

## RICHARD L. GOLDSTEIN

OFFICE MANAGING ATTORNEY  
SHAREHOLDER



### AREAS OF PRACTICE

Public Entity and Civil Rights Litigation  
Employment Law  
Architectural, Engineering and  
Construction Defect Litigation  
School Leaders' Liability  
Product Liability  
Environmental & Toxic Tort Litigation

### CONTACT INFO

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### ADMISSIONS

New Jersey  
U.S. Supreme Court  
U.S. Court of Appeals 3rd  
Circuit  
U.S. District Court of New  
Jersey

### EDUCATION

Villanova University School of  
Law (J.D., 1980)  
Dickinson College (B.A., cum  
laude, 1977)

### OVERVIEW

During his many years with the firm, Richard has developed substantial experience litigating in a number of different areas including toxic tort, environmental law, product liability and construction litigation. Over the past several years, his practice has concentrated on civil rights and discrimination, municipal liability and employment-related claims. He has represented police officers, police departments, municipal and county governments, political subdivisions, school boards, institutions of higher learning, private and profit and non-profit employers and businesses in cases relating to sexual harassment, race, ethnic and gender-based discrimination, handicap discrimination, whistle blowing and retaliation.

Having tried over 100 cases in federal and state courts throughout New Jersey, Richard has extensive trial experience. He has also handled many administrative actions before the EEOC, the New Jersey Office of Administrative Law, including the New Jersey Division on Civil Rights and other departments of the State of New Jersey.

Richard is a senior shareholder and the managing attorney of the southern New Jersey office of Marshall Dennehey, the largest of the firm's branches. As the managing attorney, Richard is responsible for the daily operations of the Mount Laurel office, including the supervision of its 100 plus employees. Richard is also the supervising attorney for the Professional Liability Practice Group in southern New Jersey and oversees the activities of some 20 attorneys who work in this practice area throughout the region.

In 2010, Richard became the newest member of the firm's board of directors and served for 6 years as senior vice president of the firm. Previously, Richard was the managing attorney of the northern New Jersey office in Roseland.

Richard graduated from Dickinson College *cum laude* with a Bachelor's Degree in 1977. Thereafter, he attended the Villanova University School of Law where he

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## HONORS & AWARDS

AV® Preeminent™ by  
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*The Martindale-Hubbell rated attorney list is issued by Internet Brands, Inc. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

New Jersey Super Lawyer  
2005-2009, 2012-2013, 2017

*The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

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## ASSOCIATIONS & MEMBERSHIPS

Camden County Bar  
Association

New Jersey Bar Association

New Jersey Defense  
Association

New Jersey District IV Ethics  
Committee, Former Member

received his *juris doctor* in 1980. He was a member of the *Villanova Law Review*, having authored "*Rush v. Savchuk* - Assertion of Quasi In Rem Jurisdiction Under Rule of Seider v. Roth Held Violative of Due Process," 25 *Vill. Law Review* 811 (1980).

Before joining Marshall Dennehey, Richard served as a law clerk for the Honorable Bernard J. Goodheart in the Philadelphia Court of Common Pleas.

## THOUGHT LEADERSHIP

### Marshall Dennehey Relocates Southern New Jersey Office From Cherry Hill to Mount Laurel

April 3, 2017

Marshall Dennehey has relocated its Southern New Jersey office from Cherry Hill to the Laurel Corporate Center in Mount Laurel. Effective today, the new office address is 15000 Midlantic Drive, Suite 200, P.O. Box 5429, Mount Laurel, NJ 08054.

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### Marshall Dennehey Announces 2017 New Jersey Super Lawyers & Rising Stars

March 15, 2017

Eleven attorneys from the New Jersey offices of Marshall Dennehey Warner Coleman & Goggin have been selected to the 2017 edition of New Jersey Super Lawyers magazine.

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### Marshall Dennehey Warner Coleman & Goggin Elects Board of Directors

December 19, 2012

December 2012 - Philadelphia, PA - The Executive Committee of the defense litigation firm Marshall Dennehey Warner Coleman & Goggin (MDWC&G) is pleased to announce that Robin Snyder, Esq.

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### On the Pulse...Profile of Our Cherry Hill, New Jersey Office

**Mount Laurel**

**June 1, 2014**

By Richard L. Goldstein, Esq.\*

### On the Pulse...Profile of Cherry Hill Office

**Mount Laurel**

**September 1, 2009**

The Township of Cherry Hill, New Jersey, lies five miles east of Philadelphia. Defense Digest, Vol. 15, No. 3, September 2009

## CLASSES/SEMINARS TAUGHT

*New Jersey Tort Claims Act*, Client Seminar, February 2014

Richard has lectured before a variety of groups including mayors, business administrators and police chiefs from the Atlantic County, Burlington County,

Gloucester County, Cumberland County, and Salem County Joint Insurance Funds and the South Jersey Claims Association. He has appeared before professional groups on similar topics.

## **PUBLISHED WORKS**

"Employment Law Handbook," Co-Author, 2002 - present

"Employment Law, Liability Risks and Ethics," *Insurance Society of Philadelphia*, New Jersey

"Employment Law Outline: Overview of Federal and NJ Statutes and Case Law," Co-Author, August 14, 2002

"Constitutional Torts Against Public Entities," *Burlington County Joint Insurance Fund Presentation*, July 12, 2002

"Architectural, Engineering & Construction Law Seminar," Co-Author, *Employment Law* section for CUH2A, Princeton Architectural Firm, May 2, 2002

"New Jersey Finds Coverage For Environmental Claims For Groundwater Contamination," Co-author, *Defense Digest*, Vol. 2, No. 9, 1996

"New Jersey Decides Key Areas of Coverage for Environmental Insurance," Co-author, *Defense Digest*, Winter 1993/1994

"*Rush v. Savchuk* - Assertion of Quasi in Rem Jurisdiction Under Rule of *Seider v. Roth* Held Violative of Due Process," 25 *Vill. Law Review* 811 (1980)

## **SIGNIFICANT REPRESENTATIVE MATTERS**

*Sarno v. Raytheon*, Civil Action No. 04-cv-5942 (United States District Court for the District of New Jersey). Successfully represented Raytheon, one of the five largest defense contractors in the world, on a breach of contract action by a Lockheed Martin engineer who was recruited to work on high-level government defense projects.

*Boody v. Township of Evesham*, Civil Action No. 90-5077 (United States District Court for the District of New Jersey). Plaintiff was a Cherry Hill police officer who was arrested by the defendant officers of the Township of Evesham Police Department during investigation into a suspected sexual assault that took the officer into the neighboring township. Plaintiff filed a 1983 action. After 10 days of trial in federal court in Trenton, New Jersey, a defense verdict was successfully secured.

*Manno v. Atlantic City*, ATL-L-2897-88 (N.J. Superior Court, Atlantic County 1992). Plaintiff, a civilian who was the secretary to the Chief of the Atlantic City Police Department was involved in a motor vehicle accident with Atlantic City police officers, who were responding with operating lights and siren to an emergency. Plaintiff alleged significant physical and cognitive impairment as a result of the serious collision. After a 3-week trial in Atlantic City, a defense verdict was secured, which was upheld on appeal.

*Civalier v. Estate of Trancucci*, 138 N.J. 52 (1994). This was a landmark case involving significant Tort Claims Act issues. Specifically, the court in substantially expanded the overall scope and application of Tort Claims Immunity. A panel truck and a car collided at an intersection. Three adults in the car died, and a minor passenger and the truck driver were injured. A stop sign that was ordinarily posted at the corner on the road traveled by the car was missing. The panel truck driver knew that a stop sign regulated the intersection and assumed that he had the right of way. Suits were filed

that charged appellant drivers, convenience store, landscape contractors, and respondent public entities with causing the accident. The trial court granted motion for summary judgment because defendants were immune from liability under N.J. Stat. Ann. 59:4-5. The accident survivors, decedents' estates, drivers, convenience store and landscape contractors sought review of the order of the Superior Court, Appellate Division, which affirmed the grant of defendant public entities' motion for summary judgment in an action arising out of an automobile accident allegedly caused by a missing traffic sign. The Supreme Court of New Jersey vacated the orders and remanded for further proceedings. The Court held that the case presented a triable issue of independent negligence under the New Jersey Tort Claims and that respondents could be held liable for failure to replace the stop sign if a motorist's reliance on the previous presence of the sign caused the injuries and if it was shown that respondents had actual or constructive notice that the stop sign was missing.

*Carvalho v. Toll Bros.*, 278 N.J. Super. 451 (1995). This case dramatically expanded the scope of duties owed by a design professional. Plaintiff's decedent, a general contractor workman, was crushed to death while working in a sewer installation trench. Defendant engineer had a supervisory role on the project. Defendant designed the sewer line plans and was aware of the danger but did not warn decedent. The Appellate Court held that, even though defendant did not have a contractual obligation to inspect for safety hazards, he nevertheless owed the decedent a duty to take some reasonable action to prevent decedent's death because defendant had actual knowledge of the dangerous condition of the trench. Successful in reversing a finding by the court of an indemnity obligation of his client, Toll Brothers, to the engineer.

*Dombrowski v. City of Atlantic City*, 308 N.J. Super. 459 (App. Div. 1998). Plaintiff was crossing an intersection in Atlantic City when he was struck by a bus. He filed an action against the bus operator and the City of Atlantic City, which was alleged to have improperly designed and maintained the cross walk at the intersection. Represented the City of Atlantic City in the matter. Plaintiff's injuries were catastrophic. Plaintiff presented a \$3 million demand. Following an eleventh-hour settlement by the codefendant bus operator, the case was tried. Successful in securing a favorable liability verdict on a severely reduced damages award.

*Hurley v. Atlantic City Police Dept.*, 174 F. 3d 95 (3d Cir. 1999). Landmark decision involving novel issues concerning the scope of the New Jersey Law Against Discrimination and its application to individual defendants. Plaintiff, a female Atlantic City police officer, brought a sexual discrimination claim against the defendants under a variety of statutory theories, including 1983, Title VII, NJLAD, and CEPA arising out of her allegedly hostile work environment; intentional sexual discrimination against her; retaliatory action taken against her; and "quid pro quo" sexual harassment. In addition to the Police Department, defendants included plaintiff's supervisor and the Police Chief. Represented the Police Chief in the matter. After a trial extending more than 4 months, the jury found the Supervisor and Department liable. A defense verdict was entered in favor of our client. The case was appealed to the Third Circuit where, following two separate sessions of oral argument, an extensive opinion was issued interpreting, for the first time, a variety of aspects of the NJLAD, including standards applied to determine individual liability.

*Price v. Thrall Trucking Company*, New Jersey Superior Court, Law Division, Middlesex County, Docket No.: MID-L-7493 97. Following plaintiff's rejection of an offer to resolve the litigation for the policy limit, obtained a defense verdict that was upheld on appeal. The case involved an individual in a bucket hoisted above Route 9 in order to rewire the traffic lights hanging over an intersection. A truck driver was driving down the street in the lane in which the individual was working. The truck driver struck the bottom of the bucket, causing the individual to be thrown from the bucket. He

sustained catastrophic brain injury. Represented the trucking company in the matter, which was insured under a single limit policy of \$750,000.

*Beebe v. Atlantic Community College*, U.S. District Court, Civ. Action No. 99-cv-3387 (JAP), October, 2001. This case was brought by several professors at the Atlantic Community College who taught in the Casino Career Institute located there. Plaintiffs raised numerous allegations, including discrimination based upon union affiliation and gender. Mr. Goldstein was successful in having the case dismissed through Summary Judgment.

*Lewis v. City of Salem*, U.S. District Court, Civ. Action No. 00-cv-1181 (JAP), January 23, 2002. This case involved a police search of a home for drugs. Plaintiffs subsequently filed claims against the Salem County Police Department and individual defendants alleging violations under 1983. Successfully argued for Summary Judgment, resulting in dismissal of the action. The Judge agreed that probable cause was present for the plaintiff's arrest and, therefore, that there could be no constitutional or statutory violation. With regard to the claims against the individual officers, the Judge relied on the U.S. Supreme Court's decision on qualified immunity in *Saucier v. Katz*, 2001 U.S. Lexis 4644 (decided June 18, 2001). Since there was probable cause to arrest and charge the Plaintiffs, the Court could not proceed further under the *Saucier* analysis and dismissed these claims as well.

*Padilla v. Cherry Hill Township*, 110 Fed. Appx. 272 (3rd Cir. 2004). This case involved a rather bizarre 1983 claim filed by two plaintiffs, one of whom became the subject of a complete mobilization of the Township's police force that included the deployment of the SWAT team. It had been alleged that the Plaintiff-suspect was heavily armed and had made a series of 911 calls threatening to kill every police officer on the force. It was subsequently determined that the Plaintiff had not been the individual who made the threatening calls, but not before the Department's Tactical Response Unit stormed Plaintiffs' apartment. One of the Plaintiffs, an elderly Hispanic woman who spoke little English, was tragically injured while trying to escape from a fourth floor balcony to the floor below in order to avoid what she believed was an attack on her life following a standoff between the police and the Plaintiff-suspect. Plaintiffs alleged that the police officers, and a dispatcher, violated their constitutional rights and that the Township and Police Department failed to properly train the individuals. In the face of seven figure claims, secured Summary Judgment on behalf of the Township dismissing the entire action. Following argument before the Third Circuit, the decision was affirmed.

*Mianulli v. Old Bridge Township*, Superior Court of New Jersey, Appellate Division, May, 2005. In this matter, Plaintiff, a newly hired civilian dispatcher, filed a Complaint against Old Bridge Township charging reverse discrimination, harassment, and violations of the New Jersey Conscientious Employee Protection Act (our whistleblower statute). The dispatcher had been terminated following the end of a 6-month probationary period. Represented Old Bridge Township, its Mayor and Police Chief. Following discovery and in the face of a substantial settlement demand, in 2004, successfully extricated the clients from the litigation through the filing of a Summary Judgment Motion. During argument, the Court found a complete absence of pretext with regard to the Township's decision to fire the Plaintiff for poor performance. The Plaintiff appealed the decision and the Appellate Division affirmed the grant of Summary Judgment.

*Cherry Hill Towers, LLC v. Cherry Hill Township*, U.S. District Court, Civ. Action No. 03-4744 (JEL), January 6, 2006. In this matter, Plaintiff property owner filed a 42 U.S.C.S. 1983 suit against defendants, a New Jersey township, its code enforcement department, and the department's director, alleging that defendants had violated its constitutional rights when the Township delayed issuing construction permits for a

proposed renovation project. Plaintiff argued that the delays were caused by its failure to utilize union labor for the project at a cost of millions of dollars in a Township which was staunchly pro-union and allegedly had close personal and political ties to various building trades. The owner also asserted several state law claims. In the United States District for the District of New Jersey, the Court granted Summary Judgment application, accepting arguments that delays in issuance of building permits were occasioned by the construction official's desire to ensure that the Plaintiff's architectural plans were in strict conformity with the Barrier Free Sub code (dealing with compliance with handicapped regulations in apartment buildings) rather than any intent to retaliate against the owner for its non-union work force.

*Carmichael v. Pennsauken Township Board of Education*, U.S. District Court, Civ. Action No. 05-513 (RMB), November 27, 2006. This case involved a claim by a coach and school teacher in the Pennsauken school district for violations of the New Jersey Law Against Discrimination; the New Jersey Conscientious Employee Protection Act, and deprivation of First Amendment rights. Specifically, Plaintiff claimed that a student physically threatened him on the basis of his race. He reported the incident on several occasions, but the conduct of the student supposedly continued through June 2003. As a result of these complaints, Plaintiff took the position that he was harassed and retaliated against by his employer. The harassment included his failure to be hired as a varsity head track coach, a position that he had held for the District in the past. Represented the Pennsauken Township Board of Education and its high school principal. The case was dismissed through Summary Judgment. The Court rejected plaintiff's arguments that his federal civil rights were violated either under a First Amendment or Substantive Due Process analysis. It also agreed with arguments that Mr. Carmichael's contention that he was exposed to a series of retaliatory actions for reporting, and then complaining about, the threatening phone calls, was completely unsubstantiated.

*Nicolosi Enterprises v. Township of West Deptford*, Superior Court, Atlantic county, February 2, 2007. This case was a prerogative writs complaint involving public contracts law. Plaintiff alleged that RFQs had been inappropriately submitted by concessionaires vying for food and beverage contracts with the Township of West Deptford for its summer entertainment series. Aggressively moved for dismissal of the case on three separate occasions. Each time the law suit was dismissed, but the Court continuously permitted plaintiff the right to amend its pleading to pursue new theories. Ultimately, the dismissal was finalized, completely exonerating the Township, its Mayor, Town Council members and the Township Administrator.

*Marrero v. University of Medicine and Dentistry of New Jersey, et al.*, DOCKET NO.: MID-L-6532-09 (NJ Superior Court, Middlesex County). Plaintiff, a lab technician, alleged that on numerous occasions, the Head of the Division of Endocrinology and her superior, failed to interpret bone density scans and failed to create his reports in a timely fashion which created serious billing problems with Medicare and Medicaid. She contended that he falsified and back-dated records to circumvent the billing issues. Plaintiff alleged that she reported this information to the Administrator for the Department of Medicine and other higher-ups. Her lawsuit claimed that she was exposed to a hostile work environment by and that ultimately she was constructively discharged when she chose to resign in the Fall of 2007. After several days of trial, the Court granted our Motion at the close of the Plaintiff's case, dismissing UMDNJ from the litigation.

*New Horizons Academy, Inc. v. City of Camden School District*, DOCKET NO.: CAM-L-2442-11(NJ Superior Court, Camden County). Plaintiff, a for-profit vendor, which supplied Preschool/Early Childhood programs in the Southern New Jersey locale. It entered into lucrative annual contracts to provide such services to the Camden School District until the District ended the relationship due to issues involving their failure of

the company to comply with strict controls imposed on it by the NJ Department of Education and the District. Plaintiff filed suit alleging that his loss of the business was caused by reverse discrimination (he was white and claimed that other vendors which were minority owned kept their contracts with the District). We handled this matter aggressively. During the deposition of the Plaintiff we established a number of financial irregularities in the way in which the Plaintiff's business operated. Shortly after the deposition was completed, the case was voluntarily dismissed with prejudice.

*National Federation of the Blind v. Atlantic Cape Community College, et al*, (United States District court for the District of NJ) Plaintiffs, the NFB and two sight impaired students at the College, raised allegations that impaired individuals had not been properly accommodated. In a matter of first impression in New Jersey at the time, the Plaintiffs argued that they had been deprived of the use of accessible course materials as well as accessible online information through the college's website, student data base known as Web Advisor and the college's library system. They maintained that they had been deprived of a number of other supplemental technology aides. They claimed that policies and procedures had not been created to deal with disabled students and administration as well as academic and other staff had not been properly trained to deal with the myriad of issues presented by educating sight impaired students. The NFB had already pursued successful litigation against a number of major academic institutions in the United States (i.e., Ohio State, Penn State, LSU, Arizona State, Harvard, MIT, NYU) and a number of major corporations (i.e., Target, Wal-Mart, Netflix). Extensive negotiations resulted in the development of a comprehensive agreement to appropriately address issues of disability accommodation in higher education in New Jersey. The agreement has served as a prototype for other institutions and businesses.

*Jenkins v. New Jersey Department of Labor and Workforce Development, et al.*, DOCKET NO.: MER-L-3222-10 (NJ Superior Court, Mercer County). Plaintiff was a long time employee of the Department of Labor who had worked her way up to a position of some prominence as an Assistance Director following years of service. She alleged that she was discriminated against on the basis of race, gender, disability and political affiliation when she was removed from her Assistant Directorship. At the completion of discovery, the Court dismissed all claims, granting our Motion for Summary Judgment.

## **REPRESENTATIVE CASES**

*Wade v. Armstrong World Industries, Inc.*, 746 F. Supp. 493 (D.N.J. 1993)

*Civalier v. Estate of Trancicco*, 138 N.J. 52 (1994)

*Carvalho v. Toll Bros.*, 278 N.J. Super. 451 (1995)

*Dombrowski v. City of Atlantic City*, 308 N.J. Super. 459 (App. Div. 1998)

*Hurley v. Atlantic City Police Dept.*, 174 F. 3d 95 (3d Cir. 1999)