

EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

In re K-Dur Antitrust Litigation

This document relates to:

All Direct Purchaser Class Actions

Civil Action No. 01-cv-1652(SRC)(CLW)
MDL Docket No. 1419

**DECLARATION OF PETER S. PEARLMAN IN SUPPORT OF CLASS COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF
EXPENSES AND INCENTIVE AWARDS TO CLASS REPRESENTATIVES**

I, Peter S. Pearlman, under penalty of perjury under the laws of the United States of America, declare as follows:

1. I am a partner of the law firm Cohn Lifland Pearlman Herrmann & Knopf LLP. I am submitting this declaration in support of Class Counsel's motion for attorneys' fees and reimbursement of expenses in connection of services rendered by my firm in the above-captioned litigation. A copy of my firm's resume is attached hereto as Exhibit 1. The factual matters set forth and the assertions made herein are true and correct to the best of my knowledge, information, and belief.

2. During the sixteen year history of this litigation my firm participated substantively as well as in the capacity of local and liaison counsel for the Direct Purchaser Class Plaintiffs in the prosecution of this litigation. Among other things, my firm:

- Reviewed and revised the Direct Purchaser Class Plaintiffs' complaints and amended complaint;
- Reviewed, revised, and in some cases prepared numerous motions and

responses to motions, including discovery motions both before the Court and the Special Master, the motion for class certification, the motion seeking to vacate the Class Certification Order of the Special Master, the defendants' motions for summary judgment filed in September 2008, November 2014, and October 2016, twenty-three motions *in limine*, thirteen *Daubert* motions, and the motion for preliminary approval of the settlement;

- Appeared at, participated in, and frequently conducted numerous conferences with the Court and the Special Master;
- Participated in the briefing of the appeal of the Order granting defendants summary judgment, participated in the preparation for argument of the appeal, and attended at argument which resulted in the reversal of the entry of the Order for Summary Judgment and the affirmance of the Order granting class certification;
- Reviewed numerous expert reports both on behalf of the plaintiffs and defendants;
- Participated in the preparation of the Pre-Trial Order and attended various conferences with respect to that Order; and
- Participated in the successful mediation resulting in settlement of this case before the Honorable Garrett E. Brown, Jr. (Ret.).

3. All attorneys, paralegals and law clerks at my firm were instructed to keep contemporaneous time records reflecting their time spent on this case.

4. As detailed in the schedule below, the amount of time expended by my firm's attorneys, paralegals and law clerks from the inception of the litigation through February 14, 2017, the date on which the settlement with Defendants was agreed to in principal, is 2632.1 hours with a total lodestar of \$1,511,749.91, which includes 2,602.7 attorney hours, and 29.4 hours spent by law clerks. My firm expended an additional 42.2 attorney hours finalizing the settlement documents.

5. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm. Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

Name	Status	Total Hours	Current Hourly Rate	Total Lodestar
Peter S. Pearlman	Partner	1758.37	\$725	\$1,275,817.53
Audra DePaolo	Partner	5.5	\$475	\$2,628.65
Andrew R. Macklin	Partner	41.25	\$350	\$14,437.50
Jeffrey W. Herrmann	Partner	5	\$725	\$3,637.32
Leonard Z. Kaufmann	Partner	81	\$350	\$28,380.10
Robert D. Zatorski	Partner	2.6	\$600	\$1,549.80
Matthew Gately	Counsel	181.8	\$500	\$90,900.00
Manny Irizarry	Associate	2.5	\$350	\$875.00
Rebekah R. Conroy	Associate	511	\$150	\$85,671.55
David Adelsberg	Associate	11.4	\$275	\$3,135.00
Beth G. Oliva	Associate	2.3	\$135	\$315.11
Christina Stripp	Law Clerk	6.1	\$150	\$915.00
Eve Marie Charlesworth	Law Clerk	4	\$150	\$600.00
Richard Spitaleri, Jr.	Law Clerk	19.3	\$150	\$2,887.35

6. My firm has also incurred a total of \$167,825.00 in unreimbursed expenses in connection with the prosecution of the litigation. These expenses were reasonably and necessarily incurred in connection with this litigation and include:

Expense	Amount
Filing Fees	\$605.00
Transcripts	\$1,363.89
Travel (tolls/mileage/meals/parking)	\$6,717.40
Document Reproduction (In-House)	\$19,581.99
Postage	\$1,569.45
Delivery/Courier Charges (Fed Ex)	\$9,881.19
Telephone Tolls/Telephone Conferencing Fees	\$1,581.40
Legal/Computer Research	\$7,307.68
Facsimile	\$6,657.00
Litigation Fund	\$112,560.00

7. The expenses incurred in this action are also reflected on the books and records of my firm. These books and records are prepared from expense vouchers, receipts and other source material and accurately record the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 23, 2017.

/s/ Peter S. Pearlman
Peter S. Pearlman

Exhibit 1

COHN LIFLAND PEARLMAN HERRMANN & KNOPF LLP

Founded in 1924, Cohn Lifland Pearlman Herrmann & Knopf LLP is a firm dedicated to the general practice of law at the highest level of professional competence, striving to achieve maximum benefit for our clients in the most efficient and professionally responsible manner.

Our firm has a wide ranging litigation practice at both the trial and appellate levels of the federal and New Jersey state court systems, having successfully litigated cases up through and including the United States Supreme Court. We regularly handle complex and sophisticated commercial litigation, including class and derivative litigation, in the areas of corporate and securities fraud, lender and accounts' liability, consumer protection, franchise, anti-trust, qui tam, RICO, employment and intellectual property.

Among the more prominent cases in which the firm has been involved either as sole counsel, lead or co-lead counsel, liaison counsel or in which we have otherwise participated substantively to a significant extent are the following:

MaxLite, Inc. v. ATG Electronics, Inc., __ F.Supp.3d __, 2016 WL 3457220 (D.N.J. June 24, 2016) (Analyzing minimum contacts for specific jurisdiction in unfair competition litigation between a New Jersey plaintiff and California defendant);

City of Sterling Heights General Employees' Retirement System v. Prudential Financial, Inc., 2015 WL 5097883 (D.N.J Aug. 31, 2015) (\$33 million settlement for the benefit of the class);

Castro v. Sanofi Pasteur Inc., 137 F. Supp. 3d 820 (D.N.J. 2015)

King Drug Co. of Florence, Inc. v. SmithKline Beecham Corp., 791 F.3d 388 (3d Cir. 2015) (Reverse payment in violation of antitrust laws need not be in cash);

In re Lipitor Antitrust Litigation, 46 F. Supp. 3d 523 (D.N.J. 2014);

In re K-Dur Antitrust Litig., 686 F.3d 197 (3d Cir. 2012), *vacated and remanded in view of Actavis, Upsher Smith Labs., Inc. v. Louisiana Wholesale Drug Co., Inc.*, 133 S. Ct. 2849 (2013), also *In re K-Dur Antitrust Litigation*, 636 F.3d. 197 (3d Cir. 2012) (applying the “quick look” rule of reason analysis and rejecting the scope-of-the-patent test for imposing liability on brand and generic companies for restraints of trade accomplished through “reverse payment” or “exclusion” payments under the Hatch-Waxman Act), also 338 F. Supp. 2d 517 (D.N.J. 2004);

Aviva Partners LLC, et al. v. Exide Technologies, et al., U.S.D.C., District of New Jersey, 3:05-cv-3098 (MLC/LHG) (\$13.7 million settlement on behalf of the class);

In re Amerada Hess Corporation Securities Litig., Docket No. 02-03359 (District of New Jersey) (\$9 million settlement on behalf of the class);

In re: Cambrex Corp. Securities Litig., Docket No. 03-4896 (District of New Jersey) (\$3,150,000 settlement on behalf of the class);

In re Merck & Co. Sec., Derivative & Erisa Litig., 493 F. 3d 393 (3d Cir. 2007) (the use of after acquired information obtained through discovery may be utilized to establish demand futility in shareholder derivative litigation);

Rolnik v. AT&T Wireless Services, Inc., Superior Court of New Jersey (\$43 million recovery);

In re Remeron Antitrust Litigation, Case No. 02-2007, District of New Jersey (\$75 million recovery);

In re Lucent Securities Litigation, 327 F. Supp. 2d. 426 (D.N.J. 2004) (\$517 million recovery);

In re AT&T Securities Litigation, Master File No. 455 F.3d 160 (3d Cir. 2006) (\$100 million settlement);

In re Honeywell International, Inc. Securities Litigation, Lead Case No. 2:00cv03605 (DRD), District of New Jersey and 211 F.R.D. 255 (D.N.J. 2002) (\$100 million recovery);

New Jersey Department of Environmental Protection et al v Atlantic Richfield Co., et al. 15 cv – 6468 (D.N.J) (ongoing litigation in which the firm is co-Special Counsel for the State of New Jersey and has recovered \$115 million to date).

United States of America, ex. rel; Thomas G. Quinn v. Omnicare Inc., et als., 382 F.3d 432 (3d Cir. 2004) (in which the court established standards for *Qui Tam* litigation in this circuit and held that pharmaceutical suppliers to long term care facilities in New Jersey had no obligation to reimburse Medicaid for returned medications, even if those medications later were resold by the suppliers);

Varsolona v. Breen Capital Services Corp., 360 N.J. Supp. 292 (App. Div. 2003), aff'd as modified, 180 N.J. 605 (2004);

Williams et als. v. Chatmon, et als., Superior Court of New Jersey, Essex County (\$1.6 million jury verdict in securities litigation);

In Re: PSE&G Shareholder Litigation, 173 N.J. 258 (2002) (establishing New Jersey standard for demand mad and demand futility pleading in shareholder derivative litigation); *see also*, 315 N.J. Super. 323 (Ch. Div. 1998);

Burgo v. Volkswagen of Amer., 183 F. Supp. 2d. 683 (D.N.J. 2001) (\$1.3 million recovery);

California Public Employees' Retirement System v. Chubb Corp., 127 F. Supp. 2d.

In re: Nazi Era Cases Against German Defendants, 135 F. Supp. 2d. 537 (D.N.J. 2000); 198 F.R.D. 429 (D.N.J. 2000);

In re: Diet Drug Litigation, This Matter Relates to: Lynn Vadino, et. al., v. American Home Products Corp., et al., Case Code #240, Docket No. 3042-97, (Law Div. 1999) (\$2.5 billion dollar total recovery);

In re: Nice Systems Securities Litigation, 188 F.R.D. 206 (D.N.J. 1999);

Burger-Fischer v. DeGussa AG, 65 F. Supp. 2d. 248 (D.N.J. 1999);

Weikel v. Tower Semiconductor, Ltd., 183 F.R.D. 377 (D.N.J. 1998) (\$16.25 million recovery in class action securities litigation);

In re: Anadigics, Inc. Securities Litigation, Master File No. 98-917 (MLC) (\$11.5 million recovery);

In re: Mobilemedia Securities Litigation, 28 F. Supp. 2d. 901 (D.N.J. 1998) (\$23.95 million recovery);

Grassi v. Information Resources, Inc., 63 F. 3d. 596 (7th Cir. 1995) (class action securities litigation tried to conclusion);

In re: Hibbard Brown Securities Litigation, Master File No. 93 Civ 1150, MDL Docket 962 (\$150 million approved claim in bankruptcy);

In re: General Tire & Rubber Co. Securities Litigation, 726 F. 2d. 1057 (6th Cir. 1994);

Gelles v. TDA Industries, 44 F. 3d. 102 (2d. Cir. 1994) (establishing standards in the Second Circuit on the "in connection with" principle for securities fraud);

Easton & Co. v. Mutual Benefit Life Insurance Co., Fed. Sec. L. Rep. (CCH) ¶s 96,595, 97,294 and 97,348 (D.N.J. 1993) (\$2.75 million recovery);

Resolution Trust Corp. v. DiDomenico, 837 F. Supp. 623 (D.N.J. 1993);

In Re: Bronze and Copper Anti-Trust Litigation, Master File No. 93-4673 (AET), District of New Jersey;

V. Rachael Lerch, et als. v. Citizens First Bancorp, et al., 805 F. Supp. 1142 (D.N.J. 1992) and 144 F.R.D. 247 (D.N.J. 1992)(\$4 million recovery in securities litigation);

Zinberg v. Washington Bancorp, et al., 138 F.R.D. 397 (D.N.J. 1990) (\$2.1 million recovery in securities litigation);

In Re: C.R. Bard, Inc. Securities Litigation, Master File No. 90-948 (AMW), District of New Jersey (\$18.1 million settlement);

In Re: The Regina Company, inc. Securities Litigation, Civil Action No. 88-4149 (HAA), District of New Jersey (\$7.3 million recovery);

Pearl Newman, et al. v. On Line Software International, inc., et al., Civil Action No. 88-3247 (JLL), District of New Jersey (\$4.1 million recovery during trial in class action securities litigation);

Rose Cammer, et als. v. Bruce M. Bloom, et als., Civil Action No. 88-2458 (AJL) (*See* 711 F. Supp. 1264 (D.N.J. 1989) (\$15 million recovery);

In Re: Todd Shipyards Securities Litigation, Master File No. 88-2580 (DRD), District of New Jersey (\$12.6 million recovery);

Willis v. Rubiera Zim, 705 F. Supp. 205 (D.N.J. 1988) (Finding punitive damages allowable in securities arbitration);

Reufenacht v. O'Halleran, 737 F. 2d. 320 (3d. Cir. 1984), *aff'd*, sub. nom. *Gould v. Reufenacht*, 471 U.S. 701 (1985) (succeeded in persuading the Supreme Court to disavow the "sale of business doctrine" and afford a private right of action under the antifraud provisions of the federal securities laws to those who purchase businesses by acquiring stock rather than assets);

Emanuel Metz, etc. v. Jupiter Industries, et als., Civil Action No. 85-c-08414, Northern District of Illinois (\$3.1 million recovery in class action securities litigation);

In Re: California Life Insurance Company Securities Litigation, MDL Docket No. 400 (LEW), Central District of California (\$3.25 million recovery);

In Re: General Public Utilities Corporation Securities Litigation, Fed. Sec. L. Rep. (CCH) 1983-1984 Transfer Binder, ¶99,566 (D.N.J. 1983) (\$24.5 million recovery); and

Abramowitz v. Posner, 672 F. 2d. 1025 (2d. Cir. 1982) and 513 F. Supp. 120 (S.D.N.Y. 1981 shareholder derivative litigation).

Our firm also represents clients in substantial matrimonial actions involving divorce, custody, division of property and support as well as pre and postnuptial planning and agreements. Firm members enjoy expertise in chancery and probate litigation and employment law as well as both federal and state criminal proceedings. We also have a significant tort practice which includes personal injury, medical and legal malpractice, product liability, environmental matters and toxic torts.

We regularly represent creditors, debtors and third parties in bankruptcy cases ranging from individual insolvencies to complex reorganizations and related problems.

Our active transactional practice includes business planning, mergers, acquisitions, investments and franchising. We offer a broad scope of legal services

to our clients in corporate and financial transactions. Our real estate experts provide practical knowledge and extensive expertise in the purchase, sale, development and financing of commercial and residential properties, together with land use and environmental regulatory matters.

Many members of our firm are recognized experts in their particular areas of practice and have written, lectured and taught regularly. Articles authored by firm members have been published in leading legal publications and repeatedly cited in reported decisions including those of the New Jersey Supreme Court. We are consulted frequently by other members of the bar throughout the United States. Our firm acts as counsel in New Jersey to more than 100 leading law firms and practitioners both from within and without the state.

Our clientele includes many national and international corporations, local and regional companies, the State of New Jersey (which we represent in both securities and environmental litigation) government agencies and public and private pension funds as well as individuals from all walks of life, presenting problems requiring a high degree of professional skill and practical counseling. Uniquely, a number of clients have continued to retain our firm for generations.

Above all we take great pride in the high quality of services rendered and in our steadfast dedication to the diligent representation of the interests of each of our clients.

Peter S. Pearlman
psp@njlawfirm.com

Peter S. Pearlman practices primarily in the area of commercial litigation in both federal and state courts. Cases in which Mr. Pearlman has been involved have been the subject of more than 60 published opinions, many of which have established important legal precedents.

Mr. Pearlman regularly represents clients before FINRA, the Financial Industry Regulatory Authority. He has been certified by the Supreme Court of New Jersey's board on Trial Attorney Certification as a civil trial attorney continuously since that certification first became available.

Mr. Pearlman is AV rated by Martindale-Hubbell and has been recognized in *Best Lawyers in America*, as well as *SuperLawyers* in New Jersey for Business Litigation continuously in every year since that recognition first became available. He also is listed *SuperLawyers* Corporate Counsel.

As a transactional attorney, Mr. Pearlman has represented numerous clients in the formation, purchase, sale, reorganization and franchising of corporations, partnerships and limited liability companies in transactions ranging from a few hundred thousand dollars to in excess of \$100 million.

Mr. Pearlman co-wrote "*Trends in the Analysis of Choice of Law in National Class Actions in State and Federal Courts of New Jersey*" in the April 2015 issue of *New Jersey Lawyer*.

Mr. Pearlman is a member of the Lawyers' Advisory Committee to the U.S. District Court District of New Jersey, is co-chair of the Class Action Committee of the New Jersey State Bar Association, and served for ten years as a trustee of the Association of the Federal Bar of New Jersey.

Mr. Pearlman has lectured on topics involving business litigation for the American Bar Association and the New Jersey Institute for Continuing Legal Education. He has taught trial advocacy for the National Institute of Trial Advocacy and has also taught trial and appellate skills at Hofstra, Widener and Roger Williams Schools of Law.

Published opinions in cases in which Mr. Pearlman has been involved and in which he acted as sole, lead, co-lead, or liaison counsel, include:

MaxLite, Inc. v. ATG Electronics, Inc., ___ F.Supp.3d ___, 2016 WL 3457220 (D.N.J. June 24, 2016) (Analyzing minimum contacts for specific jurisdiction in unfair competition litigation between a New Jersey plaintiff and California defendant);

City of Sterling Heights General Employees' Retirement System v. Prudential Financial, Inc., 2015 WL 5097883 (D.N.J Aug. 31, 2015) (\$33 million settlement for the benefit of the class);

Castro v. Sanofi Pasteur Inc., 137 F. Supp. 3d 820 (D.N.J. 2015)

King Drug Co. of Florence, Inc. v. SmithKline Beecham Corp., 791 F.3d 388 (3d Cir. 2015) (Reverse payment in violation of antitrust laws need not be in cash);

In re Lipitor Antitrust Litigation, 46 F. Supp. 3d 523 (D.N.J. 2014);

In re K-Dur Antitrust Litig., 686 F.3d 197 (3d Cir. 2012), *vacated and remanded in view of Actavis, Upsher Smith Labs., Inc. v. Louisiana Wholesale Drug Co., Inc.*, 133 S. Ct. 2849 (2013), also 338 F. Supp. 2d 517 (D.N.J. 2004);

Herman v. Yellow Pages, LLC, 780 F. Supp. 2d 1028 (S.D. Ca. 2011);

Kalow & Springut v. Commence Corp., 272 F.R.D. 397 (D.N.J. 2011);

State of New Jersey Dept. of Treasury v. Fuld, 604 F.3d 86 (3d Cir. 2010);

In re Merck & Co. Sec., Derivative & ERISA Litig., 493 F.3d 393 (3d Cir. 2007);

In re AT&T Securities Litigation, 455 F.3d 160 (3d Cir. 2006)(\$100 million settlement for the benefit of the class);

In re Remeron Antitrust Litigation, 367 F. Supp. 2d 675 (D.N.J. 2005) (\$75 million settlement for the benefit of the class);

U.S. ex rel. Quinn v. Omnicare Inc., 382 F.3d 432 (3d Cir. 2004) (in which the court established standards for *Qui Tam* litigation in this circuit and held that pharmaceutical suppliers to long term care facilities in New Jersey had no obligation to reimburse Medicaid for returned medications, even if those medications later were resold by the suppliers);

Varsolona v. Breen Capital Services Corp., 360 N.J. Super. 292 (App. Div. 2003), *aff'd as modified*, 180 N.J. 605 (2004);

Naviant Marketing Solutions, Inc. v. Larry Tucker, Inc., 339 F. 3d 180 (3d Cir. 2003);

In re Honeywell International Securities Litigation, 211 F.R.D. 255 (D.N.J. 2002); 182 F. Supp. 2d 414 (D.N.J. 2002) (\$100 million settlement obtained for the benefit of the class);

In re: PSE&G Shareholder Litigation, 173 N.J. 258 (2002) (the Supreme Court adopted new pleading standards for plaintiffs in shareholder derivative litigation, rejecting the more rigid Delaware standards), also 315 N.J. Super. 323 (Ch. Div. 1998);

Burgo v. Volkswagen of America, 183 F. Supp. 2d 683 (D.N.J. 2001);

California Public Employees Retirement System v. Chubb Corp, 127 F. Supp. 2d 572 (D.N.J. 2001);

Noorily v. Thomas & Betts Corp., 188 F.3d 153 (3d Cir. 1999), *cert. denied*, 529 U.S. 1053;

Megatech, Inc. v. NSD Acquisitions LP, 215 F.3d 1320 (4th Cir. 2000);

In re: Interneuron Pharmaceuticals Litigation, 188 F.R.D. 3 (D. Mass. 1999)

In re: Nice Systems Securities Litigation, 188 F.R.D. 206 (D.N.J. 1999);

Burger-Fischer v. DeGussa AG, 65 F. Supp. 2d 248 (D.N.J. 1999);

In re: Milestone Scientific Securities Litigation, 183 F.R.D. 404 (D.N.J. 1998), also 187 F.R.D. 165 (D.N.J. 1999), also 103 F. Supp. 2d 425 (D.N.J. 2000);

In re: Computron Software Litigation, 6 F. Supp. 2d 313 (D.N.J. 1998);

Weikel v. Tower Semiconductor, Ltd., 183 F.R.D. 377 (D.N.J. 1998)(\$16.25 million settlement achieved for the benefit of the class);

In re: Mobilemedia Securities Litigation, 28 F. Supp. 2d 901 (D.N.J. 1998);

Matter of TDA Industries, Inc., 240 A.D. 2d 262 (N.Y.A.D. 1 Dept. 1997);

J.K. Funding, Inc. v. DeCara Enterprises, Ltd., 235 A.D. 2d 785 (N.Y.A.D. 3 Dept. 1997), also 270 A.D. 2d 456 (N.Y.A.D. 2 Dept. 2000);

Grassi v. Information Resources, Inc., 63 F. 3d 596 (7th Cir. 1995);

In Re: General Tire & Rubber Co. Securities Litigation, 726 F.2d 1057 (6th Cir. 1994);

Gelles v. TDA Industries, 44 F.3d 102 (2d Cir. 1994) (establishing new standards in the Second Circuit on the purchaser/seller requirement of SEC Rule 10b-5), also Fed. Sec. L. Rep. 1993 Transfer Binder 97,690 (S.D.N.Y. 1993), also Fed. Sec. L. Rep. 1990 Transfer Binder 96,110 (S.D.N.Y. 1991);

Easton & Co. v. Mutual Benefit Life Insurance Co. Fed. Sec. L. Rep. (CCH) 1993 Transfer Binder 96,595, 97,294 and 97,348 (D.N.J. 1993);

Resolution Trust Corp. v. DiDomenico, 837 F. Supp. 623 (D.N.J. 1993);

V. Rachael Lerch, et. al. v. Citizens First Bancorp, et al., 805 F. Supp. 1142 (D.N.J. 1992), also 144 F.R.D. 247 (D.N.J. 1992) (\$4 million settlement achieved for the benefit of the class);

Franz v. Raymond Eisenhardt Sons, Inc., 732 F. Supp. 521 (D.N.J. 1990);

Zinberg v. Washington Bancorp, et al., 138 F.R.D. 397 (D.N.J. 1990) (\$2.1 million settlement achieved for the benefit of the class);

Rose Cammer, et al. v. Bruce M. Bloom, et al., 711 F. Supp. 1264 (D.N.J. 1989) (\$15 million settlement achieved for the benefit of the class);

Willis v. Rubiera Zim, 705 F. Supp. 205 (D.N.J. 1988) (clarifying the right of arbitrators to award punitive damages on investors claims);

Reufenacht v. O'Halleran, 737 F.2d 320 (3d Cir. 1984), *aff'd, sub. nom. Gould v. Reufenacht*, 471 U.S. 701 (1985) (the Supreme Court disavowed the sale of business doctrine, thereby confirming the right of those who purchase businesses by acquiring the corporate stock rather than the business assets to the protection of the anti-fraud provisions of the federal securities laws);

Degenaars v. Degenaars, 186 N.J. Super. 233 (Ch. Div. 1982);

Turner v. Aldens, Inc., 179 N.J. Super. 596 (App. Div. 1981);

Roem v. Borough of Dumont, 176 N.J. Super. 397 (App. Div. 1980);

In Re: General Public Utilities Corporation Securities Litigation, Fed. Sec. L. Rep. (CCH) 1983-1984 Transfer Binder, 99,566 (D.N.J. 1983) (\$24.5 million settlement achieved for the benefit of the class);

Abramowitz v. Posner, 672 F.2d 1025 (2d Cir. 1982), also 513 F. Supp. 120 (S.D.N.Y. 1981) (setting standards for shareholders derivative litigation in the Second Circuit);

In re: General Tire & Rubber Co. Securities Litigation, 429 F. Supp. 1032 (J.P.M.L. 1977).

Scott v. Richstein, 129 N.J. Super. 516 (Law Div. 1974);

Crowell v. U.S. 1972 A.M.C. 2086 (D.N.J. 1972)

Jeffrey W. Herrmann

jwh@njlawfirm.com

Jeffrey W. Herrmann's practice is concentrated in the field of complex commercial litigation. In this area he has successfully represented clients in such diverse areas as securities law, consumer law and anti-trust matters.

Mr. Herrmann has litigated numerous matters, which have been the subject of published opinion establishing important precedent both in New Jersey and nationally in the areas of securities fraud, consumer fraud and bankruptcy. Mr. Herrmann has been recognized for several years by SuperLawyers in the following categories: Securities Litigation, Business Litigation, Bankruptcy and Creditor/Debtor Rights and by *(201) Magazine* as one of Bergen's Top Lawyers in 2014 and 2015, in Appellate Practice, Bankruptcy, Civil Litigation and Commercial Litigation.

In addition, he regularly represents clients before FINRA, the Financial Industry Regulatory Authority, and the American Arbitration Association.

Mr. Herrmann has served as co-chair of the New Jersey Bar Association Securities Litigation Committee and frequently lectures for the N.J. Institute for Continuing Legal Education and the New Jersey State Bar Association. He also is an adjunct professor at Keane University teaching Shakespeare Studies. In addition, he has been actively involved in charitable activities for many years.

Mr. Herrmann started as a law clerk in 1975 and joined Cohn Lifland Pearlman Herrmann & Knopf LLP as an associate the following year. He was elected as a partner of the firm in 1981 and is a member of the executive committee.

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Mr. Herrmann is a member of the American Bar Association, the New Jersey State Bar Association and the Bergen County Bar Association. He frequently lectures for the N.J. Institute for Continuing Legal Education and the New Jersey State Bar Association. In addition, he has been actively involved in charitable activities for many years.

Mr. Herrmann received a J.D. from Columbia University School of Law and a B.A. in History from Columbia University.

Barry A. Knopf
bak@njlawfirm.com

Barry A. Knopf is a trial lawyer who has recovered millions of dollars on behalf of his clients. He has also participated in significant malpractice, personal injury and class action cases. In addition, Mr. Knopf has always maintained an active interest and practice in the area of probate litigation representing both estates and contestants.

Mr. Knopf is an Adjunct Faculty member of the Trial Advocacy Program at Hofstra University School of Law. He taught Settlement Techniques at the New Jersey Judicial College. He was an instructor at the National Institute of Trial Advocacy from 1989-1995. He has been and continues to be a lecturer and commentator for the New Jersey Institute for Continuing Legal Education where he participates in programs such as “How to Try a Wrongful Death Case,” “Hot Tips in Tort Law,” “How to Try a Malpractice Case,” “Civil Trial Preparation,” “Preparing and Trying Medical and Legal Negligence Cases,” and, most recently, “Civil Case Update.” He is a Barrister in the Morris Pashman Inn of Court.

Mr. Knopf also has been appointed Special Counsel to the Attorney General of the State of New Jersey representing the New Jersey Department of Environmental Protection.

He has been a Certified Civil Trial Attorney since 1982, and was recertified in 1989, 1996, 2004, 2009 and 2014 by the Supreme Court of the State of New Jersey’s Board on Trial Attorney Certification. He has been named by *(201) Magazine* as among Bergen’s Top Lawyers in 2014 and 2015, in Environmental, Litigation, Medical Malpractice and Personal Injury. Mr. Knopf is recognized by *SuperLawyers* in multiple categories including: Business Litigation, Personal Injury Plaintiff, Medical Malpractice, Professional Liability.

Mr. Knopf is a member of the firm’s executive committee.

Mr. Knopf is a member of the Panel of Arbitrators of the American Arbitration Association. He was a member of the Advisory Committee for the Skills and Methods Course at the New Jersey Institute for Continuing Legal Education. He is a member of the American Association for Justice, the New Jersey Trial Lawyers Association, the American Bar Association, and the New Jersey State Bar Association.

Mr. Knopf currently serves as President of the Board of JESPY House Inc. JESPY House is a non-profit organization whose goal is to enable adults with learning and developmental disabilities to lead independent lives and achieve their full potential. He was the President of Temple Beth Tikvah from 1993-1995 and has been a Member of the Board of Trustees since 1983.

Published Cases

Dupree v. City of Clifton, 351 N.J. Super. 237 (App. Div. 2002), aff'd, 175 N.J. 449 (2003)

Grzanka v. Pfeifer, 301 N.J. Super. 563 (App. Div. 1997), certif. den., 154 N.J. 607 (1998)

Zweig by Zweig v. E.R. Squibb Sons, Inc., 222 N.J. Super. 306 (App. Div.), certif. den. 111 N.J. 614 (1988)

Durham v. U.S. by C.I.R., 545 F.Supp. 1094 (D.N.J. 1982)

Suchit v. Baxt, 176 N.J. Super. 407 (Law Div. 1980)

Scott v. Richstein, 129 N.J. Super. 516 (Law Div. 1974)

In addition to the areas described above, Mr. Knopf has always maintained an active interest and practice in the area of probate litigation representing both estates and contestants. He is the author of the www.njprobatelitigation.njlawfirm.com blog.

A published author as well, Mr. Knopf's works include:

Co-author with Audra DePaolo, "McDougall v. Lamm: New Jersey Supreme Court Ruling that Emotional Distress Damages Are Not Available for Witnessing Death of Beloved Pet Keeps Man's Best Friend in the Dog House," 2012 LexisNexis Emerging Issues 6645 (September 2012)

Co-author with Audra DePaolo expert commentary "Federal Court in Bashir v. The Home Depot Slices Lessor's Defense under NJPLA in Stump Grinder Case," 2011 LexisNexis Emerging Issues 6153 (December 2011)

New Jersey Trial and Evidence, Chapter 6 “The Use of Character Proof in Civil and Criminal Matters,” (with Peter P. Green, Esq. and Alex Pisarevsky, Esq.) Institute for Continuing Legal Education (2009)

LexisNexis Practice Guide New Jersey Personal Injury Litigation (Mathew Bender/Lexis-Nexis 2006 to 2015) (editor)

“Medical Malpractice,” LexisNexis Practice Guide New Jersey Personal Injury Litigation (Mathew Bender/Lexis-Nexis 2007 – 2013) (co-author with Audra DePaolo)

“Professional Negligence–Malpractice Law in New Jersey,” Institute for Continuing Legal Education, 1981 (2nd ed. 1985) (3rd ed. 1990) (4th ed. 1996) (co-author with Albert L. Cohn)

“Civil Trial Preparation,” Practical Skills Series, New Jersey Institute for Continuing Legal Education, 1990 (2nd ed. 1992)

“Drugs and Medical Devices: The Unavoidably Unsafe Products,” New Jersey Product Liability Law, New Jersey Law Journal Books, 1995 (co-author)

“An Analysis of Case Law Concerning the Wrongful Death Act,” Institute for Continuing Legal Education, 1994 (co-author)

“Fireman’s Rule Revisited,” Institute for Continuing Legal Education, 1992 (co-author)

“Personal Injury Practice in New Jersey,” National Business Institute, 1990 (co-author)

Blog News

Missing and Presumed Revoked: Where on Earth is Allan Schenecker’s Original Will?

Where a decedent’s original Will is last seen in his or her custody, and it turns up missing, the law presumes that the decedent destroyed it with the intent to revoke its terms. As with many presumptions, this particular presumption may be rebutted. But how? That is the question addressed by New...

Notes in the Drawer: Admitting Unsigned, Handwritten Notes to Probate

In this very space, back on October 1, 2010, we examined the curious case of Louise R. Macool. Ms. Macool's draft Will as dictated to her attorney before her untimely demise was not admitted to probate since she had not read it and given her final assent. Despite rejecting that proposed Will,...

Probable Intent: When Plain Language in a Will May Simply be Ignored

Even where the plain language of a Last Will and Testament is unambiguous as to the identity of beneficiaries and the assets they are to receive, the doctrine of probable intent may lead to a result that directly contradicts that plain language. That is precisely the scenario examined by New Jersey's...

Ademption: More than Just a Word Your Spell-Check Doesn't Recognize

What happens when someone bequeaths a specific asset to a beneficiary but, when the testator dies, the asset is gone? That is one of the questions addressed by New Jersey's intermediate appellate court in an unpublished decision handed down this week, *In the Matter of the Estate of Louis S....*

In Terrorem Clauses: More Bark Than Bite

While planning your estate, you may anticipate a disinherited family member or friend making a stink about the contents of your Will. Since combat over the probate of Wills and undue influence over testators can be emotionally and financially draining for the combatants, you may want to short circuit such conflict...

Leonard Z. Kaufmann

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Leonard Z. Kaufmann primarily handles commercial litigation, including consumer and class action cases. He is also experienced in environmental litigation, personal injury and professional malpractice matters.

In 2003, Mr. Kaufmann was named to the Million Dollar Advocates Forum whose membership is limited to those attorneys who have achieved a verdict or settlement in excess of one million dollars.

Mr. Kaufmann is certified as a Civil Trial Attorney by the Supreme Court of the State of New Jersey, and is a Court Approved Mediator pursuant to New Jersey Court Rule 1:40. He is admitted to practice in New Jersey and in New York, and before the United States Court of Appeals for the Third and Fourth Circuits. He has served as a Barrister of the Justice Robert L. Clifford American Inn of Court.

Mr. Kaufmann lectures for the New Jersey Institute for Continuing Legal Education. He was named by *(201) Magazine* as one of Bergen's Top Lawyers in 2014 and 2015, in Environmental practice.

Mr. Kaufmann is also a member of the New Jersey State and Bergen County Bar Associations.

Mr. Kaufmann received his J.D. from Rutgers University School of Law. His B.A. was earned at the University of New Orleans and his masters in Social Work from Tulane University.

Selected Published Cases

Lauchheimer v. Gulf Oil, 6 F. Supp. 2d, 339 (D.N.Y. 1998)

Berke v. Buckley Broadcasting Corp., 359 N.J. Super. 587 (App. Div. 2003).

Joshua P. Cohn
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Joshua P. Cohn focuses on handling high-conflict litigation, including criminal defense (federal, state and municipal courts), commercial disputes and family disagreements (divorce, custody and domestic violence), as well as several other types of matters. The breadth of Mr. Cohn's background enables him to handle these types of cases.

Upon completion of a federal court clerkship for the Hon. Alfred M. Wolin, Mr. Cohn began his career working for a large Wall Street law firm. He returned to New Jersey in 1990 where he served as an Assistant Prosecutor handling both trials and appeals in the Bergen County Prosecutor's Office for close to four years. After this successful tour of duty in the Prosecutor's Office, Mr. Cohn joined the firm in 1994.

In addition to handling a full caseload, Mr. Cohn also serves as a Barrister in the Morris Pashman Inn of Court, and as a panelist on the Passaic County Matrimonial Early Settlement Panel. He is also an active participant within the Federal Criminal Justice Act Program. Mr. Cohn taught as an adjunct faculty member at the Seton Hall University School of Law from 1991 to 1997. He is recognized as a SuperLawyer for General Litigation and Criminal Defense (2006-2013) and was named by *(201) Magazine* as one of Bergen's Top Lawyers in 2014 and 2015, in Civil Litigation, Criminal, Matrimonial & Family, and White Collar Crime.

Affiliations

Mr. Cohn is a member of the American Bar Association, the New Jersey State Bar Association, the Bergen County Bar Association and the Association of the Federal Bar of the State of New Jersey. He is also a lecturer for the New Jersey State Bar Foundation.

Joseph A. Maurice

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Joseph A. Maurice is certified as a Civil Trial Attorney by the Supreme Court of New Jersey's Board of Trial Attorney Certification. He practices primarily in the areas of commercial and criminal litigation. He has tried cases involving consumer fraud, RICO, securities fraud, personal injury, public entity liability and professional malpractice. He has defended clients charged with indictable crimes involving narcotics and narcotics trafficking, conspiracy, theft, money laundering, mortgage fraud, assault and international interference with custody. Mr. Maurice litigates in both state and federal courts. He also has experience with negligence, matrimonial and real estate work. He also has experience in matrimonial litigation and real estate transactions.

Mr. Maurice is a former court appointed mediator for the New Jersey Superior Court. He served as the Borough of Paramus Municipal Prosecutor for the Criminal Part and formerly of the Traffic Part. Prior to his affiliation with the firm, he was part of several smaller private practices and was also a pool attorney for the New Jersey Public Defender's Office where he was responsible for defending indigent persons charged with indictable crimes.

Upon graduation from law school, Mr. Maurice clerked for the Honorable Bruce A. Gaeta, J.S.C. in the Criminal Part of the Bergen County Vicinage.

Mr. Maurice is a member of the Million Dollar Advocates Forum, which resulted from his trial of a securities fraud class action trial – Williams et al. vs. Chatmon et al.

Mr. Maurice is a member of the New Jersey State Bar Association. He serves as Secretary for the Bergen County Bar Association and was formerly a Trustee; he has served on the Criminal and Civil Litigation Committees. In addition, he is a Trustee of the Bergen County Bar Foundation. Mr. Maurice is former Chair of the District IIA Supreme Court Ethics Committee. He has also lectured for the Bergen County Bar Foundation and participated in the 411 It's Your Life Program. He is a member of the Columbians—a philanthropic Italian American club and is a Knight of Columbus.

Mr. Maurice's publications include "How to Prepare for an Attorney Consultation," (Paramus Magazine, August 2009), "Judge Liliana S. DeAvila-

Silebi,” with Demetra A. Maurice (The Bergen Barrister, Spring 2009) and “Mind Your Business: Employee Use on Company Computers” (Paramus Chamber of Commerce website Business Center, Fall 2007).

Gerri Landau Squire

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Gerri Landau Squire has extensive experience representing clients in family law matters. Her practice has focused on family law for most of her 30-year career. She is certified by the Supreme Court of New Jersey as a matrimonial law attorney and is also certified as a family law mediator. She focuses her practice on adoption, alimony/spousal support, spousal maintenance, child custody and parenting time, child support, divorce, domestic violence, post-judgment applications for modification and enforcement, and relocation of spouse with children out-of-state. Ms. Squire is also a court-approved family law mediator.

Ms. Squire serves on, and has chaired, two Early Settlement Panels, which consist of experienced family lawyers who devote their time to reviewing settlement proposals and conferring with attorneys and litigants in an effort to resolve contested matrimonial cases.

Ms. Squire has taught paralegal courses, authored chapters in the New Jersey Transaction Guide (published by Matthew Bender) and lectured to various community groups. She was also an adjunct instructor of legal research and writing at Seton Hall University School of Law. Ms. Squire has received an AV Preeminent rating by Martindale-Hubbell. She was selected as one of 2015's Women Leaders in the Law, published in *Fortune* magazine. In addition, she was named by *(201) Magazine* as one of Bergen County's "Top Lawyers" in 2015, in Matrimonial & Family.

Affiliations

Ms. Squire had served on the Supreme Court's District IIB Ethics Committee. She is a member of the Bergen County Bar Association, Passaic County Bar Association, New Jersey State Bar Association (Family Law Section) and the New York State Bar Association. She is Chair of the Early Settlement Panel in Passaic County and a member of the Early Settlement Panel in Bergen County. She is a member of the Family Law Committee of the Bergen County Bar Association and also a member of the Certified Attorneys Section of the New Jersey State Bar Association.

Allen Susser
as@njlawfirm.com

Allen Susser's practice focuses on the purchase, sale and financing of commercial and residential real estate. He also works on other business transaction matters, such as the purchase, sale and creation of business entities. In addition, Mr. Susser devotes a large part of his practice to consumer loan debt collections and foreclosures, as well as commercial loan work-outs for local and regional lending institutions. He also heads the wills, trusts and estates group at the firm.

Mr. Susser is a member of the New Jersey State Bar Association and the Passaic County Bar Association of which he was a member of the Board of Trustees from 1984 to 1987. He was a member of the Board of Trustees, Passaic County Legal Aid Society from 1982 to 1987. Mr. Susser was a member of the Board of Directors of the Y.M. & Y.W.H.A. of North Jersey from 1985-1995.

Mr. Susser was awarded a J.D. from Vermont Law School and a B.A. from Fairleigh Dickenson University. Mr. Susser was law clerk to the Hon. Irving I. Rubin, Superior Court of New Jersey, 1977-78. Mr. Susser joined the firm in 1987.

Published Cases

Kali Bari Temple v. Bd. of Adj., 271 N.J. Super. 241 (App. Div. 1994)

NPS Corp. v. Insurance Co. of North America, 213 N.J. Super. 547 (App. Div. 1986)

Henry v. Shopper's World, 200 N.J. Super. 14 (App. Div. 1985)

Mary Ann Stokes
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Mary Ann Stokes has a wealth of experience in the full range of family law matters. Since 2005, her practice has been devoted exclusively to the mediation of family matters and to serving as a parenting coordinator at the request of parties and/or their attorneys. Since 2002, Ms. Stokes has mediated more than 1500 family matters and been appointed as parenting coordinator in over 80 cases. In addition, Ms. Stokes has served in numerous family cases as an arbitrator for both economic and parenting issues. Ms. Stokes is also trained in collaborative law.

In mediation, Ms. Stokes sets the stage for the discussion in realistic terms, while remaining sensitive to the needs of each party and to the overall difficult task at hand. Her goal is to assist the parties in arriving at decisions that meet the goals of their reconstituted family.

Ms. Stokes is admitted to the Bar in New Jersey, before the U.S. District Court for the District of New Jersey and the U.S. Supreme Court.

She is a member of the New Jersey State Bar Association, the Bergen Bar Association, the Bergen County Women Lawyers Association, the New Jersey Association of Professional Mediators and is on the Board of Directors of the New Jersey Chapter of the Association of Family and Conciliation Courts.

Ms. Stokes received her J.D. from Rutgers University School of Law. She attended Brooklyn College of the City University of New York which awarded her B.A. cum laude. She was elected to Phi Beta Kappa while a student at Brooklyn College.

Ms. Stokes joined the firm as a second year law clerk in 1985 and has been a partner for 19 years.

Richard A. Schnoll

ras@njlawfirm.com

Richard A. Schnoll concentrates his practice in the areas of personal injury and complex commercial litigation. Mr. Schnoll is the former Managing Attorney for Jacoby & Meyers and was an Assistant District Attorney, Kings County, New York. He was also a senior executive in a technology company. Mr. Schnoll authors the NJcaraccidentblog where he writes about the many issues related to automobile collisions and insurance.

Mr. Schnoll is a former adjunct professor at Montclair State University.

Mr. Schnoll has extensive trial experience. As Managing Attorney at Jacoby & Meyers, Mr. Schnoll led the litigation teams that secured a multimillion dollar settlement for a brain damaged teenager who drowned in a motel pool and a multimillion dollar verdict against a municipality for negligence resulting in serious leg injuries. At the time it was the largest upheld verdict of its kind in the state. Mr. Schnoll recently has concentrated his efforts on commercial, including employment, litigation obtaining a number of outstanding settlements and verdicts on behalf of plaintiffs and defendants. His representations also encompass the areas of securities and real estate disputes.

Mr. Schnoll previously held NASD Series 7 and 66 licenses as well as Life and Health Insurance licenses in New Jersey and New York.

Mr. Schnoll is also active in his community and has been appointed to the Advisory Committee to the Mayor in Woodcliff Lake, New Jersey.

Mr. Schnoll was named among Bergen's Top Lawyers in 2014 and 2015 by *(201) Magazine* in Medical Malpractice, Negligence and Personal Injury.

Mr. Schnoll is a member of the New Jersey State Bar Association and Association of Trial Lawyers of America-NJ. He is a former member of the Board of Directors of the New York State Trial Lawyers Association. Mr. Schnoll is currently an adjunct professor at Montclair State University.

Selected Published Cases

Smith v. Paterson, 88 AD2d 917 (NY AD 2nd Dept 1982) (Article 78 proceeding challenging the suspension of a real estate broker's license)

Celestial Food Corp of Coram, Inc., v.. N.Y.S. Liquor Authority, 99 AD2d 25 (NY AD 2nd Dept 1984) (Article 78 proceeding challenging ruling of the NY State Liquor Authority requiring corporation to seal access to an adjoining game room)

Andrew R. Macklin

arm@njlawfirm.com

Andrew Macklin practices mainly in the areas of complex commercial litigation, consumer protection, construction/transition litigation and personal injury. He also represents clients in contested probate matters.

Prior to joining the firm on a full-time basis, Mr. Macklin was a second year and third year law clerk at Cohn Lifland. He is a graduate of the Justice Morris Pashman American Inn of Court.

While studying at Fordham University School of Law, Mr. Macklin served on the Executive Board of the Brendan Moore Trial Advocacy Center, and was Notes & Articles Editor on the Fordham Environmental Law Review. He has served as an adjunct professor at Fordham's law school, teaching trial advocacy.

Mr. Macklin was selected the Bergen LEADS Class of 2016. He was also selected to SuperLawyers New Jersey Rising Stars in 2010, 2012, 2013 and 2014. He was named among Bergen's Top Lawyers in 2014 and 2015, by *(201) Magazine*, in Chancery and Construction.

Affiliations

Mr. Macklin serves on the Superior Court of New Jersey District IIA Ethics Committee.

Audra DePaolo
ad@njlawfirm.com

Audra DePaolo practices primarily in the areas of appellate, complex commercial and estate and probate litigation. She also drafts and reviews contracts and corporate documents for individual and business clients and handles estate administrations.

Upon graduation from law school, Ms. DePaolo was a judicial law clerk to the Hon. Peter Ciolino, A.J.S.C. (retired) former Assignment Judge of Bergen County.

Ms. DePaolo is a member of the New Jersey State Bar Association and a member of the Appellate Practice Committee. She is also a member of the Bergen County Bar Association and the Association of the Federal Bar of New Jersey.

In 2014, 2015 and 2016, she was named among Bergen's Top Lawyers by *(201) Magazine*, in Appellate Practice and Litigation. She was recognized as a 2009 and 2010 Rising Star by SuperLawyers.

Co-author with Barry A. Knopf, "McDougall v. Lamm: New Jersey Supreme Court Ruling that Emotional Distress Damages Are Not Available for Witnessing Death of Beloved Pet Keeps Man's Best Friend in the Dog House," 2012 LexisNexis Emerging Issues 6645 (September 2012)

Co-author with Barry A. Knopf, expert commentary "Federal Court in Bashir v. The Home Depot Slices Lessor's Defense under NJPLA in Stump Grinder Case," 2011 LexisNexis Emerging Issues 6153 (December 2011)

Co-author with Barry A. Knopf, Medical Malpractice chapter in LexisNexis Practice Guide New Jersey Personal Injury Litigation, 2007-2016 editions by Mathew Bender/ Lexis-Nexis

Published Cases

State of N.J. Dept. of Treasury v. Merrill Lynch & Co., 2013 WL 1830874 (NJ App. Div. 2013)

Fred Pond, L.L.C. v. Whitlock Mills, L.P., 2009 WL 3430145 (N.J. App. Div. 2009) (affirming settlement of litigation)

Lisowski v. New Jersey Transit, 2008 WL 4648396 (NJ App. Div. 2008) (affirming jury verdict in favor of plaintiff)

Naviant Marketing Solutions, Inc. v. Larry Tucker, Inc., 339 F.3d 180 (3d Cir. 2003) (reversing order imposing sanctions for failure to provide discovery)

Dupree v. City of Clifton, 351 N.J. Super. 237 (App. Div. 2002), aff'd, 175 N.J. 449 (2003) (affirming summary judgment for church in personal injury action)

In re Villone, 361 N.J. Super. 478 (App. Div. 2003) (affirming decision that will and trust were procured by undue influence)

Noorily v. Thomas & Betts Corp., 188 F.3d 153 (3d Cir. 1999), cert. denied, 529 U.S. 1053 (2000) (reversing ERISA award for severance benefits)

Charles R. Cohen

crc@njlawfirm.com

Charles R. Cohen's practice focuses on commercial litigation and arbitration (including international commercial disputes), employment discrimination, sexual harassment and wrongful termination, whistle-blower claims, restrictive covenant litigation, fraud, insurance litigation and professional malpractice.

Mr. Cohen also provides counsel to employers and employees in the negotiation of employment termination agreements and assists employers in the formulation and implementation of employment policies. He is experienced in commercial and residential leasing and transactional law, including real estate-related litigation. He maintains an active estate and probate litigation and equity practice in Chancery Courts.

Mr. Cohen has been certified as a Civil Trial Attorney by the Supreme Court of the State of New Jersey's Board on Trial Attorney Certification.

Mr. Cohen has been elected to New Jersey *SuperLawyers* in the area of Business Litigation in 2012, 2013 and 2014. He has been peer review rated as AV Preeminent to *Martindale-Hubbell*. Mr. Cohen was named by *(201) Magazine* as one of Bergen County's "Top Lawyers" in 2015 in chancery, commercial litigation and labor & employment.

Mr. Cohen served as law clerk for the Hon. Herman D. Michels, Presiding Judge of the Superior Court of New Jersey, Appellate Division, during the 1983-1984 court term.

Mr. Cohen is a member of the Federal and New Jersey Bar Associations and the Morris and Essex County Bar Associations. For the past three years, Mr. Cohen has served, and currently serves, on the Bergen County District IIA Attorney Ethics Committee.

Alex Pisarevsky
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Alex Pisarevsky is an associate with the firm practicing primarily in the fields of complex commercial litigation and debtor-creditor litigation. Within these areas he has successfully represented clients in individual, class, and collective actions in such diverse matters as consumer fraud, wage and hour, bankruptcy, and business transactions and litigation.

Mr. Pisarevsky has litigated matters that have been the subject of published opinions in both state and federal court. In addition, he has represented clients in matters before the American Arbitration Association.

Mr. Pisarevsky is a member of the E-Discovery Committee and the Internet and Computer Law Committee of the Bergen County Bar Association. He has spoken on topics including net neutrality and e-discovery.

A Russian speaker, Mr. Pisarevsky started at Cohn Lifland as a law clerk in 2007 and joined the firm as an associate the following year. He is a graduate of the Justice Morris Pashman American Inn of Court.

Mr. Pisarevsky graduated from the Benjamin N. Cardozo School of Law, where he was the Managing Editor of the *Cardozo Arts and Entertainment Law Journal* and Co-President of the Russian Law Students' Association. While in law school, he spent a semester in the Prosecutor Practicum, a competitively-selected full-time internship with the Manhattan District Attorney's Office. At the Manhattan DA's Office, he worked in a general trial bureau and successfully prosecuted a narcotics eviction case. Mr. Pisarevsky was named by *(201) Magazine* as one of Bergen County's "Top Lawyers" in 2015 in Commercial Litigation.

Published Opinions

Suarez v. Eastern International College, 428 N.J. Super. 10 (App. Div. 2012), *cert. denied*, 213 N.J. 57 (2013) (reversing the trial court's decision granting summary judgment dismissing a lawsuit under New Jersey's consumer fraud act against a technical school)

Otos Tech Co., Ltd. v. OGK America, Inc., 653 F.3d 310 (3d Cir. 2011)
(articulating standard of appellate review for decision whether to enforce foreign judgment)

Publications

Co-author, "Trends in the Analysis of Choice of Law in National Class Actions in the State and Federal Courts of New Jersey," *New Jersey Lawyer*, April 2015, with Peter S. Pearlman.

Co-author, Chapter 6, "The Use of Character Proof in Civil and Criminal Matters" in *New Jersey Trial and Evidence*, New Jersey ICLE (2009) with Peter P. Green, Esq. and Barry A. Knopf, Esq.

"COPE-ing with the Future: An Examination of the Potential Copyright Liability of Non-Neutral Networks for Infringing Internet Content," 24 *Cardozo Arts & Ent. L.J.* 1359 (2008).

Mercedes Diego
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Mercedes Diego's practice focuses primarily on real estate and prosecuting foreclosure matters on behalf of lenders. The real estate and transactions part of her practice includes the sale, purchase and financing of residential and commercial real estate.

Prior to joining Cohn Lifland, Ms. Diego represented defendants in foreclosure matters. She was also involved in a predatory lending case against mortgage brokers and others involving claims under the Truth in Lending Act; New Jersey's Consumer Fraud, et al.

Ms. Diego was law clerk to the Hon. Jose L. Fuentes, Superior Court of New Jersey, 1998-1999.

Ms. Diego is fluent in Spanish.

Kory Ann Ferro
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Kory Ann Ferro practices primarily in the areas of commercial litigation and criminal litigation. Prior to joining Cohn Lifland, she held a clerkship with the Honorable Margaret M. Hayden in the Appellate Division of the Superior Court of New Jersey. Previously, Mrs. Ferro graduated *magna cum laude* from Rutgers School of Law-Newark, where she was admitted to the Order of the Coif. Upon graduation, she was the sole recipient of both the Justice Henry Ackerson Jr. Prize for the greatest distinction in legal skills and the Anthony Englebrecht Prize for achieving the highest grade point average in the final year of law school.

During law school, Mrs. Ferro participated in the Child Advocacy Clinic, where she represented clients in matters including immigration status and supplemental security income, and served as a law guardian. She also took part in the Urban Legal Clinic (now the Criminal Youth and Justice Clinic), where she represented clients charged with disorderly persons offenses and worked on an innocence case. During both clinics, she made numerous court appearances in the Family and Law Divisions.

Mrs. Ferro served as a Managing Editor for the *Rutgers Law Review* and as an executive member of the Moot Court Board. She was a member of several mock trial teams, winning numerous awards, including as a member of the National Mock Trial Team, where she represented Rutgers-Newark in its first appearance in the National Trial Competition Finals, and was awarded an American College of Trial Lawyers Medallion for Excellence in Trial Advocacy.

Throughout her time at Rutgers, Mrs. Ferro served as a law clerk, with Cohn Lifland, another prominent law firm, the Essex County Prosecutor's Office, and with the Honorable Donald R. Venezia in Bergen County. She also served as Justice (president) of Phi Alpha Delta, Jackson Chapter and volunteered through the Domestic Violence Advocacy Project. Mrs. Ferro is a member of the Barry Croland Family Inn of Court.

Julie L. Kim

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Julie Kim focuses on family law matters including: divorce, child custody, child support, alimony, equitable distribution, and the preparation and negotiation of marital settlement agreements, prenuptial agreements and cohabitation agreements. She also handles domestic violence matters, including ancillary issues arising from domestic violence actions such as contempt, forfeiture and municipal court proceedings.

Ms. Kim served as a judicial law clerk to the Honorable Harold C. Hollenbeck, J.S.C., Superior Court of New Jersey, Bergen County, Family Part.

Ms. Kim was selected as a SuperLawyer Rising Star, 2011-2015, for Family Law. She was named among Bergen's Top Lawyers in 2014 and 2015 by *(201) Magazine*, in Custody, Matrimonial & Family and Municipal.

Ms. Kim is a member of the Board of Directors of the Asian Women's Christian Association, and also serves as Legal Counsel, on a pro bono basis, to the organization. She is a member of the Collaborative Divorce Association of North Jersey (CDANJ). She is a Trustee of the Franklin Lakes Education Foundation. In addition, she is a member of the New Jersey State Bar Association, Family Law Section. Ms. Kim is also a member of the Bergen County Bar Association and Co-Chair of the Diversity in the Profession Committee. In addition, she is a member of the Barry Croland Family Law Inn of Court and serves on the Superior Court of New Jersey District IIB Ethics Committee. She was formerly Municipal Prosecutor for Paramus.

Ms. Kim speaks Korean.

Kelly M. Purcaro
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Kelly M. Purcaro practices primarily in the areas of business and commercial litigation.

She is admitted to practice in the State and Federal Courts of New Jersey, the State of New York, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, and the United States Bankruptcy Court for the Southern District of New York.

In 2009, Mrs. Purcaro held a clerkship with the Honorable Edith K. Payne, in the Appellate Division of the Superior Court of New Jersey. Prior to serving in the Appellate Division, Mrs. Purcaro was the sole recipient in her class of the Carol and Paul Miller Scholarship at Rutgers University School of Law – Newark, maintaining a full tuition scholarship through academic excellence.

During law school, Mrs. Purcaro represented clients through the Child Advocacy Clinic in both the Family and Administrative Courts. Mrs. Purcaro served as a judicial extern to the Honorable Stanley R. Chesler in the United States District Court, District of New Jersey, and she was selected to spend a semester in the Netherlands studying law at Leiden University. Mrs. Purcaro also served as a Staff Editor for the Business Law Journal.

Prior to law school, Mrs. Purcaro obtained a Bachelor Degree from Rutgers University and a Masters in Social Work through the Rutgers Graduate School of Social Work. Mrs. Purcaro was the first MSW student accepted into the Eagleton School of Political Science Graduate Fellowship. After completing her graduate work, Mrs. Purcaro earned her License in Social Work (LSW) and enjoyed a diverse career as the Director of Government Relations for a non-profit law firm. Mrs. Purcaro completed a variety of professional publications, testified before the State legislature, and developed an extensive budget advocacy system.

Mrs. Purcaro is a graduate of the Justice Morris Pashman Inn of Court. She is currently a member of the New Jersey State Bar Association, Bergen County Bar Association and the New Jersey State Bar Association Class Action Committee. Mrs. Purcaro was named as a New Jersey Rising Star by Super Lawyers in 2012 and 2013. She was named by *(201) Magazine* as one of Bergen County's "Top Lawyers" in 2015 and 2016 in Commercial Litigation and General Practice.

Erika Piccirillo
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Erika Piccirillo is an associate with the firm, practicing in the areas of employment law, personal injury and malpractice, criminal law, real estate, and business and commercial litigation.

Throughout law school, Ms. Piccirillo worked with Levin & Perconti in Chicago, practicing primarily in the area of nursing home negligence. She also had worked for the Office of the Public Defender in Charlottesville, VA. Ms. Piccirillo was a law clerk with Cohn Lifland and joined the firm as an associate after graduating *cum laude* from the University of Illinois College of Law.

At the College of Law, Ms. Piccirillo won Best Overall, Best Oralist and Best Brief in the Environmental Moot Court Competition. She also won Best Overall and Best Oralist in the Frederick Douglass Moot Court Competition. In 2012, Ms. Piccirillo traveled to Malawi, Africa to study the laws of microfinance. Ms. Piccirillo's article, "Preserving East Coast Vineyards While Catching Tax Breaks," was published in the November 2014 issue of *Practical Winery & Vineyard*.

Joseph (Jay) B. Brown
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Jay Brown engages in litigation in state and federal courts, and in various arbitration and mediation venues and settings. Although his litigation practice has encompassed many areas of the law, it primarily focuses on securities arbitration/litigation (representing investors against brokerage firms, brokers and financial advisors), estate disputes, will contests/disputes and business litigation (including breach of contracts, shareholder disputes, non-competition provisions, restrictive covenants, and injunctive and specific performance/enforcement of contracts relief).

Mr. Brown also represents clients in land use matters before municipal planning and zoning boards. He provides business counseling and advice to individuals and to large, medium and small companies, and represents them in the creation and formation of their businesses, in the preparation and review of various types of agreements (including employment, shareholder and operating agreements), and in the purchase and sale of their businesses. Mr. Brown was named by *(201) Magazine* as one of Bergen County's "Top Lawyers" in 2015 in business, corporate & commercial, and securities.

Affiliations

Mr. Brown is a member of the Public Investors Arbitration Bar Association (PIABA), the New Jersey State Bar Association and the Bergen County Bar Association.

Published Opinions

MaxLite, Inc. v. ATG Electronics, Inc., __ F.Supp. 3d. __, 2016 WL 3457220 (D.N.J. June 24, 2016).

Matthew F. Gately
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Matthew Gately practices primarily in the areas of complex commercial, class action, and criminal litigation. He has represented clients in civil and criminal matters in federal and state courts, at both the trial and appellate levels. His experience ranges from arguing dispositive motions in civil cases to handling proffer sessions, plea negotiations, and sentencing arguments in criminal matters. He also has experience conducting internal investigations involving possible criminal conduct by corporate employees and potential data breaches. Mr. Gately is AV rated by Martindale-Hubbell (highest level of professional excellence as determined by peers) and was named by *(201) Magazine* as one of Bergen County's "Top Lawyers" in 2016 for Litigation, White Collar Crime, and Commercial Litigation. In 2016, he was named by the New Jersey Law Journal as one of the "New Leaders of the Bar."

Prior to joining Cohn Lifland, Mr. Gately was senior law clerk to the Hon. Madeline Cox Arleo, U.S.D.J., D.N.J., law clerk to the Hon. Michael A. Hammer, U.S.M.J., D.N.J., and worked for several years in the commercial litigation group of an AmLaw 100 law firm.

Mr. Gately graduated from Columbia Law School, where he was a Harlan Fiske Stone Scholar and member of the *Columbia Business Law Review*. His student note addressing proposed hedge fund regulation was published in the 2008 volume of that journal. He received his B.A., *magna cum laude*, from Lafayette College.

Mr. Gately is admitted to practice in New Jersey State Court, New York State Court, the United States Court of Appeals for the Third Circuit, the United States District Court for the District of New Jersey, the United States District Court for the Southern District of New York, and the United States District Court for the Western District of Arkansas. He is a member of the Association of the Federal Bar of New Jersey, the Historical Society for the U.S. District Court for the District of New Jersey, the New Jersey State Bar Association, the Bergen County Bar Association (and its Federal Practice Committee) and the Association of Criminal Defense Lawyers of New Jersey. He is also a Barrister of the C. Willard Heckel Inn of Court and 4th Degree Knight of Columbus.