

# Depositions due in beach breach-of-contract case

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WILDWOOD— A case involving an alleged breach of contract between an event and concert promoter and the city of Wildwood is heading to depositions June 8.

In May 2012, Point Break L.L.C. entered into a five-year contract with the city to perform services on the beach, including beach transport services, surfing lessons and rentals, and presenting concerts, according to the complaint. In June 2012, the city amended its agreement with Point Break changing its role from “beach operator” to “concessionaire.”

In 2013 the city sued Point Break and the company countersued for breach of contract.

City Solicitor Mary Bittner said Friday, May 22 the city will not litigate the Point Break case in the media. She said the city filed a single count breach of contract suit against Point Break and it will play out in the courts.

Eric Weitz, a Philadelphia-based attorney for Point Break, said his clients are eager to resolve the matter.

“We sued the city for breach of contract and they brought a counterclaim against Point Break. They made allegations and we need to know what facts they have to support those claims,” Weitz said.

Weitz represents Point Break members Michael McDonald, Ian Cairns, Jamie Peterson and America’s Guest Management Group and based in Medford. Weitz said his clients and the city worked out an agreement to operate under a five-year contract but within a week, they were sent a letter from Bittner saying they were in breach of contract.

“My clients tried to negotiate with Wildwood and they wouldn’t cooperate with us,” Weitz said, alleging that city officials were contacting entertainment independently saying to deal solely with them and not Point Break. “We said they had to stop. We have to resolve this. Then we filed a separate complaint for a violation of a consent order.”

Weitz said he continues to investigate not just the city’s alleged breach of the contract, but the extent to which the individuals affiliated with the city may have tried to take over plans outlined by Point Break.



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McDonald has already been deposed in the matter. City Commissioners Pete Byron and Anthony Leonetti, Mayor Ernie Troiano, City Administrator Chris Fox and Ryan Troiano, who is in charge of the beach utility, are scheduled for depositions, Weitz said.

“We are eager to finally and hopefully get the commissioners on the record and members of the beach utility to answer questions that we have not been able to get about why the city refused to act in good faith to allow the opportunity for Point Break to operate. They would have been an incredible economic boost to the city.”

Point Break filed a federal lawsuit alleging racketeering under the RICO Act against the mayor and other city officials. The company dropped those charges in March.

Mayor Troiano said at the time that the RICO suit made “ridiculous” allegations and was without merit.

The suit was filed in US District Court in Philadelphia on Jan. 26. RICO stands for Racketeer Influenced and Corrupt Organizations, and the law is designed to combat organized crime.

The lawsuit alleged fraud by city officials and others in connection with the Point Break contract for concessions; specifically, that the city’s activities undermined and destroyed the contract.

The defendants were accused of working together to prevent Point Break from doing business it was contracted to do under a concessionaire’s agreement, while allegedly seeking their own financial gain and that of the other defendants.