

Hueston McNulty

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

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SAMUEL J. McNULTY*
JOHN F. GAFFNEY*
BRIAN J. McNULTY*
EDWARD J. TURRO*
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AIMEE H. McNULTY
CAROL A. SCHRAGER
HUGH M. EMORY
ANTHONY W. HINKLE

- * CERTIFIED CIVIL TRIAL ATTORNEY
- * MEMBER OF NJ BAR
- ◇ MEMBER OF NY BAR
- ‡ MEMBER OF DC BAR
- * MEMBER OF PA BAR
- MEMBER, COLLEGE OF COMMUNITY ASSOCIATION ATTORNEYS

HUESTON McNULTY, P.C. **INFORMAL CURRICULUM VITAE**

Hueston McNulty, P.C. is a New Jersey based law firm with a strong community association team. Our community association experience includes transition litigation, general counsel work, collections, resolution and contract preparation. We offer fee agreements tailored to the needs of our New Jersey Community Association clients. We serve boards located throughout New Jersey.

We are experienced litigators, and assist our clients in mediations and arbitrations. We are transition counsel and experienced construction defect and financial claim attorneys. We also serve as counsel appointed by various insurance carriers to defend associations in courts throughout the state.

With offices located throughout New Jersey and satellite offices in Manhattan and the Philadelphia suburbs, we efficiently handle many matters for our clients throughout New Jersey, New York and Pennsylvania. We are "A-V" rated by Martindale-Hubbell. Two of our members are Certified by the Supreme Court of New Jersey as Civil Trial Attorneys. We have been named since 2008 as "Super Lawyers" in the category of "Civil Defense."

Hueston McNulty, P.C. provides services from the trial level through the appellate levels in all State and Federal Courts. Our entire staff

FLORHAM PARK

SPARTA

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is committed to staying keenly focused on your need for excellence and value.

ROBERT J. HUESTON, ESQ. *(Member of the Firm)*

Bob Hueston was admitted to practice before the Supreme Court of New Jersey and the United States District Court - District of New Jersey in 1974 and before the Supreme Court of New York 1983. He received his B.A. from Rutgers University in 1968 and his J.D. from Seton Hall University School of Law in 1973. Bob has served as the Florham Park, N.J. Planning Board Attorney (1975-1983) and as the Board of Adjustment Attorney for East Hanover, N.J. (1991-1992). Bob is a member of the N.J. Bar Association, where he has served on the Common Interest Ownership Committee, the Municipal Land Use Practice Committee and the Municipal Land Use Specialization Committee. He is a member of the N.J. Institute of Municipal Attorneys; serves on the Advisory Board of the N.J. Federation of Planning Officials; and a member of the N.J. Chapter of the Community Association Institute where he serves on the Educational Committee; N.J. Institute of Municipal Attorneys; Association of Environmental Authorities and National Academy of Elder Law Attorneys. Bob has served as lecturer at the National Conference, Community Association Institute and served as a lecturer for the N.J. Chapter of the Community Association Institute.

He currently serves as a Condemnation Commissioner, appointed by the Assignment Judge of Morris County, N.J. Bob Hueston has more than thirty years' experience including community association law, real estate law, planning and zoning, environmental regulation and compliance; municipal land use regulation; commercial transactions including real estate joint ventures and syndications and business and franchise acquisitions. Bob specializes in issues involving condominium and homeowners associations and planned unit developments. He has extensive experience in transition from sponsor to unit owner control of community associations including issues of construction defect litigation, financial deficiencies and difficulties; enforcement of restrictions and covenants; as well as experience in alternative dispute resolution between owners or between owners and the associations.

Bob's Email address is rhueston@huestonmcnulty.com

SAMUEL J. MCNULTY, ESQ. *(Member of the Firm)*

Sam McNulty has extensive trial and appellate experience in New Jersey State and Federal Courts. Sam has prepared several hundred cases for trial and has tried many of them to verdict. In recognition of his extensive trial experience, he has been designated as a "Certified Civil Trial Attorney" by the New Jersey Supreme Court since 1999, having been recertified twice. He was designated a "Super Lawyer" commencing in 2008 and each year since then for Civil Litigation - Defense.

Sam has argued numerous matters in the N.J. Appellate Division and Supreme Court. Several of his cases that have been reported are: Pietruska v. Craigmear Ski Area, 259 N.J. Super. 532 (Law Div. 1992); Reisman v. Great American Recreation Assn. Inc., 266 N.J. Super. 87 (App. Div. 1993); McBride v. Raichle Molitor, USA, 283 N.J. Super. 422, 424 (App. Div.), certif. denied, 143 N.J. 319 (1995); Kim v. Flagship Condominium Assoc., Inc., 327 N.J. Super. 544 (App. Div. 2000); D'Egidio v. Apicella, 337 N.J. Super. 252 (App. Div. 2001); Brandon Farms Property Owners Assoc. v. Brandon Farms Condominium Assoc., 180 N.J. 361 (2004); Committee for a Better Twin Rivers v. Twin Rivers Homeowners' Ass'n, 192 N.J. 344 (2007); Angland v. Mountain Creek Resort, Inc., 213 N.J. 573 (2013); JB Pool Management, LLC vs. Four Seasons at Smithville Homeowners Association, Inc., 431 N.J. Super. 233 (App. Div. 2013).

Sam's experience includes the defense of ski areas, ski shops, water parks and related sports equipment retailers and manufacturers. He is a member of the Association of Ski Defense Attorneys, currently serving as Vice-President of that organization. Sam also specializes in representation and defense of community associations and related entities. In connection with this area of his practice he serves as general counsel to in excess of 60 associations in New Jersey. He was elected in 2004 to the prestigious College of Community Association Attorneys by the National Community Association Institute. Sam has successfully represented numerous association clients through their transition from developer control and has prepared and tried numerous construction defect cases against developers. Sam has also prosecuted actions for his clients against municipalities in connection with the New Jersey Municipal Services Act and has often been called upon to

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represent his client's before land use and planning boards throughout the state.

Education: Sam received his B.A. in both Economics and English from Ursinus College in Collegeville, PA in 1986 and his J.D. from The Delaware Law School in 1989 where he was treasurer for the Student Bar Association.

Admissions: Pennsylvania (1989); New Jersey (1990); New York (1993). Sam is also admitted to practice before the U.S. District Court (Eastern District Pa.), U.S. District Court (District of New Jersey) and United States Court of Appeals (Third Circuit).

Certification: Certified by the Supreme Court of New Jersey as a Civil Trial Attorney.

Memberships: Fellow, Litigation Counsel of America; The New Jersey Defense Association; Association of Ski Defense Attorneys; College of Community Association Attorneys; American Bar Association (Section on Litigation; Committee on Construction Litigation); New Jersey State Bar Association (Real Estate Section); Morris County Bar Association; N.J. Chapter of the Community Association Institute.

Sam served as an elected Borough Councilman in Florham Park, New Jersey and served as member and Chairman of the Florham Park Planning Board for more than 10 years. Sam has had numerous articles published in the N.J.-C.A.I.'s publication "Community Trends" and his article entitled "The Case against Strict Enforcement of Statutes of Limitations in Community Association Latent Construction Defect Actions" was published in CAI's Journal of Community Association Law, Vol. 3, No. 1 at page 10. Sam is a frequent lecturer on Community Association, Litigation, and Nonprofit corporate law issues.

Sam's Email address is smcnulty@huestonmcnulty.com.

JOHN F. GAFFNEY, ESQ. (*Member of the Firm*)

John Gaffney has extensive insurance defense and trial experience. He worked in claims for insurance companies for ten years prior to receiving his law degree. He has tried numerous cases to a conclusion before juries throughout New Jersey and in New York. In recognition of

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his extensive trial experience, he has been designated as a "Certified Civil Trial Attorney" by the New Jersey Supreme Court since 2003. In addition, John successfully argued the matter of Reichert v. Vegholm, 366 N.J. Super. 209 (App. Div. 2004), where the court upheld his "no-cause" verdict and held that when a plaintiff claims that an accident aggravated a prior injury or condition, the plaintiff has the burden to prove what damages a particular defendant caused. John is a member of the firm's litigation group focusing on insurance defense matters.

Education: John received his B.S. in Business Economics from the State University of New York College at Oneonta in 1982 and his J.D. from New York Law School in 1991.

Admissions: New Jersey (1992); New York (1992). John is also admitted to practice before the U.S. District Court (District of New Jersey, Southern District of New York and Eastern District of New York) and United States Court of Appeals (Second Circuit).

Certification:

Certified by the Supreme Court of New Jersey as a Civil Trial Attorney.

Memberships:

The New Jersey Defense Association; New Jersey State Bar Association.

John has served as an elected member of the Florham Park Board of Education since 2000. He has also served on the Florham Park Lacrosse Board of Directors.

John's Email address is jgaffney@huestonmcnulty.com.

BRIAN J. MCNULTY, ESQ. (*Member of the Firm-Resident Pennsylvania Office*)

Brian McNulty has extensive trial experience in Pennsylvania and New Jersey State and Federal Courts. Brian has prepared hundreds of cases for trial and taken many to verdict with a significant number of defense verdicts and verdicts dramatically lower than settlement demands. In addition to his trial experience, he has resolved hundreds of matters at arbitration and/or mediation in the state and Federal courts of Pennsylvania and New Jersey. Brian has significant experience defending

Fortune 500 corporations, building owners, large amusement parks, and contractors in products liability and premises matters as well as construction site accidents including related insurance coverage issues. Additionally, Brian specializes in representation and defense of community associations and related entities in Pennsylvania and New Jersey.

Education: Brian received his B.A. in Government/International Relations from Georgetown University in 1994 and his J.D. from Widener University in 1998, where he was a member of the Moe Levine Trial Advocacy Honor Society.

Admissions: New Jersey (1998); Pennsylvania (2004). Brian is also admitted to practice before the U.S. District Court (District of New Jersey, Eastern District of Pennsylvania and Middle District of Pennsylvania).

Memberships:

New Jersey Bar Association, 1999 - Present, Pennsylvania Bar Association, 2005 - Present, Montgomery County and Chester County Bar Association, 2005 - Present, Southern New Jersey Insurance Claims Association, 2003 - Present

Brian's Email address is bjmcnulty@huestonmcnulty.com.

EDWARD J. TURRO, ESQ. (Counsel)

Ed Turro was admitted to practice before the Supreme Court of New Jersey and in the United States District Court for the District of New Jersey in 1998. He received his B.A. in Political Science from Columbia University, New York, NY in 1993 and his J.D. from New York Law School in New York, NY in 1996.

Ed served as Judicial Law Clerk to the Honorable Stephen F. Smith, Jr., J.S.C., Morris County, New Jersey.

Ed has experience handling the defense of community associations, boards and property managers. He also has handled a wide range of civil litigation including defense of personal injury suits, auto and premises liability, commercial litigation, employment and family law matters.

Ed also has experience handling the appeal of civil matters, including the reported case of Daniels v. Daniels, 381 N.J. Super. 286, (App. Div. 2005).

Ed's Email address is eturro@huestonmcnulty.com.

DONNA B. SHAW, ESQ. (*Associate*)

Donna Shaw was admitted to practice before the Supreme Court of New Jersey in 1994. She received her B.A. from Wells College in 1976. She received her J.D. from Rutgers Law School-Newark in 1994. Donna served as Judicial Clerk for The Hon. Lorraine C. Parker, J.S.C., Superior Court, Sussex County New Jersey in 1994-1995. She is a member of the N.J. State Bar Association and the Sussex County Bar Association.

Donna is experienced in community association collection matters, general counsel community association work including contract and governing documents interpretations and a wide variety of issues that affect the everyday lives of our community association clients. Her legal experience also includes matrimonial, residential real estate, land use and prerogative writ litigation, estate planning and administration, guardianships for children with developmental disabilities and adults with mental illness and dementia, often serving as court-appointed attorney or guardian ad litem.

Donna's Email address is dshaw@huestonmcnulty.com.

BRIAN J. MCINTYRE, ESQ. (*Counsel-Resident Sparta Office*)

Brian J. McIntyre is a member of the firm's Community Association Law and Litigation practice groups. He concentrates his practice in the areas of community association law, construction defect litigation, contract law, collections, real estate tax appeals and insurance defense matters. Brian represents condominium associations, homeowners associations, cooperatives and individual homeowners in the transition process and construction defect lawsuits. He actively attends board meetings, performs contract review, and assists in rules enforcement and document interpretation.

A graduate of Bucknell University in 2001, Mr. McIntyre earned his law degree from Seton Hall University School of Law in 2004. He is admitted to practice in both New York and New Jersey as well as before the United States District Court for the District of New Jersey. Following law school, Mr. McIntyre served a Judicial Clerkship in the Superior Court Chancery Division, General Equity Part with the Hon. Rosemarie Ruggiero Williams, P.J. Ch. (retired). Brian is active in the New Jersey Chapter of Community Association's Institute and has served as an expert panelist and author for that organization.

Brian's email address is bmcintyre@huestonmcnulty.com.

ANTHONY J. CHIRLES JR., ESQ. (*Associate*)

Anthony J. Chirles Jr., Esq. is experienced in representing creditors in consumer and commercial recovery actions during both pre-judgment and post-judgment litigation phases. He also has experience defending against personal injury, premises liability, and motor vehicle accident claims and handling construction defect cases. Anthony has appeared in Superior Court in almost every New Jersey county as well as arbitration proceedings and the Workers' Compensation Court. He is also a volunteer mediator for the Passaic County Special Civil Part.

Education: Anthony received a B.A. in Sociology with a Minor in Criminal Justice from Montclair State University in June, 1998. Anthony attended law school on an academic scholarship at Quinnipiac University School of Law, in Hamden, Connecticut, and graduated in May, 2002 to receive a J.D.

Admissions: New Jersey (2002); District of Columbia (2011). Anthony is also admitted to practice before the U.S. District Court (District of New Jersey).

Memberships: New Jersey Association for Justice; Passaic County Bar Association

Licenses: New Jersey Real Estate License

Military Experience: In April 2004, Anthony enlisted in the United States Marine Corps. After graduating basic training to become a Marine, in early 2005, Anthony deployed to Iraq to serve our country in support

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of Operation Iraqi Freedom III. Returning from Iraq nearly a year later, Anthony continues to serve in the United States Marine Corps Reserve.

Anthony's email address is achirles@huestonmcnulty.com.

DAVID C. BUDD, ESQ. *(Associate)*

David obtained his bachelor's degree from Rutgers, The State University of New Jersey with a major in Economics. He received his law degree from Seton Hall University School of Law in May 2012 where he was a Member of the Honor Council. He was also a Member of Seton Hall Law's Dispute Resolution Society Executive Board and the Dispute Resolution Society Competition Team. He received further training in ADR by participating in Seton Hall Law's Securities Clinic, The Investor Advocacy Project, as well as the Representation in Mediation Practicum, where he represented Pro Bono clients in Mediations in The U.S. District Court for the Southern District of N.Y. He is admitted to practice law in New Jersey.

After graduating law school, David served as law clerk to the Honorable Jeffrey R. Jablonski, J.S.C., Superior Court of New Jersey, Hudson County, in the Law Division. During his Clerkship, David served as a mediator in both Small Claims and Special Civil Part cases. Prior to joining Hueston McNulty, P.C., he worked for an insurance defense firm, primarily on professional liability and personal injury cases.

David's practice focuses on insurance defense, construction defect litigation, premises liability, and representation of Community Associations.

David's email address is dbudd@huestonmcnulty.com.

AIMEE HUESTON MCNULTY, ESQ. *(Of Counsel)*

Aimee McNulty was admitted to practice before the Supreme Court of Pennsylvania in 1989 and before the Supreme Court of New Jersey and U.S.D.C. District of New Jersey in 1991. She received her B.A. from the University of Delaware in 1986 and her J.D. from Widener University

School of Law in 1989. Aimee is a member of the N.J. State Bar Association and the N.J. Chapter of the Community Association Institute.

Aimee concentrates in the general representation of community associations, collection practice and commercial litigation. She has arbitration, mediation and litigation experience in restrictive covenant enforcement, collection matters, transition and tenancy issues.

Aimee's Email address is amcnulty@huestonmcnulty.com.

CAROL A. SCHRAGER (*Of Counsel, New York Office*)

Carol Schrager has counseled and represented diverse individual, corporate and insurance company clients in a wide-ranging civil practice in the State of New York, including the following:

- Liability prevention and defense, risk management, claims management, litigation and mediation for operators of recreational facilities, hospitality businesses and manufacturers, distributors and retailers of sporting goods. Extensive claims defense for several major insurance companies and their third party administrators. Instrumental in drafting and lobbying for the statute and regulations that govern ski area operations in New York State. Dozens of reported and unreported successful motions for summary judgment and amicus appearances in trial and appellate courts throughout New York State.
- General corporate and business matters, construction law issues, contract negotiation and drafting, complex problem solving, logistical co-ordination, negotiated dispute resolution and a broad spectrum of commercial litigation, arbitration and mediation on behalf of both plaintiffs and defendants (including individuals, partnerships and corporations) engaged in a wide variety of business endeavors.
- Real estate matters, including negotiation and drafting of commercial and residential leases and contracts of sale as well as attendant litigation; counseling of boards and managing agents of cooperative apartment corporations regarding major issues and day-to-day operations.

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Education:

Harvard Law School - Class of 1979

Articles Editor-in-Chief, *Harvard Women's Law Journal*

Board Memberships/Pro Bono Activities:

- Member of the Advisory Board of the New York Women's Bar Association Foundation; Former longtime Director of the New York Women's Bar Association.
- Pro bono counsel for civil matters for the Center Against Domestic Violence, which operates shelters for battered women. Former member of its Board of Directors
- Member of the National Ski Areas Association Environmental Committee and Governmental Affairs Committee.
- Served for 12 years on the Board of Directors of the Association for Ski Defense Attorneys.
- Annual lecturer at risk management seminars for the National Ski Areas Association and Ski Areas of New York.
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Carol's email address is CSchrager@huestonmcnulty.com

HUGH EMORY (*Of Counsel-Pennsylvania Office*)

Hugh Emory is an experienced Pennsylvania trial attorney with extensive experience in the defense of ski areas, ski, bike and sporting goods manufacturers and retailers, amusement and water parks. Hugh has successfully tried hundreds of cases to verdict on behalf of his clients over the past 37 years.

Education: Hugh is a 1963 graduate of Phillips Andover Academy, Andover, Massachusetts. He received his B.A. from Cornell University, Ithaca, New York in 1967 and his J.D. from the Temple University School of Law, Philadelphia, Pennsylvania in 1972 where he served as Editor-Chief, for the *Temple Law Quarterly*, 1971-1972

Admissions: Supreme Court of the United States; United States Court of Appeals for the Third Circuit; United States District Court for the Eastern District of Pennsylvania; United States District Court for the Middle District of Pennsylvania; Supreme Court of Pennsylvania.

Memberships: *Association of Ski Defense Attorneys*

Hugh's email address is HEmory@huestonmcnulty.com.

I. TAX IDENTIFICATION NUMBER

Our tax I.D. No. is 22-3196644

II. TYPE OF WORK

Hueston McNulty, P.C. is a New Jersey law firm founded in 1975 with offices located in Florham Park, Sparta and Toms River, New Jersey as well as offices in Manhattan and Suburban Philadelphia, Pennsylvania. Our firm has focused its practice as trial lawyers and counselors to community associations and in sport and recreational defense work for a number of insurers. We represent ski areas, ski, bike and sporting goods manufacturers and retailers, amusement and water parks. We count numerous community associations as our clients serving as general counsel and as carrier appointed defense counsel for directors and officers liability claims. We represent insureds in defense of premises, auto and coverage matters. We have successfully resolved numerous community association transition matters for our clients and have litigated construction defect and boundary law cases for them.

We efficiently handle many matters for our clients throughout the New York-New Jersey-Pennsylvania region. The firm also handles estate/probate litigation and guardianships. We represent clients in land use and related municipal real estate applications and in emergent applications before the Chancery Division in New Jersey. We are "A-V" rated by Martindale-Hubbell and provide services throughout New Jersey, New York and Pennsylvania.

We are "A-V" rated by Martindale-Hubbell and our entire staff is committed to staying keenly focused on your need for excellence and value.

Visit us at our website: <http://www.huestonmcnulty.com>

III. CONTACT INFORMATION

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NEW YORK OFFICES:

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The Empire State Building, Suite 4810,
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1164 Victory Boulevard
Staten Island, NY 10301

IV. Representative Client List

Addidas Dynastar
Atlantic Palace Interval Association, Inc.
Braemar at Berkeley Heights Homeowners Assoc., Inc.
Brunswick Condominium Association, Inc.
Camelback Ski Area and Camelback Lodge
Cedar Gate at Livingston Condominium Assoc., Inc.
Condominiums at Carillon Associations, Inc.
Communities at Concordia Homeowners Assoc., Inc.
Livingston Towne Center Master Association, Inc.
The Flagship Condominium Association, Inc.

Four Seasons at Promenade Condominium Association, Inc.
Gothic Towers Condominium Association, Inc.
Greentree Village at Sparta Owner's Association
Greenbriar Oceanaire Community Association, Inc.
Hunter Mountain Ski Area
Intrawest Holdings, USA
Killington/Pico Ski Areas
LaSamana Condominium Association, Inc.
Leisure Knoll at Manchester Owners Association, Inc.
Lofts at Westside Station II Condo. Assoc., Inc.
Mirage Condominium Association, Inc.
Mountain Creek Resort, Inc.
Northgate Condominium Association, Inc.
1501 Ocean Avenue Condo. Assoc., Inc.
Ocean Bay Condominium Association, Inc.
Ocean Cove Condominium Association, Inc.
Park Hamilton Condominium Association, Inc.
Paulinskill Lake Association, Inc.
The Pointe at Livingston Condominium Association, Inc.
The Pointe at Turnburry Condominium Association, Inc.
Riviera at Freehold Homeowners Association, Inc.
Riverpark at Harrison Condominium Association, Inc.
Rose Valle Condominium Association, Inc.
Shadowbrook Homeowners Association, Inc.
Solomon
Ski Campgaw
Ski Shawnee, Inc.
Stratton Mountain Ski Area
Sterling Green Homeowner's Association, Inc.
Stonebridge Community Association, Inc.
Turner Construction Company
Vail Mansion Condominium Association, Inc.
Vela Townhomes Condominium Association, Inc.
Vizcaya Condominium Association, Inc.
Wells Fargo Condominium Association, Inc.
The Willows at Chatham Condominium, Inc.
Wimbledon West Condominium Association, Inc.
Woodside Homeowners Association, Inc.
Windham Ski Area
Zephyr Lofts Condominium Association, Inc.

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REFERENCES

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Michael Berezein, President
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