

Memorandum

PRIVILEGED AND CONFIDENTIAL ATTORNEY OPINION WORK PRODUCT

To: File

From: Gibson, Dunn & Crutcher LLP

Re: Klewin Interview Memorandum

On February 19, 2014, Matt Klewin was interviewed by Reed Brodsky and Alyssa Kuhn of Gibson Dunn. Klewin was not represented by counsel during the interview. All information contained herein was provided by Klewin or as indicated. Klewin has not read or reviewed this memorandum and has not adopted or approved its contents. Brodsky began the interview by administering the standard *Upjohn* warnings per Gibson Dunn protocol, and requesting that Klewin refrain from discussing the investigation and interview with others. Klewin stated that he agreed, understood, and did not have any questions.

This memorandum does not contain a verbatim transcript of what was said at the meeting; rather, it is a summary of the discussion which reflects counsel's mental thoughts and impressions and is therefore protected from disclosure by the attorney work product doctrine.

I. Background

Klewin attended Stockton College from 1976–1977. In 1977, Klewin left school, moved to Canada with his father, and held, among other positions, managerial roles in casinos. Klewin returned to school and graduated from Stockton College in 1994. After graduating, Klewin worked in a number of fields, including construction, before becoming a Park Ranger. While serving as Park Ranger, Klewin took Physics courses. In 1999, Klewin joined the New Jersey Department of Environmental Protection (“DEP”).

Klewin currently serves as an Environmental Specialist at DEP in the Division of Water Quality, Bureau of Nonpoint Pollution Control. Klewin also held this position in 2013. Klewin explained that his expertise is stormwater. Klewin explained that in New Jersey, most of the Superstorm Sandy flooding was caused by Combined Sewer Overflows (“CSOs”), not stormwater.

II. Superstorm Sandy Aid & May 9, 2013 Meeting with Hoboken and the Rockefeller Group

Klewin was invited to the May 9, 2013 meeting by Michele Putnam, Director of the Division of Water Quality. Putnam invited Klewin to the meeting the morning of May 9, 2013. Klewin did not recall having any interaction with Mayor Zimmer prior to the meeting, but recalled reaching out to the North Hudson Sewerage Authority (“NHSA”) after Superstorm Sandy hit. Klewin recalled that NHSA had issues with washover from CSOs, an area outside of his expertise, so he referred their problem to Linda Coles. Klewin stated that he was invited to the May 9, 2013 meeting to answer any questions about stormwater, but, since Hoboken’s flooding was not related to stormwater, he was not asked any questions during the meeting.

Klewin attended the May 9, 2013 meeting with Mayor Zimmer, Stephen Marks (Hoboken Business Administrator), the Rockefeller Group, Fred Worstell (Dresdner Robin), Lori Grifa (Wolff & Samson), and other members of DEP. Klewin recalled that at the beginning of the meeting, Mayor Zimmer laid out a large map and Mayor Zimmer said that she wanted to build a flood wall around Hoboken through public-private partnerships. Klewin recalled that Mayor Zimmer wanted something more attractive than flood walls and envisioned that new buildings would serve the dual purpose of a flood wall. Klewin recalled that Mayor Zimmer also discussed water pumps during the meeting, but Klewin said that the pumps were a long-term project that did not qualify for FEMA disaster recovery funding because Hoboken’s flooding problems are not merely disaster related, but due to its bowl-like topology.

Klewin stated that the DEP did not provide much feedback at the meeting. DEP’s role was to listen and evaluate the Rockefeller Group’s flood mitigation plan for Hoboken. Klewin did not recall the Rockefeller Group representatives speaking during the meeting and did not notice any tension between Mayor Zimmer and the Rockefeller Group representatives. Klewin did not recall the Rockefeller Group’s North End development project coming up during the meeting. Klewin noted that the email inviting him to the meeting stated that the meeting was about flood mitigation. Klewin recalled that everyone shook hands when the meeting ended.

Klewin stated that he has never heard anyone say that Sandy Aid was tied to endorsements, political affiliation, or private development projects.