

FILED

DEC 19 2014

Dennis F. Carey, III, C.P.J.

ROOSEVELT JEAN, ESQ. (046202004)
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ATTORNEYS FOR DEFENDANT, TOWNSHIP OF NUTLEY AND ALPHONSE
PETRACCO
(14363-0004)

NUTLEY POLICE SERGEANT
CHRISTOPHER LAMOND,

Plaintiff,

vs.

TOWNSHIP OF NUTLEY and ALPHONSE
PETRACCO, individually, and as Mayor
of the Township of Nutley,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
DOCKET NO. ESX-L-8109-13

Civil Action

ORDER DISQUALIFYING PATRICK P.
TOSCANO, JR., ESQ. AS
PLAINTIFF'S COUNSEL PURSUANT
TO RPC 1.7 AND RPC 1.9

This matter having been brought before the Court on Motion of Chasan Leyner & Lamparello, PC, by Roosevelt Jean, Esq., attorneys for Defendants, Township of Nutley and Alphonse Petracco for an Order disqualifying Patrick P. Toscano, Jr., Esq., as plaintiff's counsel pursuant to RPC 1.7 AND RPC 1.9, and the Court having considered the matter, and good cause appearing,

IT IS on this 19th day of December, 2014,

ORDERED that:

(1) Plaintiff's counsel Patrick P. Toscano, Jr., Esq., is hereby disqualified as counsel for plaintiff in this matter due to the existence of a conflict of interest and appearance of impropriety pursuant to RPC 1.7 and RPC 1.9.;

(2) Plaintiff's counsel, as aforesaid, is precluded from having any further participation in this matter;

(3) Plaintiff, Christopher Lamond shall have thirty (30) days from the date of this Order to retain new counsel, which shall file with the Court an appearance on behalf of plaintiff; and

(4) Should plaintiff fail to retain new counsel and have said counsel fill an appearance with the Court within the time set forth above, plaintiff shall be deemed to be a self-represented party, in which event plaintiff shall comply with the various obligations set forth in the Rules of Court as it may bear on completing discovery and preparing this mater for trial;

(5) Mr. Toscano shall be compelled to answer defendants' November 5, 2014 discovery request.

(6) A copy of this Order shall be served upon all counsel within seven (7) days of receipt by the moving party.


Dennis F. Carey, III, P.J.Cv.

Pursuant to R. 1:6-2(a), the matter was

UNOPPOSED
OPPOSED

POTENTIAL OF CONFLICTS OUTWEIGHS PLAINTIFF'S
INTEREST IN HAVING MR. PATRICK TOSCANO CONTINUING
TO REPRESENT HIM.



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 Attorney for Plaintiff

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NUTLEY POLICE SERGEANT
 CHRISTOPHER LAMOND,
 Plaintiff,

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: ESSEX COUNTY
 DOCKET NO. ESX-L- 8109-13

v.

TOWNSHIP OF NUTLEY and
 ALPHONSE PETRACCO,
 Individually, and as Mayor of
 the Township of Nutley,
 Defendants.

CIVIL ACTION

**ORDER GRANTING
RECONSIDERATION**

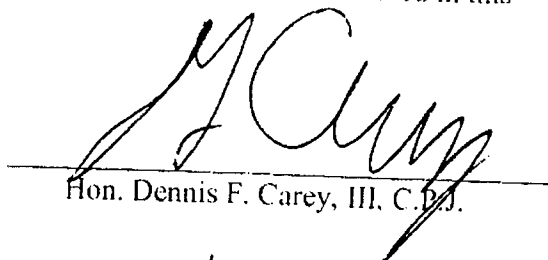
THIS MATTER having come before the Court upon the Motion of Patrick P. Toscano, Jr., Esq., of The Toscano Law Firm, attorneys for Nutley Police Sergeant Christopher Lamond, for an Order granting reconsideration and vacating the judgment ordering disqualification of the Toscano Law Firm in its favor, and the Court having reviewed all papers submitted, including Defendants' opposition, and having heard the arguments of counsel and for good cause shown.

IT IS on this 6th day of March, 2015

ORDERED that reconsideration is GRANTED; and it is further

ORDERED that the Court's previous Order of December 19, 2014 directing disqualification of Patrick P. Toscano, Jr., Esq., and the Toscano Law Firm is vacated in its entirety; and it is further

ORDERED that a copy of this Order shall be served upon all counsel of record in this matter.


Hon. Dennis F. Carey, III, C.J.

- TRIAL OF 5/14/15 is adjourned
- Discovery started to 5/11/15
- Responses filed on record