston College and is now law student at Rutgers Law in Camden. Sean is an asset and we're happy that he joined the L&B team!

LIEBERMAN & BLECHER, P.C.

This newsletter provides general information and cannot replace legal advice. Should you have any questions about this newsletter or its content, call us at (732) 355-1311.

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