

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

Criminal No. 11-520 (JBS)

THOMAS REEVES
TODD REEVES
RENEE REEVES
SHELLROCK, LLC
KENNETH W. BAILEY
MARK BRYAN
PAMELA MELONEY
HARBOR HOUSE, INC.,

OPINION

Defendants.

APPEARANCES:

Patrick M. Duggan, Esq. (argued)
Wayne D. Hettenbach, Esq. (argued)
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENTAL CRIMES SECTION
P.O. Box 23985
Washington, D.C. 20026

and

Matthew T. Smith, Assistant United States Attorney
OFFICE OF THE U.S. ATTORNEY
District of New Jersey
Camden Federal Building & Courthouse
401 Market Street, 4th Floor
Camden, NJ 08101
Attorneys for the United States of America

William J. Hughes, Jr., Esq. (argued)
COOPER, LEVENSON, APRIL, NIEDELMAN & WAGENHEIM, PA
1125 Atlantic Avenue
3rd Floor
Atlantic City, NJ 08401
Attorney for Defendant Thomas Reeves
Co-Counsel for Defendant Shellrock, LLC

Edwin J. Jacobs, Jr., Esq. (argued)
Michael F. Myers, Esq.
JACOBS & BARBONE
1125 Pacific Avenue
Atlantic City, NJ 08401
Attorney for Defendant Todd Reeves
Co-Counsel for Defendant Shellrock, LLC

William F. Reilly, Esq. (argued)
WALTMAN & REILLY
23 N. High Street
p.O. Box 520
Millville, NJ 08332
Attorney for Defendant Renee Reeves

John S. Furlong, Esq. (argued)
FURLONG & KRASNY, ESQS.
Mountain View Office Park
820 Bear Tavern Road
Suite 304
West Trenton, NJ 08628
Attorney for Defendant Mark Bryan

Justin T. Loughry, Esq. (argued)
LOUGHRY & LINDSAY, LLC
330 Market Street
Camden, NJ 08102
Attorney for Defendant Pamela Meloney

SIMANDLE, District Judge:

I. INTRODUCTION

This matter is before the Court on the government's motion to disqualify defense counsel. [Docket Item 68.] Oral argument was held on Tuesday, November 15, 2011.

The Government moves to disqualify William F. Reilly as counsel for Renee Reeves, and Edwin J. Jacobs as counsel for Todd Reeves. The Government also moves the court to conduct conflict of interest inquiries into John S. Furlong as counsel for both

Mark Bryan and Harbor House, Inc., as well as William J. Hughes as counsel for both Thomas Reeves and Shellrock, LLC.

Mr. Hughes and Mr. Jacobs have filed opposition to this motion. [Docket Items 77 and 78.] Mr. Reilly's opposition was filed late on October 26, 2011, but has been considered. [Docket Item 82.] The hearing regarding Mr. Furlong's representation of Mark Bryan and Harbor House was continued to a subsequent date,¹ while the matter of Mr. Hughes' representation of Thomas Reeves and (with Mr. Jacobs) of Shellrock, LLC, was fully resolved at the hearing² and is not the subject of this opinion.

This opinion will be limited to addressing the government's

¹ At the hearing, the court conducted a conflict of interest inquiry pursuant to Fed. R. Crim. P. 44(c) as to the propriety of Mr. Hughes' representation of Thomas Reeves and joint representation of Shellrock, LLC, by Mr. Hughes and Mr. Jacobs. After its inquiry, the court found the joint representation proper and personally advised each defendant of the right to the effective assistance of counsel, including separate representation. Therefore, the government's request for a conflicts inquiry into Mr. Hughes' representation will not be addressed in the court's written opinion as the court conducted its inquiry and stated its findings on the record during oral argument.

² At the hearing, Mr. Furlong informed the court that he represented Defendant Mark Bryan and did not represent Harbor House, Inc. However, Mark Bryan expressed on the record his desire to have Mr. Furlong represent himself and Harbor House, Inc. The court was unable to conduct a full conflicts inquiry pursuant to Fed. R. Crim. P. 44(c) as to the propriety of this potential joint representation during oral argument because Gary Colbourne, an unindicted individual who is co-owner of Harbor House, Inc., was not present. Consequently, the court declined to rule on this matter and adjourned it to a later date when Mr. Colbourne could be present.

motion to disqualify Mr. Reilly and Mr. Jacobs. For the following reasons, the court will grant the government's motion to disqualify Mr. Reilly as counsel for Renee Reeves and the court will deny the government's motion to disqualify Mr. Jacobs as counsel for Todd Reeves.

II. BACKGROUND

The instant criminal action involves an alleged conspiracy to violate the Lacey Act and obstruct justice, substantive violations of the Lacey Act, false records and trafficking in illegally taken wildlife provisions, obstruction of justice and obstruction of an agency proceeding. Multiple defendants are charged including Thomas Reeves, Todd Reeves, Renee Reeves, Shellrock, LLC, Mark Bryan, and Harborhouse, Inc.

These defendants have intertwined relationships. Thomas Reeves and Todd Reeves are brothers. Both brothers are 50% co-owners of Shellrock, LLC. Renee Reeves is the wife of Todd Reeves. Mark Bryan is one of the owners and operators of Harbor House, Inc., being a 50% shareholder as is his partner, non-defendant Gary Colbourne.

Each attorney's involvement is detailed below.

A. William F. Reilly, Esq.

William F. Reilly seeks to represent defendant Renee Reeves. Mr. Reilly has represented numerous defendants and witnesses at various points throughout this case. First, Mr. Reilly

represented defendants Thomas Reeves and Todd Reeves during the execution of the search warrant on February 4, 2009. His representation of Thomas and Todd Reeves as well as Shellrock, LLC continued uninterrupted for over two years until June 6, 2011. During this time, Mr. Reilly met with the prosecutors in an effort to negotiate a pre-indictment plea and was provided with a reverse proffer by the government.

Mr. Reilly also represented Lillian Reeves and defendant Renee Reeves when the government served them grand jury subpoenas.

Mr. Reilly also appeared on behalf of defendant Pamela Meloney and Gary Colbourne, a co-owner of defendant Harbor House, during their grand jury proceedings on June 7, 2011.

Shortly afterwards, the government filed a motion to disqualify Mr. Reilly from representing any witnesses or potential defendants in this case. This motion was scheduled before Judge Joseph E. Irenas on June 16, 2011, in his capacity as the District Judge hearing grand jury matters. Before this motion was heard, the government was informed by potential witnesses Peggy Earp and Rosemary Rahe that Mr. Reilly represented them as well.

On June 15, 2011, Mr. Reilly sent a letter to Judge Irenas stating that he "withdraws from representation of any party in this matter" and requested the Court to vacate the June 16

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.