

Leonard C. Leicht

Co-Chair, Trucking & Transportation Practice

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Roseland – 973.618.4110



Leonard concentrates his practice in defending significant commercial motor vehicle, personal injury, employment, civil rights and professional liability matters. He has tried numerous cases to verdict in the state and federal courts and is recognized by the Supreme Court of New Jersey as a Certified Civil Trial Attorney. Leonard has held this designation since 2004.

Highly experienced in trucking law, Leonard handles all aspects of trucking litigation matters, from Carmack claims to the most complicated and significant bodily injury claims. In addition to his New Jersey based practice, Leonard has also handled trucking cases in state and federal courts in other jurisdictions, pro hac vice, and also provides specialized non-litigation legal services to his trucking and transportation clientele in labor and contractual matters.

Leonard represents multiple trucking and transportation clients directly, and often at the request of their insurance carriers. He has represented trucking clientele before the Occupational Safety and Health Administration (OSHA) and the U.S. National Labor Relations Board. In addition to trucking, Leonard handles traumatic injury matters in litigation involving elevators, escalators and walkways representing contractors and building maintenance.

Leonard also handles employment and civil rights matters arising under the New Jersey Law Against Discrimination (NJLAD) and the Conscientious Employee Protection Act (CEPA), New Jersey's whistleblower statute. His experience includes defending both public and private employers against claims involving discrimination, retaliation, harassment, and alleged whistleblower activity in state and federal courts, as well as before administrative agencies.

In addition, Leonard has handled precedent-setting appellate matters before New Jersey Appellate Division, and also represented the defendant in Johnson v. Braddy Trucking

Practices

- Trucking & Transportation Liability
- Employment Law
- Miscellaneous Professional Liability
- Public Entity & Civil Rights Litigation
- Insurance Services – Coverage & Bad Faith Litigation
- Premises & Retail Liability
- General Liability
- Product Liability
- Environmental & Toxic Tort Litigation
- Commercial Litigation
- Catastrophic Claims Litigation

before the New Jersey Supreme Court. He has also successfully argued appeals before the United States Court of Appeals for the Third Circuit.

Leonard regularly represents clients in administrative, disciplinary and labor hearings. He also often serves as a mediator and arbitrator at the request of his colleagues.

Named among The Best Lawyers in America® for Transportation Law, Leonard has also been recognized as a Top 100 Super Lawyer in New Jersey five times.

Education

- Rutgers Law School (J.D., 1986)
- Rutgers, The State University of New Jersey (B.A., 1983)

Admissions

- New Jersey
- U.S. District Court District of New Jersey
- U.S. District Court Eastern District of New York
- U.S. District Court Southern District of New York
- U.S. Supreme Court

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
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.
- The Best Lawyers in America®, Personal Injury Litigation – Defendants (2007-2026)
The Best Lawyers list is issued by Woodward & White. 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 List (2005-2022 (Top 100 New Jersey Super Lawyer, 2009-2010 and 2012-2014))
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.

Associations & Memberships

- Essex County Bar Association
- New Jersey State Bar Association
- New Jersey Defense Association
- Transportation and Logistics Council
- Transportation Lawyers Association
- Trucking Industry Defense Association

Classes/ Seminars Taught

- "Current Employment Law Issues in Trucking & Transportation Litigation," *AM Best Insurance Law Podcast*, June 4, 2024
- *Rules of the Trucking Industry: Staying on Track!*, Transportation Lawyers Association (TLA) Annual Conference - Virtual, June 24th, 2021
- "Confronting the Creative Plaintiff in Trucking and Transportation Litigation," *AM Best*

Insurance Law Podcast, February 9, 2021

- *Do Not Be a Victim - Lessons Learned from the Pilot Flying J Rebate Scheme* – Transportation and Logistics Council Annual Meeting, 2014
- *Distinguishing Between Lease and Sub-Hauler Agreements – How to Minimize Carrier Liability* – Transportation and Logistics Council Annual Meeting, 2012

Significant Representative Matters

- Successfully defended a State Division and individual supervisor in an employment discrimination case. Plaintiff alleged disability discrimination, hostile work environment, failure to accommodate, and retaliation under the New Jersey Law Against Discrimination (NJLAD). The trial court granted Summary Judgment and plaintiff appealed. The Appellate Division affirmed the dismissal, holding that the plaintiff's claims were either time barred or unsupported by specific, actionable evidence. The court further found the Division engaged in good faith interactive dialogue, provided extensive accommodations, and that the lower court was correct in concluding there was no viable cause of action against either defendant.
- Obtained a directed verdict in favor of a national trucking company in a New Jersey Law Against Discrimination case. After two days of trial, the court dismissed the plaintiff's claims, finding that offensive comments made by a driver were not based on a protected category and could not sustain a cause of action under the LAD.
- *Spigai v. Live Nation Worldwide, Inc.*, No. A-4242-16T4, 2019 N.J. Super. Unpub. LEXIS 81 (App. Div. Jan. 11, 2019)
- *Department of Cmty. Affairs v. Hansen House, LLC*, 2017 N.J. Super. Unpub. LEXIS 2190 (App. Div. 2017)
- *Somers v. Home Props. Regency Club, LLC*, 2011 N.J. Super. Unpub. LEXIS 2375 (App. Div. 2011), certif. denied, 209 N.J. 98 (2012)
- *Dique v. NJ State Police*, 603 F.3d 181 (3d Cir. 2010)
- *Nevins v. Muldoon*, 2008 N.J. Super. Unpub. LEXIS 1413 (App. Div.), certif. denied, 197 N.J. 13 (2008)
- *Curley v. Klem*, 2006 U.S. Dist. LEXIS 8606 (D.N.J. 2006), aff'd, 499 F.3d 199 (3d Cir. 2007)
- *Johnson v. Braddy Trucking*, 376 N.J. Super. 215, 890 A.2d 944 (App. Div. 2005), aff'd, 186 N.J. 40, 869 A.2d 964 (2006)

Certification/ Specialties

- Certified by the Supreme Court of New Jersey as a Civil Trial Attorney, 2004

Results

Directed Verdict Obtained in a New Jersey Law Against Discrimination Case

We obtained a directed verdict in a New Jersey Law Against Discrimination case filed against a national trucking company after two days of trial. The plaintiff was a laborer who assisted a truck driver making deliveries to a retail store. The driver admitted to making sexually explicit comments to the plaintiff. The plaintiff argued the comments were made due to his race (African American) and were protected under the LAD. Jillian and Len argued that the comments were offensive to anyone who heard them and had

nothing to do with the plaintiff's race. At trial, the judge agreed that the language used by the truck driver, however offensive it was, could not sustain a cause of action under the LAD as it was not based on a protected category as alleged by the plaintiff. The judge dismissed the case.

Defense Obtains a Published New Jersey Appellate Division Decision Affirming that Perception of Having COVID-19 Does Not Constitute Perceived Disability Under NJLAD

The New Jersey Appellate Division affirmed the dismissal our defense team obtained in a New Jersey Law Against Discrimination (NJLAD) perceived disability claim, alleging COVID-19 to be a disability under this statute. This employment discrimination claim involved a matter of first impression in New Jersey and established that COVID-19 infection, without more, does not constitute a disability under the NJLAD.

A former employee filed suit, asserting perceived disability discrimination under the NJLAD. The plaintiff alleged he was wrongfully terminated based upon his employer's perception that he had COVID-19. We filed a motion to dismiss in lieu of an answer, asserting the complaint did not set forth a cause of action as COVID-19 is not a recognized disability under the NJLAD. The court granted our motion and agreed that COVID-19 is not a disability under the NJLAD and, therefore, could not be the predicate for a perceived discrimination case. The Appellate Division affirmed this decision, finding the plaintiff's COVID-19-perceived disability claim failed to plead a viable cause of action under the NJLAD.

Whistleblower claim against State Police dismissed.

Claims were brought against the state police organization and eight individual defendants (current and retired members of the state police). The plaintiff, a female State Trooper, alleged she was retaliated against for raising complaints about how male members of the State Police were treating other female employees and that her supervisors failed to take appropriate actions once her initial complaints were raised. She alleged she was denied promotion and transferred against her wishes in retaliation for making these complaints. The ruling was especially satisfying as the court had ruled on a prior summary judgment motion that a fact issue existed, and we had to convince the new motion judge not to follow the "Law of the Case" Doctrine and to decide the case based on the record presented in this motion.

Dismissal of Perceived Disability Claim Alleging COVID-19 is a Disability Under the NJLAD Statute

Our defense team successfully obtained dismissal of a New Jersey Law Against Discrimination (NJLAD) perceived disability claim, alleging COVID-19 to be a disability under this statute. This employment discrimination claim involved a matter of first impression in New Jersey. A former employee filed suit asserting perceived disability discrimination under the NJLAD. The plaintiff alleged he was wrongfully terminated based upon his employer's perception that he had COVID-19. We filed a motion to dismiss in lieu of an answer, asserting the complaint did not set forth a cause of action as

COVID-19 is not a recognized disability under the NJLAD. The court granted our motion and agreed that COVID-19 is not a disability under the NJLAD and, therefore, could not be the predicate for a perceived discrimination case.

Successful defense of discrimination case before the New Jersey Appellate

Division.

The plaintiff filed suit against her employer, a governmental agency, alleging she was subject to discrimination under the New Jersey Law Against Discrimination (NJLAD) based upon her disability and that she was subject to retaliation for filing a previous discrimination suit. She further asserted aiding-and-abetting claims against fellow employees. The case was dismissed via summary judgment, and the plaintiff appealed. The Appellate Division accepted our argument that the failure to move the plaintiff to a position she desired did not constitute an adverse employment action or failure to accommodate as she suffered no adverse effect on her salary or benefits, and did not materially alter her working conditions. Further, the court addressed concerns the plaintiff's physician had expressed when she sought the accommodation, even though she was not transferred to a position in which she preferred to work, and agreed the claims were properly rejected by the trial Judge.

Defense Clips Product Liability Lawsuit on Behalf of Nail Salon Owner

The defense prevailed on summary judgment for a nail salon owner against negligence and product liability claims by a plaintiff who slipped and fell off-site while still wearing pedicure slippers. The plaintiff had received a pedicure at our client's nail salon. When she left the premises, she continued to wear the disposable pedicure slippers. The plaintiff then walked in the rain and eventually slipped and fell upon entering a retail store. The plaintiff brought general negligence and product liability claims against the nail salon's owner. At the conclusion of discovery, the court granted our motion for summary judgment based upon the plaintiff's admission that there was nothing wrong with the slippers and her failure to provide expert opinion as to the existence of any defect in the slippers.

Summary Judgment for National Concert Promoter

We obtained summary judgment for a national concert promoter and public entity venue owner. The plaintiff purchased outdoor lawn seats for a concert at the PNC Bank Arts Center in Holmdel, New Jersey. After the show started, it began to rain, and the plaintiff alleged the lawn area became slippery, wet and muddy. The plaintiff attempted to walk down the sloped lawn toward the stage to buy her husband a beer. While doing so, her foot got stuck in mud which formed with the rain, and she suffered a severe ankle fracture that was surgically repaired. The trial judge dismissed the case on summary judgment and found the plaintiff's expert's report to be unsupported. The court reasoned the plaintiff could not present a claim of liability against the operator for failing to prevent the outdoor grassed seating area from becoming wet and slippery when it rained. He also reasoned the plaintiff could not prove the property was in a dangerous condition as defined by the New Jersey Tort Claims Act.

Summary Judgment Awarded for National Trucking Company

We obtained summary judgment for a national trucking company in a lawsuit filed in Middlesex County, New Jersey, arising from a multi-vehicle trucking accident on the New Jersey Turnpike in which a young girl was killed and her mother seriously injured. In addition to being granted summary judgment, we recovered for our client all of its property damage, towing, and related costs from the other vehicles involved in the accident. A consolidated case filed by the County of Middlesex in which they sought to recover cleanup and environmental costs associated with the accident, was also dismissed, with prejudice.

Thought Leadership

March 9, 2022

Can a Documented COVID-19 Infection Lead to a Disability Claim Under the NJLAD?