



Riker Danzig Argues for Summary Judgment for Holtec International Over \$260 Million Tax Break

Holtec International, a diversified energy technology company, is relying on a Riker Danzig litigation team to pursue its suit against the New Jersey Economic Development Authority over restoration of \$260 million in tax incentives it was promised in return for spending more than that to build a manufacturing and technology facility in Camden, New Jersey.

As covered in the [Law360](#) story "NJ's 'Flawed' Paperwork Stalled \$260M Tax Break, Court Told" on November 8, 2021, Holtec was to receive tax credits of \$26 million annually for ten years in exchange for making the largest private investment in Camden history by building a manufacturing plant and technology center and creating hundreds of jobs in Camden under the Grow New Jersey Assistance Program. Holtec hasn't received credits since the 2017 tax year following a Murphy Administration task force report that alleged Holtec had omitted some information in its application about a brief, public 2010 debarment.

Holtec turned to Riker Danzig to file a complaint for breach of contract and the implied covenant of good faith and fair dealing against the NJEDA. Holtec's complaint was sustained over the NJEDA's motion to dismiss in 2020.

The Riker team, led by partners Michael P. O'Mullan and Charles B. McKenna, argued for summary judgment on November 8, 2021, detailing the ambiguous and unclear wording of the EDA's 2014 application. At oral argument, Mike O'Mullan said the relevant portion of the application was "subject to multiple interpretations" and certain parts weren't "worded as questions." Thus, he argued, "[t]here can be no dispute that the EDA knew the application was flawed and lacked clear questions and that they failed to take action until years later."

Providing legal support to Mike and Charlie on the case is Riker Danzig Counsel Ryan Magee and associates Corey L. LaBrutto and Michael V. Caracappa.

Attorneys:

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Practice:

Litigation