

PETER DICKSON
ATTORNEY AT LAW
LAW OFFICES OF PETER DICKSON
23 ROUTE 31 NORTH, SUITE A28
PENNINGTON, NEW JERSEY 08534

MEMBER N.J. AND D.C. BARS

TELEPHONE: (609) 690-0312
CELL PHONE: (609) 651-9960
EMAIL: dicksonpd@cs.com

December 17, 2024

The Honorable Kevin M. Shanahan, A.J.S.C.
Warren County Courthouse
413 Second Street
Belvidere NJ 07823

Re: Morrisette v. Phillipsburg Town Council
Docket No. WRN-L-00378-24
Plaintiffs' Response to Opposition

Dear Judge Shanahan:

This law firm represents the plaintiffs in this matter. Please accept this letter brief in lieu of a more formal brief in reply to the opposition of Peron Construction, Inc. (Peron), to our cross-motion to disqualify the law firm of Florio, Perrucci, Steinhardt, Capelli & Tipton, P.C., from representing Peron. The court will please note that a case information statement still has not been filed to accompany the motion to intervene. R. 4:33-3.

The cover letter submitted with the Peron filing claims that we did not e-file our opposition to the motion to intervene and cross-motion to disqualify. This is plainly incorrect, as a look at the docket sheet will confirm.

Peron's arguments are ineffective. First, as he has done before, Michael Perrucci,

Esq, who says he is the "sole owner" of Peron, claims that he has "sold his ownership interest in the firm," and that he "has not performed any legal work for any client." He offers certifications from the firm's tax accountant and administrator. But his name remains on the firm letterhead and website, prominently, and so these carefully worded claims do not settle the matter. For one relevant example, he is careful not to assert that he is "retired," not does the letterhead or website so indicate. For another relevant example, they do not settle the issue of whether he retains any management responsibility, as the presence of his name on the letterhead infers. See R.P.C. 7.5(c). If the court is inclined to credit these claims in any respect, plaintiffs respectfully request that they be permitted to take limited discovery of the firm and Mr. Perrucci, under a protective order, to examine these claims and Mr. Perrucci's actual role in the law firm.

Next, Peron argues that Advisory Committee Opinion on Professional Ethics 743, which Your Honor brought to the parties' attention in a related case, doesn't apply. It clearly does, and we rest on the discussion in our motion to disqualify. Peron also asserts that consents can cure the conflicts. Perhaps so, if those consents are informed and comply with the rules and the law, but no such consents have been offered. Until all necessary complaint consents are presented for the court's review, the Florio Perrucci firm by settled law can not represent Peron.

Until Peron is represented by counsel not disqualified by conflicts of interest, it can not appear in this matter. Accordingly, Peron's motion to intervene must be denied

without prejudice until it is represented by non-conflicted counsel. (We note in passing that the Town's answer filed on December 13 states in its R. 4:5-1 statement that it knows of no other party that should be joined, which would include Peron).

For the reasons in our cross-motion and this reply, plaintiffs respectfully request that their motion to disqualify the law firm of Florio, Perrucci, Steinhardt, Capelli & Tipton, P.C., be granted, and the motion of Peron Construction, Inc. be denied without prejudice.

Respectfully submitted,

/s/ Peter Dickson

Peter Dickson
NJ Attorney #001661979
Attorney for the Plaintiffs