

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHOSHANA MINZER,

Plaintiff,

v.

DIME COMMUNITY BANCSHARES, INC.,
STEVEN D. COHN, BARBARA G.
KOSTER, KENNETH J. MAHON,
ROSEMARIE CHEN, MICHAEL P.
DEVINE, JOSEPH J. PERRY, KEVIN
STEIN, PATRICK E. CURTIN, KATHLEEN
M. NELSON, and VINCENT F.
PALAGIANO,

Defendants.

Case No. _____

**COMPLAINT FOR VIOLATIONS OF
THE FEDERAL SECURITIES LAWS**

JURY TRIAL DEMANDED

Plaintiff Shoshana Minzer (“Plaintiff”), upon information and belief, including an examination and inquiry conducted by and through her counsel, except as to those allegations pertaining to Plaintiff, which are alleged upon personal belief, alleges the following for her Complaint:

NATURE AND SUMMARY OF THE ACTION

1. Plaintiff, a stockholder of Dime Community Bancshares, Inc. (“Dime” or the “Company”), brings this action against Dime and the members of its Board of Directors (the “Board” or the “Individual Defendants”) for their violations of Sections 14(a) and 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. §§ 78n(a), 78t(a), and U.S. Securities and Exchange Commission (“SEC”) Rule 14a-9, 17 C.F.R. § 240.14a-9, arising out of their attempt to merge with Bridge Bancorp, Inc. (“Bridge”) (the “Proposed Transaction”).

2. On July 1, 2020, the Company entered into an Agreement and Plan of Merger with Bridge (the “Merger Agreement”), pursuant to which each issued and outstanding share of Dime

common stock will be converted into the right to receive 0.648 shares of Bridge common stock (the “Merger Consideration”).

3. On September 14, 2020, defendants caused to be filed a Registration Statement on Form S-4 (the “S-4”) with the SEC. The S-4 is materially deficient and misleading because, *inter alia*, it fails to disclose material information regarding: (i) the data and inputs underlying the financial valuation analyses that support the fairness opinion provided by the Company’s financial advisor, Raymond James & Associates, Inc. (“Raymond James”); and (ii) Raymond James’ potential conflicts of interest. Without additional information, the S-4 is materially misleading in violation of the federal securities laws.

4. By unanimously approving the Proposed Transaction and authorizing the issuance of the S-4, the Individual Defendants participated in the solicitation even though they knew, or should have known, that the S-4 was materially false and/or misleading. The S-4 is an essential link in accomplishing and receiving stockholder approval for the Proposed Transaction. For these reasons and as set forth in detail herein. Plaintiff seeks to enjoin the stockholder vote on the Proposed Transaction unless and until such Exchange Act violations are cured.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the claims asserted herein for violations of Sections 14(a) and 20(a) of the Exchange Act and SEC Rule 14a-9 promulgated thereunder pursuant to Section 27 of the Exchange Act, 15 U.S.C. § 78aa, and 28 U.S.C. § 1331 (federal question jurisdiction).

6. This Court has jurisdiction over the defendants because each defendant is either a corporation that conducts business in and maintains operations within this District, or is an individual with sufficient minimum contacts with this District so as to make the exercise of jurisdiction by this Court permissible under traditional notions of fair play and substantial justice.

7. Venue is proper in this District under Section 27 of the Exchange Act, 15 U.S.C. § 78aa, as well as under 28 U.S.C. § 1391 because: (i) the Company's principal executive offices are located in this District; (ii) one or more of the defendants either resides in or maintains executive offices in this District; and (iii) defendants have received substantial compensation in this District by doing business here and engaging in numerous activities that had an effect in this District.

THE PARTIES

8. Plaintiff is, and has been at all times relevant hereto, a continuous stockholder of Dime.

9. Defendant Dime is a Delaware corporation with its principal executive offices located at 300 Cadman Plaza West, 8th Floor, Brooklyn, NY 11201. Dime's common stock trades on the Nasdaq Global Select Market under the ticker symbol "DCOM."

10. Defendant Steven D. Cohn has served as a director of the Company since 1995.

11. Defendant Barbara G. Koster has served as a director of the Company since 2018.

12. Defendant Kenneth J. Mahon has served as Dime's President and Chief Executive Officer since January 2017 and as a director of the Company since 2002.

13. Defendant Rosemarie Chen has served as a director of the Company since 2017.

14. Defendant Michael P. Devine has served as Dime's Vice Chairman since February 2014 and as a director of the Company since 1995.

15. Defendant Joseph J. Perry has served as a director of the Company since 2017.

16. Defendant Kevin Stein has served as a director of the Company since 2017.

17. Defendant Patrick E. Curtin has served as a director of the Company since 1995.

18. Defendant Kathleen M. Nelson has served as Dime's Lead Director since January 2017 and as a director of the Company since 2011.

19. Defendant Vincent F. Palagiano has served as Dime’s Chairman and a director of the Company since 1995.

20. Defendants identified in paragraphs 10-19 are referred to herein as the “Board” or the “Individual Defendants.”

21. Relevant non-party Bridge is a New York corporation, with its principal executive offices located at 2200 Montauk Highway, Bridgehampton, NY 11932. Bridge’s common stock trades on the Nasdaq Global Select Market under the ticker symbol “BDGE.”

SUBSTANTIVE ALLEGATIONS

Background of the Company and the Proposed Transaction

22. Dime operates as the holding company for Dime Community Bank (the “Bank”), a New York-chartered commercial bank. Originally founded in 1864, as of December 31, 2019, the Bank operated twenty-nine full-service retail banking offices located in the New York City boroughs of Brooklyn, Queens, and the Bronx, and in Nassau and Suffolk County, New York.

23. The Bank’s principal business is gathering deposits from customers within its market area and via the internet, and investing them primarily in multifamily residential, commercial real estate, commercial and industrial loans, and one-to-four family residential real estate loans, as well as mortgage-backed securities, obligations of the U.S. government and government-sponsored enterprises, and corporate debt and equity securities.

24. The Bank gathers deposits primarily from the communities and neighborhoods in close proximity to its branches, and via the internet. The Bank’s primary lending area is in the greater New York City metropolitan area. The majority of the Bank’s loans are secured by properties located in its primary lending area, with approximately 79% secured by real estate located in the New York City boroughs of Brooklyn, Queens and Manhattan as of December 31, 2019. The Bank also lends in markets that are contiguous to Brooklyn, Queens and Manhattan.

25. On July 1, 2020, Dime and Bridge issued a joint press release announcing the Proposed Transaction, which stated, in relevant part:

BRIDGEHAMPTON, N.Y. and BROOKLYN, N.Y., July 01, 2020 -- Bridge Bancorp, Inc. (Nasdaq: BDGE) (“Bridge”), the parent company of BNB Bank, and Dime Community Bancshares, Inc. (Nasdaq: DCOM) (“Dime”), the parent company of Dime Community Bank, today announced that they have entered into a definitive merger agreement pursuant to which the companies will combine in an all-stock merger of equals transaction, valued at approximately \$489 million. The merger combines two complementary banking platforms to create a premier community-based business bank. The combined company will have over \$11 billion in assets, over \$8 billion in total deposits, and 66 branches spanning Montauk to Manhattan.

“This highly compelling combination will allow us to build on our complementary strengths and provide significant value for shareholders,” said Kevin O’Connor, President and Chief Executive Officer of Bridge Bancorp. “Dime has earned its strong reputation in the greater New York metropolitan market, and I’m thrilled to partner with them. Our enhanced branch footprint and increased capital base will allow us to better serve the needs of our customers. In addition, both companies have strong balance sheets and demonstrated histories of low loan losses through prior cycles, which give me confidence that we will be well-positioned to succeed in any environment. I look forward to working closely with Ken and the entire Dime team as we collectively become New York’s premier community bank.”

Kenneth J. Mahon, Chief Executive Officer of Dime, commented, “Prior to the onset of our commercial bank transformation four years ago, Dime was a monoline, multifamily thrift lender. This merger is the next logical step in Dime’s journey and significantly accelerates our business model transformation. Bridge and Dime are two of the most highly acclaimed and respected franchises in the New York market. Both of us weathered the financial crisis of 2008 with among the lowest loss rates in the entire country. We believe the capital strength of the combined company, Bridge’s high-quality deposit base, and Dime’s historically strong New York City multifamily loan portfolio, will result in the creation of a solid balance sheet. In Bridge, we have aligned ourselves with a company that has a well-constructed commercial bank balance sheet, shares our values, our community focus, and our commitment to building and retaining highly-talented staffs. I believe that in CEO Kevin O’Connor and President and Chief Operating Officer Stuart Lubow we have the right team to carry on each bank’s standalone reputation for customer service, employee engagement and financial performance. We expect our shareholders to benefit from owning a stronger, more attractive, and more formidable competitor in the New York market.”

Strategic Benefits to the Merger

Enhances Scale and Builds Upon Complementary Strengths: The combined company will be strategically positioned to have enhanced scale with expected improved opportunities for growth and profitability. Bridge has a deep history in C&I, commercial real estate, and small business lending, while Dime has been a leading player in low-LTV New York multifamily lending. The combination fortifies complementary commercial and retail banking business lines.

Creates a Bank with Dominant Market Share: The combined company will have a highly complementary branch network with limited existing customer overlap, and will be well positioned to increase market share from regional and money-center banks. Its enhanced branch footprint and increased capital base will allow the combined company to serve the needs of small-to-mid-sized businesses. The combined company will have a deep commitment to and extensive skillset in SBA-lending, which is anticipated to be an active business line in the current environment.

Prospects to Accelerate Shareholder Value Creation: Pro forma calculations with respect to the combined company indicate GAAP EPS accretion of 7% to Bridge and 40% to Dime. The transaction is approximately 0.4% accretive to Bridge's Tangible Book Value. Management believes that conservative and achievable cost savings, projected to be approximately 15% of the combined expense base, will drive strong financial metrics, material capital generation and tangible book value per share growth.

Transaction Details

Under the terms of the merger agreement, which was unanimously approved by the boards of directors of both companies, Dime will merge with and into Bridge, with Bridge as the surviving corporation, and Dime Community Bank will merge with and into BNB Bank, with BNB Bank as the surviving institution. Following the closing of the transaction, Dime shareholders will receive 0.6480 shares of Bridge common stock for each share of Dime common stock they own. Each outstanding share of Dime's 5.50% Fixed-Rate Non-Cumulative Perpetual Preferred Stock, Series A will be converted into the right to receive one share of a newly created series of preferred stock of Bridge with the same preferences and rights. Upon completion of the transaction, which is subject to both Dime and Bridge shareholder approval, Dime shareholders will own approximately 52% and Bridge shareholders will own approximately 48% of the combined company.

Name, Branding and Headquarters

The combined company will operate under the "Dime Community Bancshares, Inc." name and the combined bank will operate under the "Dime Community Bank" name. Leveraging Dime's ubiquitous brand name and having branch network coverage over the entire Long Island market provide the combined entity significant branding power.

Certain retail locations in eastern Long Island will operate under the BNB Bank name for at least one year.

The headquarters of the combined company will be located in Hauppauge, New York, with a corporate office to be located in New York, New York.

The combined company will trade under the Dime ticker symbol “DCOM” on The Nasdaq Stock Market.

Governance and Leadership

The combined company’s board of directors will have twelve directors, consisting of six directors from Bridge and six directors from Dime.

- Kenneth J. Mahon, the current Chief Executive Officer of Dime, will serve as Executive Chairman of the combined company
- Marcia Hefter, the current Chairwoman of Bridge’s board of directors, will serve as the independent Lead Director of the combined company

The combined company will be led by a well-respected management team that is comprised of individuals with significant financial services and M&A integration experience.

- Kevin O’Connor, the current President and Chief Executive Officer of Bridge, will serve as Chief Executive Officer
- Stuart “Stu” H. Lubow, the current President of Dime, will serve as President and Chief Operating Officer
- John McCaffery, the current Chief Financial Officer of Bridge, will serve as Senior Executive Vice President and Chief Risk Officer
- Avinash “Avi” Reddy, the current Senior Executive Vice President and Chief Financial Officer of Dime, will serve as Senior Executive Vice President and Chief Financial Officer

Timing and Approvals

The merger is expected to close in the first quarter of 2021, subject to satisfaction of customary closing conditions, including receipt of customary regulatory approvals and approval by the shareholders of each company.

The S-4 Misleads Dime Stockholders by Omitting Material Information

26. On September 14, 2020, defendants caused to be filed the materially misleading and incomplete S-4 with the SEC. Designed to convince Dime’s stockholders to vote in favor of

the Proposed Transaction, the S-4 is rendered misleading by the omission of critical information concerning: (i) the data and inputs underlying the financial valuation analyses that support the fairness opinion provided by the Company's financial advisor, Raymond James; and (ii) Raymond James' potential conflicts of interest.

Material Omissions Concerning Raymond James' Financial Analyses

27. The S-4 is materially deficient because it fails to disclose material information regarding Raymond James' financial analyses.

28. For example, with respect to Raymond James' *Contribution Analysis*, the S-4 fails to disclose: (i) total assets; (ii) gross loans; (iii) total deposits; (iv) non-interest bearing deposits; (v) tangible common equity; (vi) last twelve months core net income; (vii) estimated 2020 net income; and (viii) estimated 2021 net income.

29. With respect to Raymond James' *Discounted Cash Flow Analysis*, the S-4 fails to disclose: (i) the inputs and assumptions underlying the discount rates ranging from 9.75% to 12.75%; (ii) estimated calendar year 2023 - 2025 earnings for Dime and Bridge; and (iii) the terminal values for Dime and Bridge.

30. With respect to Raymond James' *Selected Companies Analysis*, the S-4 fails to disclose the individual multiples and metrics for the companies observed in the analysis.

31. With respect to Raymond James' *Pro Forma Discounted Cash Flow Analysis*, the S-4 fails to disclose: (i) the inputs and assumptions underlying the discount rates ranging from 9.00% to 12.00%; (ii) the estimated excess cash flows that the pro forma resulting company could generate over the period from July 1, 2020 through December 31, 2024 and all underlying line items; and (iii) the terminal values for the pro forma company.

32. With respect to Raymond James' *Pro Forma Impact Analysis*, the S-4 fails to

disclose: (i) the pro forma assumptions used in the analysis; and (ii) the specific accretion and dilution figures resulting from the analysis.

33. Without such undisclosed information, Dime stockholders cannot evaluate for themselves whether the financial analyses performed by Raymond James were based on reliable inputs and assumptions or whether they were prepared with an eye toward ensuring that a positive fairness opinion could be rendered in connection with the Proposed Transaction. In other words, full disclosure of the omissions identified above is required in order to ensure that stockholders can fully evaluate the extent to which Raymond James' opinion and analyses should factor into their decision whether to vote in favor of or against the Proposed Transaction.

34. The omission of this material information renders certain portions of the S-4 materially misleading, including, inter alia, the following section of the S-4: "Opinion of Dime's Financial Advisor."

Material Omissions Concerning Raymond James' Potential Conflicts of Interest

35. The S-4 fails to disclose material information concerning the potential conflicts of interest faced by Raymond James.

36. The S-4 sets forth:

Raymond James provided certain services to Dime and BNB Bank in the previous two years, including (i) having served as joint book-running manager for Dime's public offering of preferred stock in January 2020 and sole book-running manager for Dime's public offering of preferred stock in June 2020, for which Raymond James received fees, (ii) having served and then-currently serving as agent for a share purchase program of Dime, for which it has been paid commissions and may be paid commissions in the future and (iii) engaging in fixed income trading activity with BNB Bank, for which it has earned income.

S-4 at 83. The S-4 fails, however, to disclose the amount of compensation Raymond James received in connection with the services provided to Dime and Bridge in the previous two years.

37. Full disclosure of investment banker compensation and all potential conflicts is required due to the central role played by investment banks in the evaluation, exploration, selection, and implementation of strategic alternatives

38. The omission of this material information renders certain portions of the S-4 materially misleading, including, inter alia, the following section of the S-4: “Opinion of Dime’s Financial Advisor.”

39. Accordingly, Plaintiff seeks injunctive and other equitable relief to prevent the irreparable injury that Company stockholders will continue to suffer absent judicial intervention.

CLAIMS FOR RELIEF

COUNT I

Claims Against All Defendants for Violations of Section 14(a) of the Exchange Act and Rule 14a-9 Promulgated Thereunder

40. Plaintiff repeats all previous allegations as if set forth in full.

41. During the relevant period, defendants disseminated the false and misleading S-4 specified above, which failed to disclose material facts necessary to make the statements, in light of the circumstances under which they were made, not misleading in violation of Section 14(a) of the Exchange Act and SEC Rule 14a-9 promulgated thereunder.

42. By virtue of their positions within the Company, the defendants were aware of this information and of their duty to disclose this information in the S-4. The S-4 was prepared, reviewed, and/or disseminated by the defendants. It misrepresented and/or omitted material facts, including material information about the data and inputs underlying the financial valuation analyses that support the fairness opinion provided by Raymond James and Raymond James’ potential conflicts of interest. The defendants were at least negligent in filing the S-4 with these materially false and misleading statements.

43. The omissions and false and misleading statements in the S-4 are material in that a reasonable stockholder would consider them important in deciding how to vote on the Proposed Transaction.

44. By reason of the foregoing, the defendants have violated Section 14(a) of the Exchange Act and SEC Rule 14a-9(a) promulgated thereunder.

45. Because of the false and misleading statements in the S-4, Plaintiff is threatened with irreparable harm, rendering money damages inadequate. Therefore, injunctive relief is appropriate to ensure defendants' misconduct is corrected.

COUNT II

Claims Against the Individual Defendants for Violations of Section 20(a) of the Exchange Act

46. Plaintiff repeats all previous allegations as if set forth in full.

47. The Individual Defendants acted as controlling persons of Dime within the meaning of Section 20(a) of the Exchange Act as alleged herein. By virtue of their positions as officers and/or directors of Dime, and participation in and/or awareness of the Company's operations and/or intimate knowledge of the false statements contained in the S-4 filed with the SEC, they had the power to influence and control and did influence and control, directly or indirectly, the decision-making of the Company, including the content and dissemination of the various statements which Plaintiff contends are false and misleading.

48. Each of the Individual Defendants was provided with or had unlimited access to copies of the S-4 and other statements alleged by Plaintiff to be misleading prior to and/or shortly after these statements were issued and had the ability to prevent the issuance of the statements or cause the statements to be corrected.

49. In particular, each of the Individual Defendants had direct and supervisory

involvement in the day-to-day operations of the Company, and, therefore, is presumed to have had the power to control or influence the particular transactions giving rise to the securities violations as alleged herein, and exercised the same. The S-4 at issue contains the unanimous recommendation of each of the Individual Defendants to approve the Proposed Transaction. They were, thus, directly involved in the making of the S-4.

50. In addition, as the S-4 sets forth at length, and as described herein, the Individual Defendants were each involved in negotiating, reviewing, and approving the Proposed Transaction. The S-4 purports to describe the various issues and information that they reviewed and considered—descriptions the Company directors had input into.

51. By virtue of the foregoing, the Individual Defendants have violated Section 20(a) of the Exchange Act.

52. As set forth above, the Individual Defendants had the ability to exercise control over and did control a person or persons who have each violated Section 14(a) and SEC Rule 14a-9, promulgated thereunder, by their acts and omissions as alleged herein. By virtue of their positions as controlling persons, these defendants are liable pursuant to Section 20(a) of the Exchange Act. As a direct and proximate result of defendants' conduct, Dime's stockholders will be irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment and preliminary and permanent relief, including injunctive relief, in her favor on behalf of Dime, and against defendants, as follows:

- A. Preliminarily and permanently enjoining defendants and all persons acting in concert with them from proceeding with, consummating, or closing the Proposed Transaction and any vote on the Proposed Transaction, unless and until defendants

disclose and disseminate the material information identified above to Dime stockholders;

- B. In the event defendants consummate the Proposed Transaction, rescinding it and setting it aside or awarding rescissory damages to Plaintiff;
- C. Directing the Individual Defendants to disseminate an S-4 that does not contain any untrue statements of material fact and that states all material facts required in it or necessary to make the statements contained therein not misleading;
- D. Declaring that defendants violated Sections 14(a) and/or 20(a) of the Exchange Act, as well as SEC Rule 14a-9 promulgated thereunder;
- E. Awarding Plaintiff the costs of this action, including reasonable allowance for Plaintiff's attorneys' and experts' fees; and
- F. Granting such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: October 16, 2020

OF COUNSEL:

BRAGAR EAGEL & SQUIRE, P.C.

Melissa A. Fortunato
580 California Street, Suite 1200
San Francisco, CA 94104
Tel: (415) 568-2124
Fax: (212) 486-0462
Email: fortunato@bespc.com

Attorneys for Plaintiff

WESSLAW LLP

By



Richard A. Acocelli
1500 Broadway, 16th Floor
New York, New York 10036
Telephone: (212) 682-3025
Facsimile: (212) 682-3010
Email: racocelli@weisslawllp.com

Attorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Shoshana Minzer

(b) County of Residence of First Listed Plaintiff Ocean County, NJ (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Richard A. Acocelli, WeissLaw LLP, 1500 Broadway, 16th FL, New York, NY 10036, (212) 682-3025

DEFENDANTS

Dime Community Bancshares, Inc. (Please see attached addendum I)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. §§ 78n(a), 78t(a), and Rule 14a-9, 17 C.F.R. § 240.14a-9. Brief description of cause: The Complaint alleges violations of sections 14(a) and 20(a) of the Securities Exchange Act of 1934.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Please see attached addendum II DOCKET NUMBER

DATE 10/16/2020 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.7 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

Case is Eligible for Arbitration

I, Richard A. Accocelli, counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

N/A

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? Yes No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? Yes No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes No
 - c) If this is a Fair Debt Collection Practice Act case, specify the County in which the offending communication was received:

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? Yes No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: 

ADDENDUM I: TO CIVIL COVER SHEET

DEFENDANTS (continued): Steven D. Cohn, Barbara G. Koster, Kenneth J. Mahon, Rosemarie Chen, Michael P. Devine, Joseph J. Perry, Kevin Stein, Patrick E. Curtin, Kathleen M. Nelson, and Vincent F. Palagiano

ADDENDUM II: TO CIVIL COVER SHEET
RELATED CASE STATEMENT

Division of Business Rule 50.3.1 in Section VIII

- Case Name: *Stein v. Dime Community Bancshares, Inc., et al.*
Case Number: 20-cv-04925-NGG-SMG (E.D.N.Y.)
Judge: Hon. Roslynn R. Mauskopf, Chief Judge
Dated filed: 9/16/2020
- Case Name: *Jonah Hertz Family 2012 Trust v. Palagiano et al.*
Case Number: 20-cv-04438-PKC-VMS (E.D.N.Y.)
Judge: Hon. Pamela K. Chen
Date filed: 9/21/2020
- Case Name: *Lowinger v. Dime Community Bancshares, Inc., et al.*
Case Number: 20-cv-04541-RRM-SJB (E.D.N.Y.)
Judge: Hon. Roslynn R. Mauskopf, Chief Judge
Date filed: 09/24/2020
- Case Name: *Williams v. Dime Community Bancshares, Inc., et al.*
Case Number: 20-cv-04925-NGG-SMG (E.D.N.Y.)
Judge: Hon. Nicholas G. Garaufis
Date filed: 10/13/2020
- Case Name: *Bushansky v. Dime Community Bancshares, Inc., et al.*
Case Number: 20-cv-04942-ENV-VMS (E.D.N.Y.)
Judge: Hon. Eric N. Vitaliano
Dated: 10/14/2020