HOAGLAND LONGO MORAN, DUNST & DOUKAS, LLP

Jacob S. Grouser

Partner, New Brunswick

Experience

Jacob S. Grouser is Partner in the firm's Environmental and Toxic Tort Practice Group and Green Building Practice Group. Within the realm of toxic torts, Jacob has successfully defended various claims alleging exposure to hazardous substances, including: benzene; mold; lead paint; asbestos; silica; talc; pressure treated lumber; carbon monoxide; mixed dust and mixed chemicals.

Jacob also has extensive experience defending and prosecuting environmental claims in both state and federal courts arising from contamination associated with dry-cleaning operations, service stations, industrial facilities, underground-storage tanks and landfills. Additionally, Jacob frequently counsels clients in connection with transactional and regulatory environmental matters and the pursuit of insurance coverage.

Recent Victory - Ross v. State Farm Fire & Casualty

In March of 2015, Jacob presented arguments to the Supreme Court of New Jersey in *Ross v. State Farm Fire & Casualty, et al.* The *Ross* Court granted Certification to review whether the Plaintiffs had a viable nuisance claim against their neighbors based upon the failure to mitigate contamination within a reasonable amount of time that they were not otherwise liable for under § 822 of the Second Restatement of Torts. The Court also granted Certification to review whether the Plaintiffs should be considered third-party beneficiaries to the contracts of insurance entered into by their neighbors and able to proceed directly against the insurers for damages sustained as a result of an alleged delay in completing the remediation. On August 6, 2015, the Supreme Court of New Jersey affirmed the trial court and Appellate Division's decisions.

Recent Victory - NJDEP v. Dimant

In May of 2012, Jacob successfully argued *NJDEP v. Dimant* before the Supreme Court of New Jersey, in which the Court upheld the Appellate Division's decision that the NJDEP failed to establish liability against the operators of two separate dry cleaning establishments which allegedly caused regional groundwater contamination for which the NJDEP sought investigative and cleanup costs. On September 26, 2012, the Supreme Court of New Jersey affirmed the Appellate Division's decision. The unanimous decision of the Court noted that although the NJDEP need only show a discharge to obtain injunctive relief under the Spill Act, "in order to obtain damages, authorized costs and other similar relief under the Act, there must be shown a reasonable link between the discharge, the putative discharger and the contamination at the specifically damaged site."

Articles & Publications

In connection with his practice, Jacob is consistently striving to stay in the forefront of his field. He often attends and presents at various seminars and frequently publishes articles and updates on emerging trends and developments.

Most recently, in December of 2015, Jacob wrote "Have the Tides Changed in Favor of the Defense in Environmental Litigation?", which appeared in the winter newsletter of the New Jersey Defense Association. The article discusses the ruling and impact of *Ross v. State Farm* by the defense bar in light of the Supreme Court's recent plaintiff-friendly decisions in *Morristown Associates v. Grant Oil and Magic Petroleum v. ExxonMobil Corp.*

In January of 2015, Jacob wrote "The New Jersey Supreme Court Rules that Spill Act Contribution Claims are Not Subject to a Statute of Limitations" in response to the New Jersey Supreme Court's decision to reverse the Appellate Division's decision in *Morristown Associates v. Grant Oil, et al.*

Contact

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Education

Richard Stockton College, B.A., Criminal Justice 2000

Rutgers University, School of Law, J.D. 2003

Bar Admissions

New Jersey, 2004

Pennsylvania, 2004

United States District Court, District of New Jersey, 2004

Practices

Environmental & Toxic Tort
Toxic Torts
National Counsel
Asbestos
Green Building
Appellate Practice
Litigation & Compliance / Enforcement
Cannabis Law

Cases

Jacob Grouser Wins in the Supreme Court of New Jersey in Ross v. State Farm Fire & Casualty, et al.
Jacob Grouser Argues Ross v. State Farm Fire & Casualty, et al.in New Jersey Supreme Court

Clerkships

Law clerk to the Honorable Bryan D. Garruto, in the Law Division of the Middlesex County Superior Court,

Jacob was also featured in the New Jersey Defense's 2014 summer newsletter with a published article titled, "The Appellate Division Clarifies the Law of Nuisance, Trespass and Strict Liability in Connection with Environmental Claims and Denies the Expansion of a Breach of Good Faith and Fair Dealing to Third-Party Insurers". The article discusses the Appellate Division's decision to uphold the trial court's decision in *Ross v. State Farm Fire & Casualty, et al.*, which was also published in the 2015 Middlesex County Bar Association's fall newsletter, *The Middlesex Advocate*

Other Articles – Authored and Co-Authored:

- Does My Site Require a Vapor Intrusion Investigation?
- NJDEP's Common Sense Principles
- Does Continuous Trigger Theory Apply When Multiple Property Owners Are Responsible for Environmental Contamination
- The Class Action Fairness Act: What is it all about?
- Could There be a Trend Towards Preemption in Asbestos Cases?

Reported Decisions

- *Sussex County Plumbing v. NJM, 2011 N.J. Super. Unpub. LEXIS 658 (App. Div. 2011)*
- *New Jersey Dept. of Envt'l Protect. v. Dimant*, 418 N.J. Super. 530 (App. Div. 2011)
- *North Brunswick Twp. v. Avery Dennison*, 2012 N.J. Super. Unpub. LEXIS 2836 (App. Div. 2012)
- *New Jersey Dept. of Envt'l Protect. v. Dimant*, 208 N.J. 381 (2012)
- *New Jersey Dept. of Envt'l Protect. v. Dimant*, 212 N.J. 153 (2012)
- *Ross v. Lowitz*, 2014 N.J. Super. Unpub. LEXIS 568 (App. Div. 2014)
- *Ross v. Lowitz*, 218 N.J. 273 (2014)
- *Ross v. Lowitz* 222 N.J. 494 (2015)

Other Information

Currently, Jacob is the Vice Chair of the New Jersey Defense Association's Environmental Law Committee and was a member of the Justice Stewart G. Pollock Environmental American Inn of Court. In June 2009, Jacob became an accredited professional in Leadership in Energy and Environmental Design (LEED AP) and was instrumental in the formation of Hoagland Longo's Green Building Practices Group.

Prior to joining the firm, Jacob served as a law clerk to the Honorable Bryan D. Garruto, in the Law Division of the Middlesex County Superior Court. While in law school, Jacob received a Pro Bono award in connection with his participation in the Bankruptcy Project, VITA Tax Assistance, Security Deposit Project and Holocaust Survivor Project.

Affiliations

Member, U.S. Green Building Council (New Jersey Chapter)

Member, Middlesex County Bar Association, Environmental Law Committee

Vice-Chair, New Jersey Defense Association, Environmental Law Committee

Member, Defense Research Institute

Member, Claims and Litigation Management Alliance ("CLM")

Justice Stewart G. Pollock Environmental American Inns of Court, 2007/2008

Awards

2013, 2015-2018, New Jersey Rising Stars list by New Jersey Super Lawyers

A description of the selection process methodologies on which these accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

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