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# LIEBERMAN & BLECHER

## ENVIRONMENTAL LEGAL COUNSEL

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### FOR IMMEDIATE RELEASE

DATED: October 28, 2010

#### JUDGE RULES AGAINST STATE DEP IN EAST ORANGE ENVIRONMENTAL CLEANUP CASE

A Superior Court Judge granted a former East Orange property owner's motion today, dismissing the State's claims for over \$200,000 dollars in clean up costs. The case, which was captioned "City of East Orange v. Marcantuone, et al.", involved a former commercial property on which a new school was to be constructed.

Today's motion involved the Defendant, Joseph Marcantuone and Robert Gieson, who were former owners of the property which contained contamination.

A dry cleaner that operated on the property was also sued in the case.

The government alleged that it had spent over \$200,000 in cleanup costs and filed a lawsuit to recover those expenditures. The legal issue raised in this case was whether or not the Defendants were legally liable for the cleanup costs when they bought the property in the early 1980's and no evidence was produced by the State that any contamination was discharged on the property during their ownership.

The State had alleged that recent amendments to the New Jersey Spill Act, which is the law that governs environmental cleanups in New Jersey, required the Defendants to prove that they made an adequate inspection of the property before they purchased it in 1985. In ruling in favor of the Defendants, Judge Sebastian P Lombardi ruled that there was no evidence that any contamination had been discharged since the Defendants bought the property and that the statutory language relied on by the State was simply not applicable.

The Defendants were represented by Mara Epstein of Princeton's Lieberman & Blecher. According to Ms. Epstein, "We are pleased with the Judge's finding. It supports the very important proposition that only property owners or operators that actually pollute the property or that have a legal relationship to the polluter can be responsible for environmental cleanup costs in the State of New Jersey. The State attempted to create new law which would have hurt innocent people such as my clients. I am gratified that the Court rejected this effort."

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Lieberman & Blecher practices environmental law and represents government entities, citizen groups, and companies in New Jersey and the Tri-State area. Its web address is [www.liebermanandblecher.com](http://www.liebermanandblecher.com). For additional information, Mara Epstein can be contacted at 732-355-1311 (office) and 917-698-3795 (cell). If you want a copy of the law suit, please contact Karan Nair at 732-355-1311 (office).