

Government and Regulatory Affairs

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ABOUT MALAMUT & ASSOCIATES, LLC

The law firm of Malamut & Associates, LLC is dedicated to representing clients with integrity and intensity. The firm's mission is to provide the highest level of advocacy on behalf of our clients in a timely, efficient, responsive, and professional manner.

Founded in 2001, the firm quickly established a reputation for competently, ethically, and successfully representing clients in the areas of:

- Personal Injury
- Criminal Defense
- Medical Malpractice
- Complex Litigation
- Workers Compensation
- Administrative Law

Developing this excellent reputation has resulted in referrals of significant matters from individuals and law firms throughout the country.

In 2014, the firm established a Government and Regulatory Affairs Practice Group focused on representing local government entities in South Jersey. In 2019, the firm expanded this practice group by adding seven attorneys with statewide experience representing government agencies as solicitor and as special counsel in the areas of:

- Labor and Employment Law
- Environmental and Land Use Law
- Public Finance

Due to continued client expansion, the firm's complement of lawyers stands at 23 assisted by a staff of paralegals numbering 14. In 2023, Malamut & Associates was also recognized on the "Best Places to Work NJ" list by NJBiz.

The firm's home office is located in Cherry Hill, NJ. Malamut & Associates also maintains offices in Freehold and Hoboken, NJ and Philadelphia, PA. The firm's main number is (856) 424-1808, and the firm's toll free number is (877) 567-5293.



OUR GOVERNMENT AND REGULATORY AFFAIRS TEAM

Malamut & Associates attorneys have extensive experience and institutional knowledge concerning the operation of State and local government agencies in New Jersey. Our attorneys have represented the State of New Jersey, the New Jersey Senate, multiple county governments, their schools, and authorities as well as more than 20 municipalities, their authorities and school boards. This representation spans decades and includes roles as solicitor as well as labor and employment counsel, land use and environmental counsel, bond counsel, civil litigation counsel, and workers compensation counsel. Our attorneys have a deep appreciation of the challenges faced by elected officials and governmental entities in complying with statutory and regulatory requirements while also proactively developing and implementing their own specific agendas. Malamut & Associates attorneys also have a wealth of experience representing private and public sector clients and agencies before State of New Jersey entities including:

- Department of Environmental Protection
- Department of Law and Public Safety
- Department of Transportation
- Department of Insurance
- Department of Treasury
- Board of Public Utilities
- Pinelands Commission
- Office of Administrative Law
- Public Employees Relations Commission

Combining representation of government agencies with representation before the State and its agencies has made the Government and Regulatory Affairs attorneys of Malamut & Associates well rounded and uniquely qualified to tackle any issue.



LABOR, EMPLOYMENT, AND NEGOTIATIONS

Malamut & Associates labor attorneys recognize the diverse workplace issues facing public and private sector employers. We are keenly aware that a thorough understanding of our clients' businesses and operational philosophies is key to providing assistance in developing proactive policies and procedures. These practices help avert liability, minimize employment claims, and foster a productive and healthy workplace. Our attorneys are committed to providing employers with quality counsel to ensure achievement of their goals.

Our public and private sector clients rely on us for guidance and counsel on many labor and employment issues including:

- Collective bargaining agreement negotiations
- Claims under state and federal laws against discrimination
- Breach of employment contract claims including matters involving covenants not to compete
- Americans with Disabilities Act claims
- Grievances/Public Employee Relations Commission matters
- Arbitration and mediation hearings
- Wrongful Discharge claims
- Fair Labor Standards Act claims
- Compliance with the New Jersey Family Leave Act and Equal Pay Act
- Affirmative Action programs
- Preparation of employee policies and procedures manuals
- Investigations
- Drugs in the workplace issues
- Discipline and termination issues





Municipal Bonds

PUBLIC FINANCE

Malamut & Associates currently serves as bond counsel to over a dozen municipalities in four counties in New Jersey and represents a number of independent governmental entities, municipal utility authorities, and the Burlington County Bridge Commission. Recently, in one year alone, our attorneys oversaw more than 25 municipal note sales totaling over \$163 million in short-term obligations and nine long-term bond sales or authority financings totaling over \$200 million.

Malamut & Associates public finance attorneys are licensed to practice law in the State of New Jersey. Our attorneys are listed in The Bond Buyer's Municipal Marketplace Directory (commonly referred to as the "Red Book") as bond counsel qualified to deliver legal opinions on the issuance of tax-exempt obligations.

Our public finance attorneys have served as bond counsel or underwriter's counsel to municipalities throughout the State on millions of dollars of public finance transactions and have participated in billions of dollars of bond and note financings for public projects. We have provided legal services with the preparation of bond ordinances, the authorization and issuance of bond anticipation notes and general obligation bonds, the approval and issuance of refunding bonds for both current and advance refunding transactions and for transactions that are undertaken to restructure outstanding debt.

In our role as bond counsel for municipalities, the firm's attorneys have worked extensively with the Local Bond Law and regularly appear before the Local Finance Board on numerous matters, including waivers of down payment, special emergency notes, refunding transactions, tax appeal refunding obligations, restructuring transactions, self-liquidating utility matters, and the creation and dissolution of municipal authorities. Through our many years of experience appearing before the Local Finance Board, we have developed a strong working relationship with the Local Finance Board staff and are very experienced with the procedures, requirements, and concerns of that entity.

Our attorneys also are experienced with the federal securities laws that govern a municipality's disclosure obligations for the sale of bonds. In addition, we possess extensive experience with the tax laws that govern the issuance of tax-exempt bonds under the Internal Revenue Code of 1986, as amended, and related regulations. Our tax law experience enables us to advise our municipal clients on the various unique and challenging tax issues that may affect the issuance of tax-exempt bonds.



PUBLIC FINANCE (Cont.)

Our firm also has extensive experience implementing the continuing disclosure obligations under Rule 15c2-12 of the Securities Act of 1933, as amended. Our experience includes drafting Continuing Disclosure Agreements and determining the nature and extent of the financial information and operating data that must be reported annually by municipalities. We also have been called upon to review whether a material event has occurred which requires notice to the nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board. We also have delivered opinions on the enforceability of Continuing Disclosure Agreements and advised clients on the terms and conditions and the performance of continuing disclosure obligations. Finally, in appropriate instances, we have applied the exemptions to continuing disclosure as they relate to variable rate obligations and small issuers. In short, our expertise with the Rule 15c2-12 amendments is extensive and diverse.

We also have represented numerous clients who have participated in pooled loan and pooled lease transactions through various county improvement authorities. Through our representation of these clients, we have provided advice on the various legal and financial issues that arise in pooled transactions. We have also represented county improvement authorities in pooled transactions, and through this experience developed an appreciation for the special legal issues that a public entity may need to consider when participating in such transactions.

In short, our firm possesses extensive experience serving as bond counsel to counties, authorities, and municipalities and is familiar with the different and unique issues that may occur relating to the authorization, issuance, and sale of general obligation bonds for funding new money projects and redevelopment projects and for refunding and restructuring transactions.

Our experience representing municipalities has taught us that each client is unique but all clients require responsive and efficient service. As a result, we strive to provide all clients, regardless of size or complexity, with superior legal services in a prompt manner and at a reasonable cost.

AFFORDABLE HOUSING

Since the New Jersey Supreme Court's March 2015 affordable housing decision, municipalities have been required to file housing plans in the Superior Court seeking compliance with their third-round housing obligations in order to remain insulated from builder's remedy lawsuits. Our attorneys have represented nine municipalities and initiated litigation on behalf of six Burlington County municipalities. Our attorneys continue to guide these municipalities through this court-supervised regulatory process, while assisting the municipalities with additional compliance mechanisms.



We understand the unique characteristics of these municipalities, and we work closely with the municipalities' affordable housing planners to ensure that an appropriate affordable housing plan is created and implemented.

Since the Supreme Court's decision, we have developed professional relationships with the Court-appointed Special Masters and intervenor defendants in our matters. Separately, through our representation of municipal utilities authorities, we have been closely involved in resolving utility issues arising from the implementation of proposed affordable housing developments.



REAL ESTATE & LAND USE

Malamut & Associates real estate and environmental attorneys are involved in a wide range of real estate matters including eminent domain, sales and acquisitions, development and land use, financings, leasing and operations, workouts, and litigation. Our attorneys regularly represent a broad spectrum of public and private sector clients which include State, local, and regional governmental entities, owners, developers, lenders, landlords and tenants, and nonprofit organizations in New Jersey and beyond. We are better able to service clients with their real estate needs by leveraging our experience across disciplines such as construction litigation, environmental and transportation regulation, land use planning and zoning, corporate and partnership transactions.

Our attorneys also have extensive experience handling traditional real estate services such as the preparation and negotiation of contracts, leases, joint ventures, land use restructurings, easements, title issues, zoning and the approval process. Our attorneys have taken an active role, where necessary, in representing our public sector clients in real estate matters before state or regional agencies. Our attorneys have also represented public bodies with respect to land acquisitions and condemnation matters for school projects in Trenton, Paterson, and Camden, and in relation to road projects in Burlington County, Middlesex County and Hudson County.

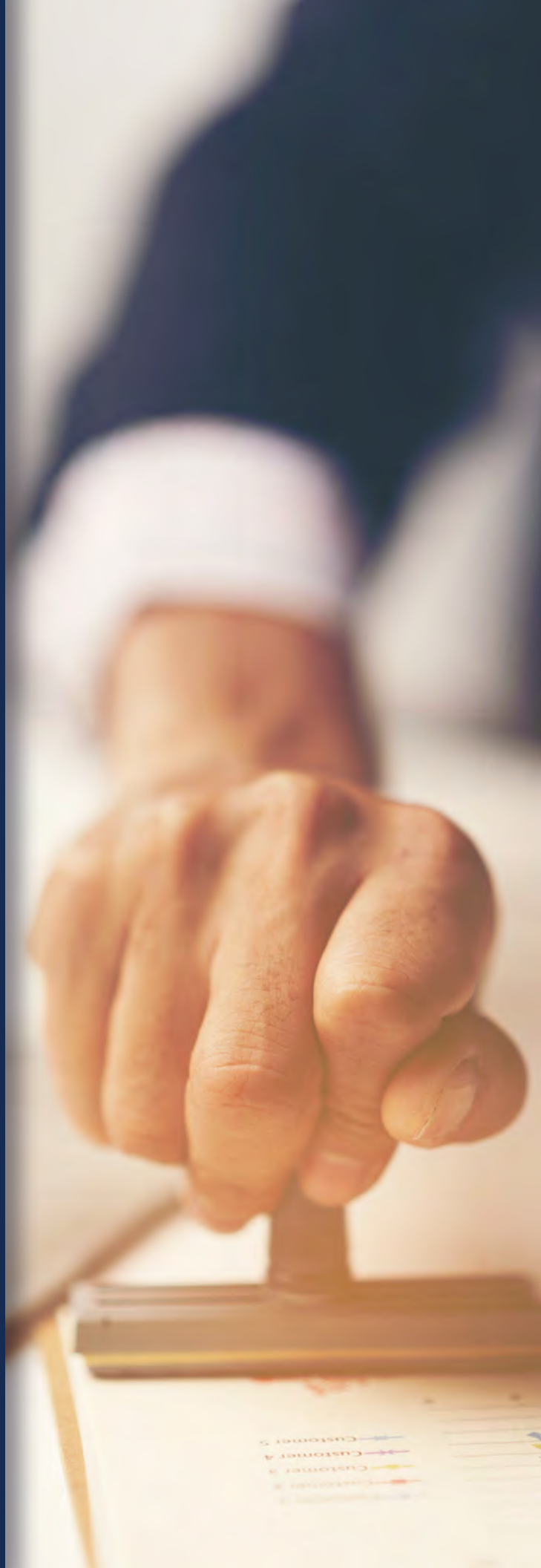
Our real estate lawyers also counsel public entities, owners, developers, and financial institutions in applicable federal, state, county, and local laws and regulations, and have assisted them in obtaining approvals in the land development process involving zoning, site plan, subdivision, and soil conservation issues, as well as before the New Jersey Departments of Environmental Protection and Transportation and the Pinelands Commission. We are also seasoned in handling enforcement actions, historic preservation issues, and accessibility issues as well as any related regulatory and litigation matters.

PUBLIC CONTRACTING & PROCUREMENT

Malamut & Associates' team includes multiple attorneys with years of experience in public procurement and has served as general and special counsel for public entities on virtually every aspect of procurements. The firm also represents our government entities in proceedings related to procurements in state and federal courts concerning bids, awards, and contracts for transportation, insurance, employment, and professional services issues.

We have advised clients on myriad issues that often arise during procurement processes and during the time period when bids are being evaluated, awarded, and/or challenged. Our attorneys work regularly with our clients to ensure continued compliance with applicable public bidding requirements (e.g., "Pay-to-Play" laws). Most recently, we have assisted some of our public sector clients in the formulation and implementation of "responsible bidder" requirements and Project Labor Agreements.

We also provide advice and consultation with respect to proposal compliance or non-compliance with bid specifications and requirements. We draft correspondence and other documents for our clients' review and signature relating to procurement issues, analyze vendors' compliance with applicable bid specifications and procurement laws including the Local Public Contracts Law, and provide general advice and research regarding case law which may impact our clients' procurement procedures and policies.



ENVIRONMENTALLY PROTECTED LANDS

Malamut & Associates attorneys are intimately familiar with the land use and development issues involving municipalities in environmentally protected regions such as the Pinelands. Many of our attorneys have experience serving as zoning board attorney or planning board attorney, including towns affected by such environmentally protected regions. Our firm has also represented public and private clients in matters before the Pinelands Commission and similar bodies, and we have served as co-counsel to a local regional school district in a lengthy matter before the New Jersey Pinelands Commission and the Department of Environmental Protection involving a historic application to rezone hundreds of acres within Pinelands land use management areas to facilitate the construction of a new high school. On behalf of private sector clients, we have also handled the sale and/or retirement of Pinelands Development Credits, the transferable development rights established by the Pinelands Commission for certain properties within the Pinelands National Reserve.

Our attorneys have also provided advice and representation to one of our public sector clients in developing and implementing a strategy to interact with the New Jersey Department of Environmental Protection, the Army Corps of Engineers, and the public with regard to a proposed emergency Delaware River dredging project and expansion of the dredge disposal area located at the Palmyra Cove Nature Park, an over 350-acre dredge materials deposit site converted to a nature preserve in 2003. When the Army Corps of Engineers commenced expansion of the project that threatened the Park, we intervened on behalf of our public sector client. Our work included review and analysis of project plans and specifications, legal research regarding statutory and regulatory requirements (Federal consistency issues, Clean Water Act issues, wetlands issues, endangered species issues and Congressional Record, and other notice requirements). Interaction with the Department of Environmental Protection and Army Corps resulted in an agreement not only to allow for the project, but at the same time, reduced the dredge material site at the Nature Cove to twenty acres.





LITIGATION

Malamut & Associates boasts an active litigation practice encompassing the full realm of business and legal disputes. Our trial attorneys are seasoned counselors and advisors who provide strategic thinking and decision-making to assist clients in reaching their business objectives. We sharpen our trial skills by participating in continuing legal education seminars in numerous substantive legal areas to keep abreast of case law developments and new trial methods. The broad spectrum of our litigation experience helps us respond in a timely manner to provide practical solutions to our clients' legal problems.

Our litigation attorneys represent clients in a wide array of matters in federal and state trial and appellate courts, and before regulatory and administrative agencies including the New Jersey Division of Workers Compensation and the New Jersey Office of Administrative Law. Our clients are diverse and include small and large corporations, not-for-profit organizations, manufacturers, governmental entities, publicly and privately held businesses, educational systems, and individuals. Our litigation attorneys have successfully tried a broad range of matters involving contract disputes, business issues, banking and lender liability, insurance defense, workers compensation defense, shareholder disputes, construction matters, discrimination and employment claims, product liability, non-compete agreements, governmental immunity, personal injury, trademark and copyright infringement, toxic torts, labor disputes, liability and insurance coverage.

Because we are a multidisciplinary firm, we are able to internally leverage the talents and experience of our full slate of attorneys across a wide spectrum of practices. Our depth of skill and experience is an invaluable tool when litigation matters involve varying substantive areas of law.

The attorneys of Malamut & Associates, LLC have over 25 years of workers' compensation defense experience, representing insurance companies, self-insured companies, and numerous public entities. This experience includes significant defense motion practice with an emphasis on relevant case law and applicable motion rules, as well as expertise in handling permanency and causal relationship issues both at the inception of the claim and during litigation. We also have experience with Second Injury Fund defense to limit exposure in total permanent disability cases. Further, our experience focuses on bringing formal claims to conclusion with an emphasis on the limitation and mitigation of exposure and costs for the client.



LITIGATION (Cont.)

Members of the firm have significant experience representing public entities, including municipalities, counties, local authorities and JIFs. The management of the files includes analysis and strategy from the filing of the initial Answer to Claim Petitions, through final settlement or trial where necessary. Our attorneys are skilled in collaborating with claims adjusters for the formulation litigation strategy, in order to obtain the best result for each and every claim handled.

Our attorneys have been representing public entities in their tort claims litigation for over 10 years. We have successfully handled matters involving tort claims defense, Section 1983 actions, contract disputes, business issues, insurance defense, municipal court defense, construction matters, discrimination claims and employment issues, product liability, governmental immunity, personal injury, toxic torts, liability and insurance coverage, and a broad range of general commercial litigation. We are also very familiar with Title 59 defenses for public entities and often are successful in obtaining dismissals in premises liability cases based upon notice or permanency defenses. We have represented municipalities and their police officers in excessive force, false arrest, and other Section 1983 claims.

Focusing on what's most beneficial for our clients, Malamut & Associates' attorneys are dedicated to exploring alternatives to active litigation before heading into the courtroom. Where appropriate, our lawyers encourage adversarial parties to initially avoid litigation and entertain alternative methods for resolving their disputes including direct negotiation, mediation, or arbitration. Recognizing the expense and resources involved in moving a business dispute into the courtroom, our trial attorneys carefully deliberate on whether litigation is the best advised method of resolving disputes. If the decision is made to litigate, our attorneys aggressively pursue a favorable disposition through dispositive motion practice, or if necessary, a verdict at trial.

Malamut & Associates LLC ATTORNEYS AT LAW

