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*On Behalf of National Employment
Lawyers Association/New Jersey*

SUPREME COURT OF NEW JERSEY
Docket No. 65,628

**JOSEPH A. DONELSON, PLAINTIFF,
AND JOHN SEDDON, PLAINTIFF-
RESPONDENT/CROSS-APPELLANT,**

v.

**DUPONT CHAMBERS WORKS,
DEFENDANT-APPELLANT/CROSS-
RESPONDENT, AND PAUL KAISER,
DEFENDANT.**

On Appeal From the
SUPERIOR COURT OF NEW JERSEY
Appellate Division, App. Div.
Docket No.: A-2028-08T1

Sat Below:
Hon. Lisa, Baxter and Coburn.

CIVIL ACTION

**CERTIFICATION OF
TY HYDERALLY, ESQUIRE
IN SUPPORT OF MOTION OF
NELA/NJ FOR LEAVE TO APPEAR
AS AMICUS CURIAE**

I, TY HYDERALLY, ESQ., certifying in lieu of oath, deposes
and says:

1. I am an attorney-at-law admitted to practice in the State of New
Jersey. My practice focuses on the representation of individuals
in employment law matters. I am a Board member and co-chair of the
Amicus Committee of the National Employment Lawyers Association/New
Jersey ("NELA/NJ").

2. I submit this Certification in support of NELA/NJ's motion for leave to appear as amicus curiae, file an amicus brief on the merits and participate in oral argument in the above-captioned matter.

3. NELA/NJ is a non-profit association of approximately 150 licensed New Jersey attorneys who devote more than half of their practice to representing individuals in employment law matters.

4. The issues before this Court are of such consequential import to the rights of employees of this State, that the New Jersey Chapter of the National Employment Lawyers Association ("NELA/NJ") respectfully seeks leave to submit an Amicus Brief in support of granting certification and ruling that: (1) under the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq., ("CEPA"), neither actual termination nor constructive discharge is required to recover lost earnings economic damages when the defendant's retaliatory conduct proximately caused plaintiff's disability that prevented plaintiff from working; (2) CEPA liability supports an award of attorneys' fee and costs, regardless of the amount or absence of compensatory damages; and (3) under CEPA, punitive damages should be recoverable irrespective of the amount or absence of compensatory damages.

5. NELA/NJ respectfully contends that the Appellate Division erred and that these issues are of general concern to employees in the State of New Jersey.

6. These issues are of public importance because they impact upon the rights of employees of this State to the broad curative remedies that are intended to be afforded by CEPA. For this reason, the trial court allowed Seddon to reach verdict and for this reason the jury awarded significant economic and punitive damages. Unfortunately, the Appellate Court interpreted this remedial statute in a narrow manner, which was never intended by our legislature - as reflected by a plain reading of CEPA itself. If the Appellate Court's unduly narrow reading of CEPA is left undisturbed, it will be to the detriment of working citizens of this State.

7. NELA/NJ has special expertise in New Jersey employment law. The organization assists in the development of New Jersey employment law through its work on landmark cases, legislation, and regulations. NELA/NJ has appeared before the Supreme Court of New Jersey as amicus curiae in many of the most significant New Jersey employment law cases, including:

- Victor v. State, certif. granted, 199 N.J. 542 (2009);
- Cutler v. Dorn, 196 N.J. 419 (2008);
- D'Annunzio v. Prudential Insurance Companies of America, 192 N.J. 110 (2007);
- Pierson v. Medical Health Centers, P.A., 183 N.J. 65 (2005);
- Zive v. Stanley Roberts, Inc., 182 N.J. 436 (2005);

- Tarr v. Ciasulli, 181 N.J. 70 (2004);
- Maw v. Advanced Clinical Communications, Inc., 179 N.J. 439 (2004);
- Hernandez v. Montville Township Board of Education, 179 N.J. 81 (2004);
- Lockley v. Department of Corrections, 177 N.J. 413 (2003);
- Green v. Jersey City Board of Education, 177 N.J. 434 (2003);
- Holmin v. TRW, Inc., 167 N.J. 205 (2001);
- Estate of Roach v. TRW, Inc., 164 N.J. 598 (2000);
- Higgins v. Pascack Valley Hospital, 158 N.J. 404 (1999);
- Payton v. New Jersey Turnpike Authority, 148 N.J. 524 (1997);
- Abbamont v. Piscataway Township Board of Education, 138 N.J. 405 (1994);
- Nicosia v. Wakefern Food Corp., 136 N.J. 401 (1994);
- In Re Opinion 668 of the Advisory Committee on Professional Ethics, 134 N.J. 294 (1993);
- Montells v. Haynes, 133 N.J. 282 (1993); and
- Shaner v. Horizon Bancorp, 116 N.J. 433 (1989).

8. This application is sanctioned by the Board of Directors of NELA/NJ through delegation of authority to make this application to its Amicus committee. Plaintiff-respondent consents to this application through his attorneys.

I hereby certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.

Ty Hyderally, Esquire

Dated:

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