



Glancing Back.  
*Moving Forward.*

**MURTHA**  
**CULLINA**  
ATTORNEYS AT LAW

*For more than 80 years, Murtha Cullina has assisted clients with their most complex legal needs. Today, we remain true to the core values on which the firm was built. We take pride in excellence, producing the highest quality legal work in an ethical manner. We learn our clients' businesses and industries, acting as true business partners to our clients and helping them achieve their goals. We are solutions-oriented, understanding that legal issues do not arise in a vacuum and always working to help our clients solve their business challenges. We take initiative, doing whatever it takes to meet our clients' needs.*

While maintaining these values, we have expanded, upgraded, and retooled to meet our clients' changing needs and expectations. In the last three years, we have added 20 partners to grow the practices and industries in which our clients needed assistance. Given our location in the heart of the knowledge-based economy, we added an intellectual property group in 2016 that has rapidly grown into a very well-respected practice in our region. We also added a tax-exempt practice to provide more in-depth counseling and services to our healthcare, education, and non-profit clients. We remain the leading firm for emerging companies, providing tailored corporate, intellectual property, and business immigration services to the best and brightest entrepreneurs in our region. We have deepened our strength in the energy, environmental, water, healthcare, and long term care regulatory areas, while also adding attorneys in the areas of labor, employment, ERISA, executive compensation, real estate, corporate, healthcare, energy, insurance recovery, construction, litigation, and trusts and estates.



While there are many new faces at the firm, our attorneys and staff continue to act as a team in a collegial, collaborative, and positive manner. We treat all people inside and outside the firm with dignity and respect. We celebrate the uniqueness of our clients, attorneys, and employees, and the diverse perspectives they bring to our business and the legal services we provide. Adhering to these values, Murtha Cullina has become known for a firm where women thrive. We have had a female managing partner since

2009, as well as significant female representation on our Executive Committee and in our partner, counsel, and associate ranks. We are very grateful for the support of our clients, colleagues, and friends in 2017. We look forward to working with you to achieve even greater success in 2018 and beyond.

**Jennifer M. DelMonico**  
Managing Partner

## INTELLECTUAL PROPERTY

### **Reversal of PTAB Decision Represents Major Innovative Breakthrough for Aircraft Industry**

The Murtha Cullina Intellectual Property Litigation Practice Group presented oral arguments before the Patent Trial and Appeal Board (PTAB) in an effort to reverse the United States Patent and Trademark Office (USPTO) Examiner's determination that an actuation system for a leading edge of an aircraft wing was not patentable.

The oral arguments that were presented after the case was fully briefed and taken up by the PTAB focused on the non-obvious material properties of self-lubricating liners employed in track roller bearings used in such actuation systems.

With the aid of demonstrative exhibits including an operational mock-up of the leading edge of an aircraft wing, the Murtha Cullina attorneys were successful in having the PTAB reverse the decision of the USPTO Examiner. The case has since been remanded by the PTAB to the Examiner for further consideration. This invention represents a major innovative breakthrough in the aircraft industry.

### **Trademark Filing Settled After 11 Years of Opposition**

In 2005, applications for registration of nine trademarks for a best-selling bearing product line were submitted to the USPTO. After years of prosecution before the USPTO trademark examining attorneys and litigation regarding the ownership and registrability of the nine

trademarks, the USPTO issued a notice of publication of the trademarks for opposition by any party having a real interest in the registrations.

Many parties filed oppositions against the trademarks and all but one were settled. The final opposer continued asserting its opposition through the discovery phases of the opposition. Finally, about eleven years after the initial filings, with the assistance and advice of the Murtha Cullina Intellectual Property Litigation Practice Group, the last opposition proceeding was settled and the nine marks were registered on the principal register of the USPTO. The registrations for these marks were deposited by Murtha Cullina with US Customs and Border Patrol to have infringing products confiscated at the border.

### **Persistence Pays Off**

In a case that began with the filing of a patent application in 2005, Murtha Cullina attorneys prevailed in gaining allowance of two patents and very broad patent claims. While it is true that most patent applications take too long to be examined and granted, this case was extraordinary. Initially, allowable subject matter was found. Then, a new Patent Examiner took over the case and reversed the finding of allowable subject matter. After multiple rounds of prosecution, which culminated in an unsuccessful appeal, Murtha Cullina patent attorneys remained steadfast in their belief that the application should be granted.

Using sales data and affidavits from industry experts, Murtha Cullina patent attorneys were able to convince the Patent Examiner that the claims should be allowed. Our patent attorneys did not stop there. After gaining allowance of a first set of claims, a continuation application with considerably broader claims was filed and ultimately granted – albeit 13 years after the original application was filed!

### **Mission Accomplished: Trademark Reinstated**

Our client had mistakenly allowed its longstanding trademark to go abandoned. It sought help from a trademark attorney at a very large law firm. However, after spending a considerable amount of money, the attorney at the large law firm was unable to revive the mark.

Our mission: analyze the case history and devise a strategy to have the trademark registration reinstated. Our analysis of the last office action in the case revealed that both the mark in question and the facts of the case narrowly missed a path for reinstating the mark that was laid out in a case cited by the rejection trademark examining attorney. By making minor amendments to the description of goods and services, our trademark attorney was able to fit the abandoned mark within the case law path for reinstatement.

Ultimately, our trademark attorney gained reinstatement of the mark in a timely and cost-effective manner.

Mission Accomplished!

## EMERGING COMPANIES

The Emerging Companies team expanded its role as the leading firm for the start-up community by adding the Tsai Center to the roster of incubators to which it provides mentor services and legal presentations. The firm now works with (and provides a wide range of legal services to) entrepreneur teams from Yale, U-Conn, Wesleyan, University of Bridgeport and University of Hartford. Legal services on any given transaction might include advice on entity formation and ownership structure, borrowing and/or equity participation, intellectual property, contracts, employment matters and non-compete arrangements, cyber security, and tax considerations.

In addition, listenership of the CTStartup podcast (available on your favorite podcast app and [www.ctstartup.com](http://www.ctstartup.com)) has expanded to over 1,000 regular downloads per month.

## IMMIGRATION LAW

### **Cuban National Released From ICE Custody Thanks to Immigration Practice Group**

In 2017, Murtha Cullina added an Immigration Practice Group to represent clients with a wide range of employment-based, and family-based immigration matters. Adding the Immigration Practice Group has allowed the firm to provide important additional business services to our clients, and it has enhanced our Corporate, Emerging Companies, and Education teams, among others. It also has been very timely as immigration has been in the forefront of American news and politics.

In December, the Immigration Group worked to release a Cuban National from Immigration and Customs Enforcement (ICE) custody after nearly six months in detention. The release came after extensive negotiations with ICE and preparation to file a habeas corpus petition in federal court.

To this end, **Dana Bucin**, the Chair of the Immigration Practice Group, was interviewed for a July Hartford Business Journal article, entitled *Visa delay adds uncertainty for CT immigrant-entrepreneurs*. Click here to read the article.



*The Connecticut Entrepreneur Awards honored the Emerging Companies Group with the **Corporate/Institutional** award.*



*Murtha's Immigration Law Insights blog is a legal resource for companies, entrepreneurs, and individuals.*



## CORPORATE LAW

Last year brought continued growth and diversity of our regional corporate practice. Among many transactions, we represented:

- The owner of a transportation business in the sale of all of the equity interests in the transportation business to another transportation business.
- A professional services firm that primarily conducts business in Connecticut and Massachusetts in the purchase of another professional services firm that primarily conducts business in New Hampshire, Rhode Island and Vermont.
- The owners of a defense manufacturing business in the sale of all of the equity interests in the business to a public defense manufacturing business.
- A UK-based educational software firm in its first acquisition of an operating business in the US.
- The owners of 2 Internet-based businesses in the sale of all of the equity interests in the Internet-based businesses to another Internet-based business.
- The owner of a gas service station and automobile repair business in the sale of all of the equity interests in the business and the sale of the real estate on which the business was located.
- A public company in a licensing agreement with SAP and implementation agreement with CapGemini for multinational ERP system implementation.
- An investment fund in the formation, financing, and licensing of necessary intellectual property for multiple biotech startups.

## COMMUNITY BANKING

The Community Banking Practice Group had an excellent year in 2017. We represented our community bank clients – as well as regional and national banks – in structuring, negotiating and closing financial transactions of many kinds and sizes.

Loan types included construction financing, permanent mortgage loans, asset-based lending transactions (both revolving credit and term loans), mezzanine transactions and bond placements throughout Connecticut, New York and Massachusetts.

Representative transactions included financing the acquisition of nine gas stations with



*Murtha Cullina's Family Business Perspectives blog provides up-to-date analysis of the unique legal issues facing family-owned businesses.*

the same investor/borrower; a \$75 million mortgage loan (a consortium of lenders) secured by multiple properties in different states; and closing a large private bond placement with a regional hospital. We also assist our bank clients in restructuring troubled loans, with loan work-outs, and if necessary, realizing on the lender's security.

## ENERGY GROUP MOVES MICROGRID PROJECTS FORWARD

Murtha Cullina represented several municipalities with renewable energy and microgrid projects in 2017. For example, the firm represented the Town of Westbrook in soliciting proposals from private developers for commercial solar photovoltaic projects to be located on various town buildings and schools. Several of these projects were selected by the local electric distribution company which agreed to purchase renewable

energy credits from the Town to help reduce project costs.

The firm also assisted the Town in connection with the development of a submission to the Department of Energy and Environmental Protection for a grant for a microgrid. Once constructed, the microgrid will help to support local distributed energy generation for critical facilities to ensure they remain powered during electrical grid outages.



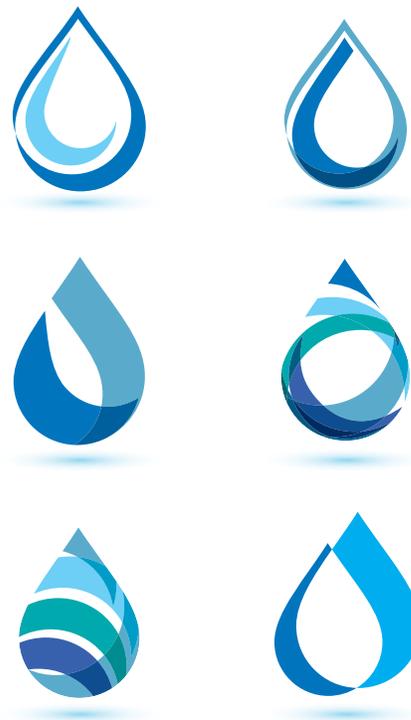
*Paul McCary received the Energy Excellence award from the Connecticut Power and Energy Society.*

## MURTHA CULLINA ASSISTS CLIENT IN WATER COMPANY ACQUISITIONS

Longtime firm client Connecticut Water completed two significant water company acquisitions in 2017. In February Connecticut Water acquired The Heritage Village Water Company. Shareholders of Heritage Village exchanged their stock for publicly traded Connecticut Water stock in a transaction with an enterprise value of \$20.7 million. HVWC serves approximately 4,700 water customers in the Connecticut communities of Middlebury, Oxford and Southbury. Heritage Village also owns and operates the only wastewater system regulated by the Connecticut Public Utilities Regulatory Authority (PURA) serving approximately 3,000 customers in Southbury. In July Connecticut Water completed its acquisition of The Avon Water Company which serves approximately

4,800 customers in Avon, Farmington and Simsbury. The transaction involved a stock-for-stock exchange and reflects a total enterprise value of approximately \$40.1 million, with \$34.0 million paid to shareholders and the assumption by Connecticut Water of approximately \$6.1 million of debt of Avon Water Company.

Both deals involved the usual regulatory, corporate, finance and SEC concerns, as well as sophisticated tax and ERISA issues. In addition, in the Heritage Village Water deal, the Town of Southbury filed an aggressive lawsuit seeking to enjoin the transaction, but we advocated for Connecticut Water and obtained a very favorable settlement.





## HEALTH CARE PRACTICE GROUP SUCCESSFUL IN NON-COMPETE VICTORY FOR PHYSICIAN GROUP CLIENT

Murtha Cullina's Health Care Group obtained a substantial victory in defending against a temporary injunction to enforce a non-compete provision against an employee of our client, Integrated Anesthesia Associates. In doing so, our attorneys obtained the first court decision interpreting Conn. Gen. Stat. § 20-14p, which governs geographic and durational limitations in non-compete provisions as applied specifically to physicians.

The case involved a physician who had joined Integrated after having been terminated by her former employer, an anesthesia practice in Stamford. The plaintiff anesthesia practice brought claims against the physician for violation of a non-compete provision in her employment agreement, misappropriation of trade secrets, and violation of Connecticut's Unfair Trade Practices Act (CUTPA). The plaintiff alleged that our client's physician solicited plaintiff's staff to join her at Integrated, providing Integrated with inside information about a services contract that allowed Integrated to take over the contract. The plaintiff also alleged that our client's physician disparaged the plaintiff in the medical community. Integrated was joined as a defendant on claims of tortious interference, commercial defamation and violations of CUTPA.

After a seven-day hearing and substantial briefing by all sides, the Court (Genaurio, J.) denied the temporary injunction and made extensive factual findings against the plaintiff that neither the physician nor Integrated had engaged in any activities that supported the claims against them, including no violations of CUTPA. The Court was also the first to interpret Conn. Gen. Stat. § 20-14p, which applied to the physician's non-compete that had automatically renewed on July 1, 2016, as void and unenforceable because the non-compete, as written, lasted for two years (instead of the now-mandated one year), and had not been re-executed by the physician after the new statute was enacted.

Murtha Cullina's Health Care Group attorneys are actively involved in several other ongoing litigations involving physicians and non-compete provisions, and continue to monitor developments in the law regarding Conn. Gen. Stat. § 20-14p.

## PROBATE AND TRUST DISPUTE RESOLUTION GROUP

Our attorneys represented a charitable religious organization in a will contest to protect the organization's multimillion dollar bequest, and in pursuing breach of fiduciary duty claims against the estate's Administrator. We also represented a national land conservation organization in a will contest that is likely to be resolved under alternative dispute resolution procedures instead of a traditional trial, saving the client money and hopefully preserving a sizable charitable bequest.

Our attorneys also defended the holder of a power of attorney for her parent, who eventually also became the parent's executor, against charges of improper use of the power to change beneficiary designations. We were able to bring all sides to the table and negotiate an agreement on the distribution of estate and trust assets that was acceptable to all parties, and thereby bypass an expensive and divisive contested proceeding.

Unfortunately, nothing divides a family like the prospect of inheriting wealth. We continue to represent certain sibling co-fiduciaries, who are also beneficiaries, and a family friend fiduciary, in the settlement of the estates of their parents. Another sibling co-fiduciary, who has been disinherited, is separately represented and challenges our clients' efforts at every turn. The estates hold numerous environmentally challenged business and real estate parcels. We have been able to demonstrate to the probate judge

that our clients have acted appropriately, and we continue to work toward the final settlement of both estates with the tax authorities, creditors, and the siblings themselves.

We were also successful in obtaining voluntary conservatorships for a number of our clients whose capacity is unfortunately beginning to deteriorate. Voluntary conservatorship in Connecticut allows the Probate Court to appoint a representative of the client's choosing without a finding of incapacity and the accompanying formal legal proceedings and forced mental examinations required in an involuntary conservatorship proceeding.

In New York Surrogate's Court, we have represented both fiduciaries and beneficiaries in estate and trust proceedings in which accountings were not filed for decades. We were able to assist the fiduciaries in the proper preparation of the unfiled accountings, and we were able to help our beneficiary clients understand the accountings that were eventually filed as a result of our efforts.



Photo credit: WTNH

## CONSTRUCTION LAW GROUP

### **Construction Law Group Successfully Represents City of Hartford in Stadium Project**

Murtha Cullina's Construction Law Group achieved a victory in April 2017 when Dunkin' Donuts Park in Hartford, Connecticut opened for its first season of baseball. The stadium's opening marked the culmination of nearly a year of complex and intensive legal representation by our firm on behalf of the City of Hartford.

Dunkin' Donuts Park originally was slated to open in the spring of 2016. However, by May 2016, it appeared that the developer would not be able to deliver the ballpark, even by its extended deadline. Shortly thereafter, the City of Hartford hired construction attorneys **Leslie P. King** and **Loring ("Woody") A. Cook, III**, to hopefully navigate the way to a completed stadium – without any additional cost to taxpayers. Leslie and Woody delivered. Shortly after engaging Murtha Cullina, the City took decisive action and terminated the original project developer and design builder. After the termination, Leslie and Woody helped the City negotiate an extremely complicated takeover agreement with Arch

Insurance, the surety of the terminated design builder, to complete the project without any cost to taxpayers.

In October 2016, the surety's new completion contractor resumed construction. As construction was underway, Murtha continued to provide guidance to the City as issues arose with the ultimate goal of completion for the 2017 season. After several months of hard work, the Yard Goats played their home opener at Dunkin' Donuts Park on April 13, 2017. Leslie and Woody, along with other Murtha construction attorneys, continue to represent the City of Hartford in the ensuing litigation and arbitration proceedings stemming from the stadium project.

### **CT Superior Court Judge Awards Construction Manager Client \$4.2 Million**

Our client, a construction manager, was awarded just under \$4.2 million dollars after a 26-day bench trial in Connecticut Superior Court. The trial was arduous, with the judge changing his instructions about how the extensive number of exhibits would be handled (several hundred per party). The case was originally brought by the electrical

subcontractor regarding a hospital expansion and renovation project.

The subcontractor sued the construction manager claiming that it had breached the agreement by permitting a cardinal change to the scope of the work. The court not only rejected the subcontractor's claim for damages, but it also ordered it to refund overbilled amounts to the construction manager with interest.

### **Multi-Million Dollar Faulty Workmanship Claim Settled Successfully**

We defended a developer/owner of a condominium project against the Trustees of the condominium who brought a multi-million dollar claim alleging faulty workmanship and defective design of the project. Despite significant Statute of Limitations and Statute of Repose issues, Murtha Cullina successfully impleaded the general contractor and the architect into the case who, in turn, brought several subcontractors on board. Pursuant to a "reservation of rights" letter from the developer's general liability insurer, that insurer funded our client's cost of defense of the claims. After negotiations and a mediation that stretched over several months, the matter was settled without any contribution from our client's personal funds.

## GOVERNMENT AFFAIRS GROUP

The Government Affairs Group assisted clients in a wide range of legislative and administrative matters in 2017. Perhaps the two most high profile, complex and controversial of these issues were the expansion of casino gambling in the state of Connecticut and the effort by Dominion, which owns the Millstone nuclear power plant, to be allowed to sell electricity in a state-sponsored bidding process where it would compete with solar, wind and hydropower.

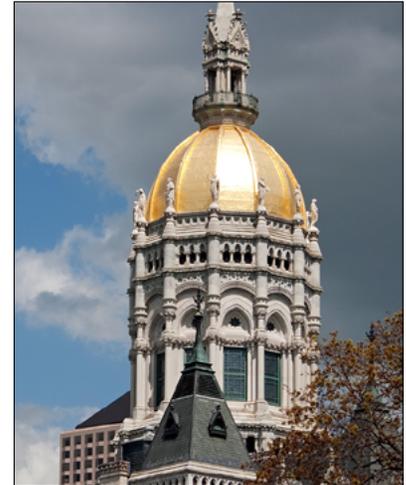
On behalf of our client MGM Resorts, we worked to pass legislation that would require an open, competitive process for the awarding of the first commercial casino license in the state. The issue was complicated by the state's current reliance on the slot revenues generated by the state's two tribal casinos and the terms of a compact the state entered into with the tribes in the early 1990s giving them the exclusive right to develop and operate casinos in Connecticut.

On behalf of multiple clients, including a number of renewable energy companies and their trade association REEBA, and the CIEC, a trade association representing large industrial energy, we pushed for more financial transparency on the part of Dominion and sought assurances that any additional cost for Millstone's energy would be shared on a regional basis.

The state budget crisis consumed a major part of the regular legislative session which spilled into a lengthy Special Session that finally adjourned on October 31st after the House and Senate passed a bi-partisan budget.

On behalf of its many clients, the Government Affairs Group attended hearings, meetings, press conferences and administrative briefings in order to stay on top of the daily machinations at the Capitol and arranged for our stakeholder clients to meet with legislative leaders and committee chairs.

Whether it was the Community Health Center Association of CT, which relies on state funding dollars to provide health care services to the underserved, or Audubon CT, concerned with protecting state funding for land conservation and preservation, or the Connecticut Retail Merchants Association, whose members act as state sales tax collectors, we were involved in the lengthy debate about state spending and revenue.



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## MURTHA SUPPORTS NEW ENGLAND LAW DEAN'S RECEPTION

In November 2017, attorneys from Murtha Cullina LLP attended the Dean's Reception at New England Law honoring Massachusetts Lieutenant Governor **Karyn Polito**. The Dean's Reception is held to honor members of the law school community who have contributed significantly to the development, reputation, and spirit of New England Law Boston. This event highlighted Murtha Cullina's longstanding relationship with New England Law. The school is well represented at the

firm with five alumni (Partners **Michael Connolly**, **Joseph Tarby**, **Mark Tarallo** and **Tom Vangel** and Associate Attorney **Alyssa Aaskov**) and a current 3L student (Law Clerk **Christopher Fox**). In addition **Donna White** is an adjunct professor and **James DeGiacomo** is a former adjunct professor with the school.



*Partners **Donna White** and **Tom Vangel**, Of Counsel **James DeGiacomo** and Law Clerk **Christopher Fox** (above). Also pictured are **Paula Vangel**, Firm client and NESL alum, **Michael Schelzi** and the Honorable **Patricia Hurst**.*

## APPELLATE GROUP

2017 was a significant year for our Appellate Law Practice Group. It marked the anniversaries of two U. S. Supreme Court oral arguments by Murtha Cullina attorneys – the 30-year anniversary of *Fort Halifax Packing v. Coyne*, 482 U.S. 1 (1987) and the 10-year anniversary of *Marrama v. Citizens Bank of Massachusetts*, 549 U.S. 365 (2007). This year also saw the Appellate Group’s efforts to build on that tradition rewarded by the Connecticut Law Tribune as Connecticut’s *Appellate Litigation Department of the Year*.

### Notable Appellate Group 2017 Successes

In March, our client was on the successful side of the much anticipated decision in *R.T. Vanderbilt Co. v. Hartford Accident & Indemnity Co., et al.*, 171 Conn. App. 61 (2017). The Appellate Court had held a rare six hour special oral argument session for this appeal. Murtha Cullina’s appellate group represented the plaintiff-policyholder against 12 insurance carrier defendants. The decision exceeded 300 pages and addressed several issues of first impression involving insurance coverage for asbestos litigation.

In May, Murtha Cullina’s Appellate Group obtained an affirmance from the Appellate Court in *Riley v. Travelers Home & Marine Ins. Co.*, 173 Conn. App. 422 (2017), preserving a \$1.5 million verdict in favor of our client, a policyholder falsely accused by his insurance company of arson.

In June, the Appellate Court issued its decision in *Redding Life Care, LLC v. Town of Redding*, 174 Conn. App. 193 (2017), in which Murtha Cullina’s Appellate Group utilized the rarely used writ-of-error to obtain appellate review of a trial court’s decision ordering our client to involuntarily provide his expert opinion through deposition testimony. The Appellate Court granted the writ and, as a matter of first impression, recognized an unretained expert privilege in Connecticut common law.

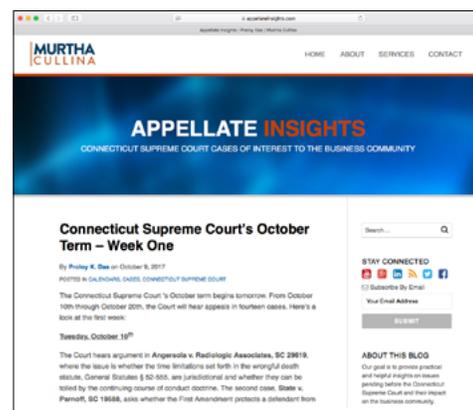
In August, Murtha Cullina’s Appellate Group obtained a reversal of a jury verdict on behalf of our client, the City of New Haven. The Court’s decision in *Maio v. City of New Haven*, 326 Conn. 708 (2017), refined the state’s hearsay rules with respect to the former testimony exception and was ultimately incorporated into the recent revisions to the evidence code.

In September, Murtha Cullina’s Appellate Group successfully defended a multi-party arbitration award on behalf of our client, a finance company, in *A Better Way Wholesale Autos, Inc. v. Rodriguez*, 176 Conn. App. 392 (2017).

In December, the Massachusetts Appeals Court released its decision in *Desmond v. Green*, 16-P-1561, ruling in favor of Murtha Cullina’s client, a Chapter 7 trustee, affirming a judgment imposing a trust over a \$1.3 million condominium that had been purchased solely in the name of the debtor’s wife using proceeds from the sale of a marital home. The Court concluded that the trial court properly considered post-purchase conduct, including the debtor’s continued control of the new home.



Members of the Appellate Practice Group accepted the **Appellate Litigation Department of the Year** award from the Connecticut Law Tribune.



The Appellate Insights blog highlights Connecticut Supreme Court cases of interest to the business community.

## RETAIL & HOSPITALITY GROUP

### **Woburn's Most Infamous Property Finally Begins Development**

Many remember the 1999 movie *A Civil Action* starring John Travolta, which told the story about chemical manufacturer W.R. Grace & Co's role in a case of industrial pollution – at the time the largest and most expensive chemical cleanup in history. Almost twenty years later, the abandoned property is finally being developed.

Our Retail & Hospitality Group represented the developer Madison Properties in obtaining all land use permits for the hotel/restaurant development which includes a Red Robin (open), a 110 Grill (to be constructed), a Chick-Fil-A with a drive-thru (to be constructed) and a 235 room dual hotel with a Hampton Inn and Homewood Suites (to be constructed). In addition, the project includes major traffic improvements at Washington Street and the on and off ramps at I-95.

### **Automotive Group Driving Industry Success**

In October 2017, the Automotive Group successfully completed a complex refinancing of a multi-site dealer's floor plan facility, commercial real estate portfolio and line of credit facility. All told the loan amounts were increased to approximately \$120 million. For another automotive client, we successfully opposed a lender's attempt in August 2017 to seize the dealership's vehicle inventory



after the lender cut off the dealer's floor plan and demanded immediate repayment of all loans. With our assistance, the client was able to transition to another floor plan lender and to continue in business as one of the better selling dealers of its brand.

In 2017, we continued to enjoy our strong relationship with the Massachusetts State Auto Dealers Association both as a member and as counsel to the Association. We presented at the Annual CFO and Controller's Summit in November 2017 on Floor Plan Financing Issues and Factory Default Notices and Responses. We were sponsors of the MSADA Annual Meeting and the Annual Auto Show Business Meeting and Gala.

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### **Murtha Cullina is the exclusive member firm in Connecticut for Lex Mundi – the**

world's leading network of independent law firms with in-depth experience in 100+ countries worldwide. As part of the Lex Mundi global network, we provide our clients with preferred access to more than 21,000 lawyers around the world – all from a single point of contact. Individually, each Lex Mundi member firm is a leader in its local market. Collectively, Lex Mundi firms provide global legal resources with unmatched depth and breadth. Working

Member

**LexMundi**  
**World Ready**

with other Lex Mundi firms, we are able to seamlessly handle our clients' most challenging cross-border transactions.

Having been the Connecticut Lex Mundi firm since its inception over 25 years ago, our clients have benefitted from our access to attorneys all over the world. Our attorneys play an active role in Lex Mundi activities. Each year attorneys attend Lex Mundi practice group conferences as well as conferences on leadership, technology, marketing and business development.

## PRIVACY & CYBERSECURITY

In June 2017, we presented our second annual Cybersecurity half-day conference at Quinnipiac Law School in North Haven.

**Arthur House**, Cyber Security Chief for the State of Connecticut, presented on Global Cyber Security Issues. **Matthew Fitzsimmons**, Assistant Attorney General for the State of Connecticut, presented on State Law & Enforcement. In addition, a panel of Murtha attorneys from our Privacy & Cybersecurity Practice Group participated in *A Legal Perspective* Panel. The post Conference Q&A Panel included our attorneys as well as **James McLaughlin**, In-House Counsel at Datto, Inc. and **Matt Fitzsimmons**.

We continue to assist clients with responding to and preparing for data breaches in all industries, developing and implementing preventative strategies including information security plans and crafting privacy policies and terms of use for websites and apps.



*The Privacy and Cybersecurity Perspectives blog provides insights into privacy and cybersecurity developments in business and healthcare.*



*Jennifer DelMonico was sworn in as Board Chair of the Greater New Haven Chamber of Commerce.*

## MUNICIPAL LAW GROUP

### **Significant Victory for Municipal Law**

In December 2017, the firm achieved a major victory for the Town of Cheshire when the Connecticut Superior Court awarded the Town damages of nearly \$1.5 million from the State of Connecticut Department of Corrections for sewage discharge from a state prison facility which the Town had treated, but which had not been reported.

The State owns and operates a prison complex in Cheshire. The prison flow meter which measured the sewerage discharge to the treatment plant had been under-reporting the amount of flow that was being discharged and treated by the Town for almost a decade. The Town had been attempting to recover the unpaid funds since 2011. Suing the State is a difficult process, and obtaining relief for the Town required obtaining legislative approval, prevailing in a proceeding before the State Claims Commissioner, and eventually prevailing again in a trial in the Superior Court.

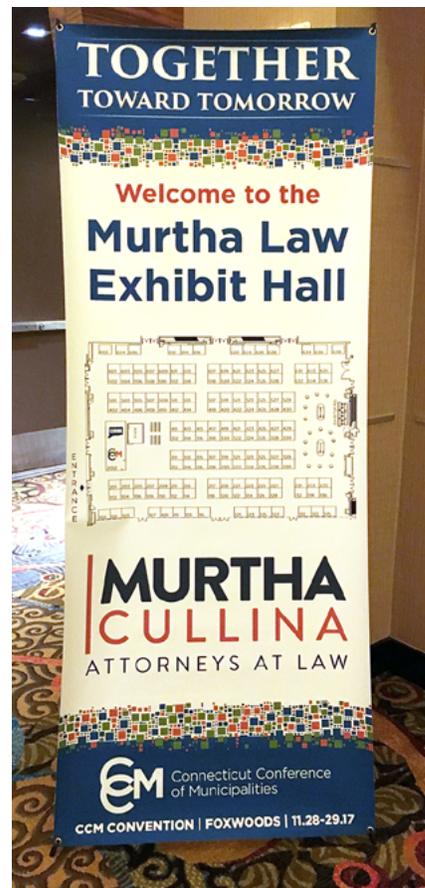
### **Murtha Cullina Assists the Connecticut Conference of Municipalities**

Our Communications Law Practice Group represented the Connecticut Conference of Municipalities (CCM) in two full regulatory proceedings before the Connecticut Public Utilities Regulatory Authority (PURA), along with an administrative appeal, which culminated in providing Connecticut municipalities the right to a pre-application consultation process with wireless service providers planning to install small cell communications facilities. Prior to our work with CCM, both the wireless service providers and PURA had contended that municipalities had no meaningful rights before or during any PURA proceedings involving proposed small cell installations.

## BANKRUPTCY & CREDITORS' RIGHTS

In the Fall of 2017, our Group successfully concluded a four year, out of court, wind down of a Connecticut manufacturer. While an expensive bankruptcy filing was an option for the Company, which had secured and unsecured debt, our Group assisted and navigated the borrower through the process of efficiently negotiating with creditors to avoid unnecessary litigation, and possibly an abrupt closure, while trying to explore options to either sell the Company or operate in a downsized manner. Ultimately, we assisted the Company in liquidating assets for the benefit of its secured creditors and negotiating a consensual unsecured creditor arrangement.

In addition, our Group has been representing a large regional lender in a complicated leasehold mortgage foreclosure action.



*Bob Kaelin was installed as President of the Hartford County Bar Association and Melissa Federico was appointed to the Board of Directors.*



## LABOR & EMPLOYMENT

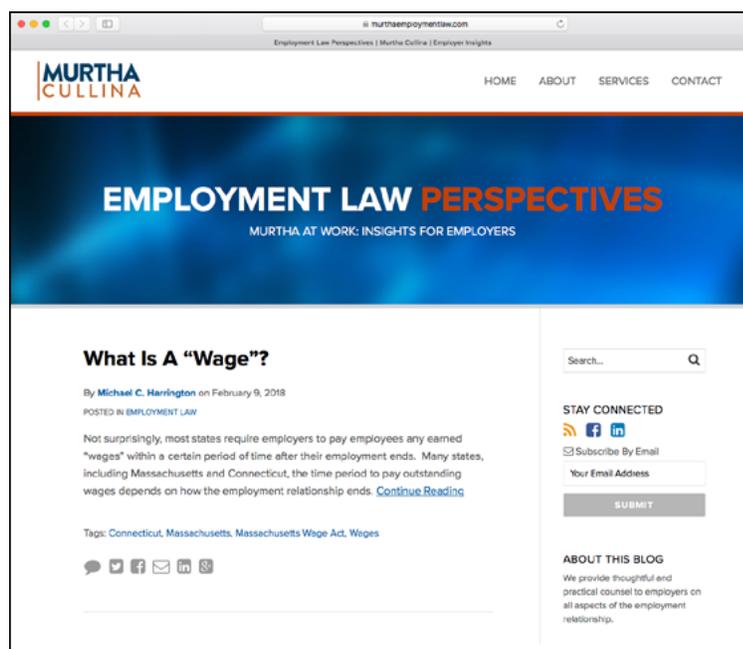
### Labor & Employment Practice Group Offers Added Value to Clients

The Labor and Employment Group attorneys maintain thriving practices committed to serving all of our clients' labor and employment needs. In addition to counseling clients, Labor and Employment attorneys represent clients in state and federal courts and before administrative agencies. Group members also assist lawyers in other practice areas such as healthcare, education, emerging companies, and other business services, to counsel and advise clients as employment issues arise. In 2017 the practice group grew with the addition of two lateral partners, **Salvatore Gangemi** and **Patricia Reilly**.

Also in 2017, our Labor and Employment Practice Group kicked off a monthly webinar series and launched a blog. Both of these are examples of how the group works in partnership with clients to keep them apprised of developments in the ever-changing legal landscape and to help them achieve their goals within the law. The Labor and Employment Group also offers regular workplace harassment prevention training seminars. Sound proactive legal counseling often helps clients prevent or minimize conflict and expense.

Here are some of the webinar topics covered:

- Diverse Workforces And Transgender Individuals
- New Rules For Employers Of Foreign Nationals
- Marijuana In The Workplace
- Retirement Plan Hardship Distribution
- Summer Dress Code
- FMLA – How To Do It Right?
- Employees' Speech In And Out Of Work
- Tips For A Merrier Office Holiday Party



*The Employment Law Perspectives blog offers insights for employers.*

## NEW PARTNERS



**Dana R. Bucin**  
Immigration



**Dena M. Castricone**  
Health Care, Long Term Care,  
Cybersecurity



**Salvatore G. Gangemi**  
Labor & Employment



**John H. Mutchler**  
Intellectual Property



**Patricia E. Reilly**  
Labor & Employment



**Joseph B. Schwartz**  
Litigation, Municipal &  
Land Use Law



**Edward B. Spinella**  
Exempt Organizations



**Mindy S. Tompkins**  
Health Care



**Donna M. White**  
Trusts & Estates

## NEW ATTORNEYS



**Elizabeth A. Galletta**  
Counsel, Intellectual Property



**Lorey Rives Leddy**  
Counsel, Litigation



**Alyssa L. Aaskov**  
Associate, Real Estate



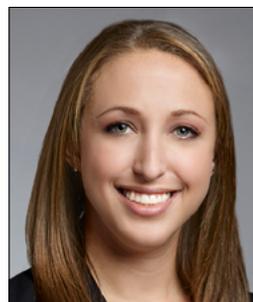
**Julia P. Boisvert**  
Associate, Health Care



**Michael J. Bonsignore**  
Associate, Immigration



**Catherine A. Cuggino**  
Associate, Real Estate



**Sarah Gruber**  
Associate, Litigation

### **ADL Presents the First Irwin J. Hausman Civil Rights Award**

In April 2017, we lost our good friend and former partner, **Irwin Hausman**. In addition to his busy career as a real estate lawyer, Irwin was deeply involved with the Anti-Defamation League. Indeed, in 2011, the ADL honored Irwin and his family with the prestigious Daniel R. Ginsberg Humanitarian Award, an honor for those who have committed themselves to serving the Lower Fairfield County community and devoted themselves to humanitarian causes.

As a result of Irwin's dedication to civil rights and social justice, we are incredibly proud to announce that the ADL established a new award in Irwin's honor, the Irwin J. Hausman Civil Rights Award. The annual award recognizes those who, through their actions, have advanced the cause of civil rights. It was presented at the Hartford Torch of Liberty Dinner on October 30.

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### **Murtha Cullina Embraces Connecticut Bar Association Diversity & Inclusion Pledge**

Following the input of Murtha Cullina Attorney Burt Cohen in developing "The Connecticut Legal Community's Diversity & Inclusion Plan" ("the Plan"), Murtha Cullina became one of the initial signatories to the Diversity & Inclusion Pledge sponsored by the Connecticut Bar Association. The Plan is part of a multiyear process to develop and accomplish a series of implementation goals designed to promote diversity and inclusion not only within each legal organization but within the Connecticut legal community as a whole.

The first year of the Plan focuses on infrastructure building, self-assessment and benchmarking of progress on diversity and inclusion. The second year of the Plan focuses on developing, to the extent not already in place, firm-wide training programs and other appropriate educational resources on the effects of implicit bias and its impact on diversity and inclusion efforts. The Plan's third year focuses on hiring and pipeline initiatives with the goals of ensuring true equal opportunity employment practices and the elimination of implicit and explicit biases within those processes, while also supporting new pipeline initiatives for the legal profession in Connecticut. The fourth year of the Plan focuses on retention efforts,



*Jane Murphy presented the ADL Irwin Hausman Civil Rights award to Deirdre Daly, former U.S. Attorney.*

all of which are intended to foster the professional development and advancement of diverse individuals. The Plan's fifth year is structured to ensure that formal and informal leadership opportunities are meaningfully and realistically accessible to diverse individuals. The Plan also contemplates that after the fifth year, the signatories will continue to assess their diversity & inclusion performance, implement necessary changes, and serve as ambassadors within the broader Connecticut legal community.

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### **Greater New Haven Chamber of Commerce D&I Initiative**

Under the leadership of Managing Partner **Jennifer DelMonico**, who also serves as Chair of the Greater New Haven Chamber of Commerce, the Chamber launched a diversity and inclusion initiative in September 2017.

The Chamber also organized a Diversity & Inclusion Task Force to help develop and implement a strategic plan that will identify and adopt more programs and solutions to serve Greater New Haven's vibrant and multicultural community. The Chamber enlisted Murtha Cullina attorneys **Dena Castricone**, who founded a local chamber for LGBT-friendly businesses, and **Burt Cohen**, President of the Lawyers Collaborative for Diversity and Chair of the Firm's Diversity & Inclusion Committee, to serve on the D&I Task Force, along with other leaders from the business, government and non-profit sectors.

**Four Murtha Attorneys  
Serve as Diversity Mentors**

Partners **Dena Castricone** and **John Mutchler** and Associates **Sarah Gruber** and **Robert Heinimann** are participating as mentors in the annual Lawyers Collaborative for Diversity mentoring program for 2017-18, which teams up practicing lawyers with minority and women students in area law schools.

LCD's Mentoring Program – a core part of its programming to increase diversity



Dena Castricone



John Mutchler



Sarah Gruber



Robert Heinimann

in the legal profession – is in its fourteenth year. Many law students, including lawyers at Murtha Cullina, who have gone through the program have gone on to have

successful legal careers in private practice, corporate legal departments and government service.

**Women Expanding Business Group Annual Networking Event**

In June 2017, the Murtha Cullina Women Expanding Business (WEB) Group hosted a cocktail party for more than 70 clients and friends. The event was held at Kitchen Zinc in New Haven, Connecticut,

a woman-owned business. The event provided an opportunity for networking and fostering conversations that support women in the business world.



*Jennifer DeMonico received the Hartford Business Journal Women in Business award.*



*Members of the Diversity Committee attended the Edwin Archer Randolph Award Celebration.*



**Burt Cohen Named President of Lawyers Collaborative for Diversity**

This year, **Burt Cohen** became the President of the Lawyers Collaborative for Diversity (LCD). His term will go through June of 2018.

LCD's mission is to enhance diversity and inclusion in the Connecticut legal community for attorneys of color and women to practice law and find satisfying professional opportunities. As president, Mr. Cohen works with LCD's Executive Director, Board of Directors and LCD members to continue successful collaborations with Connecticut law firms, corporate law departments, affinity bar associations and public sector entities.

Burt has been actively involved with LCD since its inception in 2003.



*Madiha Malik, Nisha Kapur and Bridget D'Angelo served as members of the Attorney Advisory Committee for the LCD Building Careers Symposium.*

**Murtha Cullina LLP is proud to have sponsored the following events in 2017**

George W. Crawford Black Bar Association – Diamond Sponsor

Lawyers Collaborative for Diversity Edwin Archer Randolph Awards – Celebration Reception Sponsor

SABAC Awards Dinner – Gold Sponsor

CAPABA Annual Dinner – Gold Sponsor

Connecticut Bar Association D&I Summit – Foundation Sponsor

CHBA Awards Event – Gold Sponsor

**Former Managing Partner Elizabeth J. Stewart  
Appointed Connecticut Superior Court Judge**

In 2017, former Murtha Cullina Managing Partner **Elizabeth J. Stewart** was appointed a judge for the Connecticut Superior Court.

Ms. Stewart was nominated by Governor **Dannel P. Malloy**, and was formally sworn in during an October ceremony held at the State Capitol.

“Elizabeth has had a remarkable career as a trial lawyer and as a leader here at Murtha Cullina,” said **Jennifer Morgan DelMonico**, Managing Partner of Murtha Cullina. “We know she will serve our judicial branch with fairness and distinction.”

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**Murtha Cullina Scholarship Funds**

More than 15 years ago, Murtha Cullina made the decision to turn the tradition of holiday giving into scholarship funds benefiting inner city children. In Connecticut, scholarship funds were set up at The Hartford Foundation for Public Giving and The Community Foundation for Greater New Haven. These funds are to support scholarships to accredited colleges or universities for students in need from the Hartford and New Haven areas.

In addition, the firm is proud to support uAspire. With sites in Boston, Springfield and Lawrence, Massachusetts, uAspire’s mission is to ensure that all young people have the financial information and resources necessary to find an affordable path to, and through, a post-secondary education. uAspire partners with schools and community-based organizations to provide free financial aid advice and advocacy to young people and families to help them overcome the financial barriers to higher education.

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**Hurricane Maria Strikes Home**

When Hartford Mailroom Clerk, Noel Polanco’s mother was stranded in her native Puerto Rico after Hurricane Maria, he was determined to rescue her from the devastated island. Thanks to a GoFundMe campaign set up for Noel, the firm’s staff and attorneys were able to raise more than \$6,000 in two days. This was enough money for Noel to fly to Puerto Rico to find his mother and for the two of them to get back to Hartford safely.



*The Hon. Elizabeth J. Stewart and retired partner Francis J. Brady at Judge Stewart’s swearing in ceremony.*



*James Radke with the 2017 uAspire Murtha Cullina Scholarship recipient.*



*Noel Polanco and his Mom.*



*In August, the firm held its annual summer outing at the historic Eisenhower House in Newport, Rhode Island. Attorneys and staff from each of Murtha Cullina's six offices enjoyed a lobster bake, yard games and each other's company!*

**Read to a Child**

For the first time, six employees of Murtha Cullina are involved in the Read to a Child program at Dr. Michael D. Fox School in Hartford for the 2017-18 school year. Read to a Child is a national nonprofit literacy and mentoring organization that inspires

caring adults to read aloud regularly to underprivileged children to create better opportunities for a child's future. This is a weekly lunchtime program that runs for 30 minutes at the school during the student's lunch period.



*Catherine Cuggino, Beverly Anello, Karen Finnegan, Sheryl Sylvester, Noelle Melnik and Andrea Race – all serve as Read to a Child volunteers.*

Murtha Cullina is one of several Hartford law firms that participate in the program. As stated by one of the Murtha Cullina volunteers, "The program is both simple and powerful. The one-on-one attention is beneficial to the student and provides a rewarding and fulfilling experience for the reader, as well. Reading to a child can literally change his/her life in ways that we can't even imagine!"

**Patty Rodgers Retires after 46 Years!**

In November, attorneys and staff, alumni and clients gathered to celebrate the retirement of **Patty Rodgers**. Patty, a corporate paralegal resident in the Hartford office, was presented with a Certificate of Special Congressional Recognition from Congressman John Larson.

Patty started working as a secretary at Murtha, Cullina, Richter and Pinney on September 7, 1971. In 1978, Patty was elevated to corporate paralegal, a position she held for almost 40 years.

In *A Firm History* by **John S. Murtha**, published in 1986, Mr. Murtha paid special recognition to four loyal, long-time employees, Patty being among them.

When asked what she would miss the most, Patty responded “my long relationships with the clients. I have known many of them for over a generation.”

In retirement, Patty is looking forward to going to the gym more often, relaxing, traveling, spending more time with family and friends from high school and college and our favorite answer... Sunday nights!



*Patty Rodgers*



*Raphaline Voccia*

**Raphaline Voccia Celebrates 60 Years at Murtha Cullina!**

In June, 2017, **Raphaline Voccia** celebrated her 60 year anniversary as an employee of Murtha Cullina.

Raphaline (or “Raph” as she is known) is a Legal Administrative Assistant with the firm’s New Haven office. She was 18 years old when she started working at Thompson, Weir & Barclay which joined Murtha Cullina in 1987.

Ms. Voccia graduated from a one-year program at Stone’s College. Her parents wanted her to work for the phone company so she would get full benefits plus pension. She was hired for .85 cents an hour (she was offered .80 cents an hour, but “held out” for .85 cents).



*Members of the Boston office with clothing and toy donations for the May Institute.*

**Murtha Cullina Continues Tradition of Holiday Giving**

In Boston, attorneys and staff continued the holiday tradition of supporting the May Institute and collecting donations for the non-profit organization. With the money raised, through donations and a raffle, designated Murtha Cullina shoppers were able to purchase numerous gifts and toys for the May Institute, including clothing and electronics. The May Institute is a nonprofit organization that provides educational, rehabilitative, and behavioral healthcare services to individuals with autism spectrum disorder and other developmental disabilities, brain injury, mental illness, and behavioral health needs.

For more than 15 years, Murtha Cullina’s Hartford office has supported the Mercy Housing and Shelter during the holidays. This year, attorneys and staff provided gifts for 20 children and families in need. The Mercy House provides housing and supportive services to homeless and at risk people.



*Members of the Hartford office with the giving tree for Mercy Housing and Shelter.*

## AWARDS & MILESTONES

### ATTORNEY AWARDS

**Jennifer M. DelMonico** – Women in Business Award, *Hartford Business Journal*

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**Taruna Garg** – 40 Under 40 Award, *Fairfield County Business Journal*

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**Burt Cohen** – Distinguished Leader Award, *Connecticut Law Tribune*

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**Paul R. McCary** – Excellence in Energy Award, *Connecticut Power and Energy Society*

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**Lisa Newfield** – Responsible 100 Award, *City and State New York*

### PRACTICE GROUP AWARDS

**Appellate Practice Group** – Appellate Litigation Department of the Year, *Connecticut Law Tribune*

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**Emerging Companies Group** – Corporate/Institutional Award, *CT Entrepreneur Awards*

### OTHER NOTABLE MILESTONES

**Burt Cohen** named President of Lawyers Collaborative for Diversity

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**Suzanne Brown Walsh** named Chair of Uniform Law Commission Drafting Committee on Electronic Wills

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**Jennifer M. DelMonico** elected Chair of Greater New Haven Chamber of Commerce

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**Dena M. Castricone** and **Paul R. McCary** named James W. Cooper Fellows of the Connecticut Bar Foundation

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**Robert E. Kaelin** installed as President of the Hartford County Bar Association

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**Melissa A. Federico** elected to Board of Directors of the Hartford County Bar Association

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**Kari L. Olson** elected to Board of Directors of Connecticut Association of Municipal Attorneys

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**Suzanne Brown Walsh** appointed to the Joint Editorial Board for Uniform Trusts and Estates Acts

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**Proloy K. Das** appointed to Pro Bono Panel of the U.S. Court of Appeals for the Second Circuit

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**Melissa A. Federico** elected to Board of Directors of Lawyers for Children America

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**Kristen L. Zaehring** named Fellow of American Bar Foundation

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**Alfred R. Casella** elected Fellow of the American College of Trust and Estate Counsel

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**Patricia L. Boye-Williams** elected to Town of Farmington, CT Town Council

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