

# Law Offices of Alan L. Zegas

552 Main Street  
Chatham, New Jersey 07928

phone: 973-701-7080  
fax: 973-701-7081

website: [www.zegaslaw.com](http://www.zegaslaw.com)

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Alan L. Zegas (NJ and NY Bars)  
Judson L. Hand (NJ, E.D.N.Y. and S.D.N.Y. Bars)  
Stephanie G. Forbes (NJ and PA Bars)

January 31, 2014

## **By Email and Regular Mail**

Darrell Buchbinder  
General Counsel  
The Port Authority of New York and New Jersey  
225 Park Avenue South  
15<sup>th</sup> Floor  
New York, NY 10003

Re: David Wildstein

Dear Mr. Buchbinder:

I am writing in response to your email of January 24, 2014, in which you deny the December 13, 2013, request of Mr. Wildstein for the Port Authority to pay for his legal representation in connection with legislative proceedings where Mr. Wildstein was subpoenaed to appear and provide documents and testimony. You state that "[B]ased on the current facts and circumstances, it is apparent that the Port Authority's provision of legal representation ...would not be warranted under the Port Authority's By-Laws. Copied on your email were Scott Rechler, Patrick Foye, and Deborah Gramiccioni.

You had previously written to Mr. Wildstein on December 27, 2013, and, in addition to the foregoing persons who had been copied, was David Samson, whose name does not appear on your January 24, 2014, correspondence.

I would request that you kindly reconsider the Port Authority's decision to deny Mr. Wildstein payment of his legal fees and indemnification. I would also request that the Port Authority pay for the legal fees of Mr. Wildstein and indemnify him for any civil lawsuits that are instituted against the Port Authority where Mr. Wildstein is named or any proceedings in which Mr. Wildstein is a party or a person under investigation as a result of conduct occurring while he was employed by the Port Authority.

The By-Laws specifically provide for the indemnification of Port Authority employees. Although you state that it is "apparent" that Mr. Wildstein is not entitled to indemnification or payment of his legal fees, you do not offer one single reason why your conclusory statement is apparent. Mr. Wildstein submitted his request for indemnification and payment of his legal fees after now-resigned Port Authority Commissioner, William Baroni, had submitted a similar request. According to press reports, Mr. Baroni's request is still "under consideration".

What about Mr. Wildstein's circumstances is so "apparent"? He refused to answer substantive questions put to him by the Transportation Committee on Constitutional grounds, yet Mr. Baroni, who responded to questions of the same committee, albeit not under oath, stated that the George Washington Bridge Lanes had been closed because of a traffic study, answers directly at variance with the testimony of Mr. Foye, who, as noted above, was copied on your correspondence to Mr. Wildstein, as well as to others who appeared before the Transportation Committee when Mr. Foye did.

The person counseling Mr. Baroni for his appearance before the Transportation Committee was an attorney working under you at the Port Authority. At the time, it was not known whether Mr. Baroni would be sworn on the day of his appearance. The counseling, as I understand it, was conducted over a period of four to five days, and Mr. Wildstein was present for much of it. Indeed, it was his understanding that the same attorney representing Mr. Baroni was representing him. I have to assume you are fully aware of all this.

Subsequent to Mr. Wildstein testifying, there have been reports that certain Commissioners of the Port Authority have been connected directly or indirectly to land deals involving the Port Authority, that Port Authority funds were allocated to projects connected to persons who supported the administration of Governor Chris Christie or whose political support he sought, with some of the projects having no relationship to the business of the Port Authority, and that Port Authority funds were held back from those who refused to support the Governor.

It has also come to light that a person within the Christie administration communicated the Christie administration's order that certain lanes on the George Washington Bridge were to be closed, and evidence exists as well tying Mr. Christie to having knowledge of the lane closures, during the period when the lanes were closed, contrary to what the Governor stated publicly in a two-hour press conference he gave immediately before Mr. Wildstein was scheduled to appear before the Transportation Committee. Mr. Wildstein contests the accuracy of various statements that the Governor made about him and he can prove the inaccuracy of some.

Deborah Gramiccioni, now the Deputy Director of the Port Authority, who is copied on your January 24, 2014, correspondence, had held a high level position

within the Christie Administration. The Governor's current Counsel comes from the same firm that is now representing Mr. Baroni.

In light of the foregoing, there are palpable conflicts at every level of the Port Authority's hierarchy, which demand that the Port Authority pay for Mr. Wildstein's legal representation and indemnify him with respect to all matters that are pending or that may arise, which relate to the period when Mr. Wildstein had been employed by the Port Authority.

Thank you for your kind consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Alan L. Zegas". The signature is fluid and cursive, with a large initial "A" and a prominent "Z".

Alan L. Zegas