

Magnelli And Markowitz Secure Significant Defense Verdict

David Goldrich v. City of Jersey City, et al., Civil Action No. 15-885

In February 2015, Jersey City Police Lieutenant David Goldrich filed a lawsuit in the U.S. District Court, D.N.J., against the City of Jersey City, Mayor Steven Fulop, the City's then Business Administrator Robert Kakoleski, Public Safety Director James Shea, then Chief of Police Philip Zacche and Deputy Chief Joseph Connors, alleging federal/state law claims of political retaliation and that he also suffered retaliation for "blowing the whistle" on unlawful activity relating to the Jersey City's Police Department's Off-Duty Account. Plaintiff was represented by Mark Frost & Associates. Jersey City was represented by Supervisory Assistant Corporation Counsel Scott W. Carbone. Mayor Fulop, Dir. Shea, BA Kakoleski, Chief Zacche and DC Connors were represented by Eric Magnelli, Esq. of Brach Eichler LLC. Matt Collins, Esq. Employment Law Chair, and Lucas Markowitz, Esq. Associate, were also part of the Brach Eichler legal team.

After filing a motion to dismiss, all claims against BA Kakoleski were dismissed. Plaintiff's CEPA ("whistle-blower") claim was dismissed against Mayor Fulop, proving there are no grounds to any of the allegations against all parties involved within the administration.

On summary judgment, Plaintiff's state/federal political retaliation claims were dismissed in their entirety and Plaintiff's CEPA claim was dismissed against Chief Zacche and DC Connors. As a result, Plaintiff's sole surviving claim was a CEPA ("CONSCIENTIOUS EMPLOYEE PROTECTION ACT ") claim against the City and Dir. Shea.

The trial began on February 4, 2019 before the Honorable Susan D. Wigenton, U.S.D.J. On February 11, 2019, the last witness was called, and the parties rested and a Directed Verdict was entered in favor of the City, dismissing Plaintiff's CEPA claim against it. On February, 13, 2019, after approximately 3 ½ hours of deliberations, a jury of seven returned a unanimous verdict in favor Dir. Shea, determining that Plaintiff did not suffer an adverse employment action and that Dir. Shea did not retaliate against Plaintiff for blowing the whistle.

The City and Dir. Shea will now be moving for an award of attorneys' fees and costs against Plaintiff in connection with the Court's prior order that Plaintiff intentionally and in bad faith spoliated evidence that would have been prejudicial to Plaintiff's case.