

## 5 NJ Enviro Developments Attys Need To Know For 2017

Law360

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**Jeannie O'Sullivan**

**Mitchell H. Kizner** was quoted extensively in a Law360 article discussing recent environmental developments in New Jersey that attorneys should know as the year unfolds.

In regards to site cleanup oversight, Kizner said that "the New Jersey Supreme Court's 2015 ruling in *Morristown Associates v. Grant Oil* established that no statute of limitations applies to claims for contribution under the state's Spill Compensation and Control Act — upending a 2013 appeals ruling that plaintiffs had six years to file such claims — a Superior Court case decided in 2016 threatens to muddy the topic."

In October, Bergen County Superior Court Judge Rachelle L. Harz dismissed property owner 22 Temple Avenue Inc.'s contamination contribution claim against its former dry cleaner tenant, Audino Inc. Kizner indicated that "in the Temple case, between the time of the contamination and the filing of the complaint documents were discarded, witnesses became unavailable and the defendant became infirm. The result is that laches can effectively replace the absent statute of limitations for Spill Act cases."

[Click here to read the article in its entirety.](#)

### ATTORNEYS MENTIONED

Mitchell Kizner