

Judge Decides Who May Review Sensitive Bridgegate Evidence

Michael Booth, *New Jersey Law Journal*

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Bill Baroni

A federal judge has determined who may view confidential discovery material used to indict two allies of Gov. Chris Christie for their alleged roles in the September 2013 closure of local access lanes to the George Washington Bridge.

In an order dated July 7, U.S. District Judge Susan Wigenton of the District of New Jersey said the defense team for Christie's former deputy chief of staff, Bridget Kelly, and the former deputy executive director of the Port Authority of New York and New Jersey, William Baroni, may share the confidential material with "any agent working at the direction of defense counsel in this matter."

She also said the defense team may review the material with "prospective witnesses, and their counsel, as necessary to prepare the defense."

The order strikes a compromise between the defense team and the U.S. Attorney's Office, which had sought an order requiring the defense to get permission from federal prosecutors before sharing the confidential information with anyone. That material, prosecutors had said, contains sensitive and private information that has no bearing on the allegations against Kelly and Baroni. Prosecutors initially had wanted the defense team to only review the material and not make copies.

The material, according to Wigenton's order, contains information about marital and other intimate relationships, minor children, financial matters, health matters, personal contact information, email accounts and information about governmental and business matters unconnected to the Bridgegate scandal.

Lastly, Wigenton's order said that if either the defense team or the government wants to use confidential information in a court filing, the material must remain under seal for 10 days, during which time the other side may request that the material remain under seal.

"We are pleased with the order," said Baroni's lawyer, Michael Baldassare, of Baldassare & Mara in Newark.

"We are satisfied with the order," said Matthew Reilly, a spokesman for U.S. Attorney Paul Fishman.

Kelly's lawyer, Michael Critchley, of Roseland's Critchley, Kinum & Vazquez, was away from his office and unavailable for comment.

Wigenton's order covers about 1.5 million documents currently in the possession of federal prosecutors who, for the past year and a half, have been investigating the lane closure scandal.

The lane closure scandal continues to dog Christie as he is campaigning for his party's nomination for president in 2016.

Federal prosecutors say Kelly and David Wildstein, another Christie appointee at the Port Authority, initially ordered closures of local access lanes to the George Washington Bridge in Fort Lee. Prosecutors allege the closures were intended as retaliation against the borough's Democratic mayor, Mark Sokolich, who refused to join with other Democrats in New Jersey in endorsing Christie for re-election.

Kelly and Baroni, another Christie appointee at the Port Authority, were indicted by a federal grand jury on charges related to the lane closures and pleaded not guilty May 4. Wildstein, the former director of capital projects at the Port Authority, pleaded guilty to one count each of conspiracy to misapply Port Authority property and conspiracy against civil rights. Wildstein is cooperating with federal investigators.

Prosecutors say Baroni helped create and spread the story that the lane closures were actually part of a traffic study.

Fishman has acknowledged that there are "unindicted co-conspirators" in the case who were involved in the lane closures but who were not indicted on criminal charges. They have not been identified.

Christie has maintained that he knew nothing about the lane closures until after they occurred and played no role in the planning of the scheme.

Christie retained Randy Mastro, of the New York office of Gibson, Dunn & Crutcher, to conduct an internal review. That review, undertaken by Mastro and a team of attorneys from the firm, concluded that Christie was innocent of any misconduct.

Kelly and Baroni have maintained that they are not guilty of any of the criminal charges. A trial is tentatively scheduled to begin later this year.

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