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February 11, 2020

*Via eCourts & Reg. Mail*

Superior Court of New Jersey  
Monmouth County Courthouse  
71 Monument Park  
P.O. Box 1271  
Freehold, NJ 07728

**Attn: The Honorable Joseph W. Oxley**

**Re: State v. James Mainello  
Indictment No.: 19-071045  
Opposition to Motion to Quash filed by David Cantin  
Returnable 3/13/2020**

Dear Judge Oxley:

Please be advised that I am in receipt of David Cantin's Motion to Quash the Subpoena served upon his matrimonial attorney by the undersigned. The defendant will rely on the previously filed opposition to Dina Cantin's Motion to Quash, also returnable on March 13, 2020.

In addition, the defense supplements said opposition to include the following David Cantin liens that were discovered after the filing of our opposition and attached hereto as **David Cantin Exhibit A**.

Furthermore, the defense has put the State on notice that it intends to call Dr. Peter DiPaolo, Board Certified Orthopaedic Surgeon as an expert at the time of trial for the purpose of testifying that the injuries sustained by Mr. Cantin are NOT consistent with the allegations and the story told by him. **See David Cantin Exhibit B**. An expert report was provided today to the State. After reviewing the sworn statements, photos of the alleged victims taken at the hospital, and the hospital records, Dr. DiPaolo has opined, with a reasonable degree of medical probability, that:

“.....baseball bat injuries are very well-described in the trauma literature. They are well-recognized as medium velocity blunt force trauma injuries which most often produce depressed skull-fractures when applied to the head and face and nearly universally produce orbital fractures when applied to an eye. The photos I reviewed do not reveal any gross evidence of such injuries. In fact, the patient spent approximately three hours in the emergency room according the records submitted for my review. There is no diagnosis of cerebral concussion and the imaging study reports included in those records are negative for intracranial bleed, skull fracture or any extremity fractures. **As such, based upon the records submitted for my review, it is highly unlikely that the Statement given by Mr. Cantin is accurate with respect to having been struck by a baseball bat** *“in the leg, knee, arm, back and face”* and *“They kept hitting (him) with the bat over and over”*.<sup>1</sup> ***See Medical Expert Report Attached Hereto as David Cantin Exhibit C (filed as a confidential submission due to the medical nature of same).***

Last, please be advised that pursuant to my request, I have received a copy of the Property Settlement Agreement, CIS, Judgment of Divorce, and some miscellaneous documents from the Court. The redacted financials are the most important aspect of the request as it pertains to Mr. Cantin.

Thank you for your time and consideration.

Respectfully,  
**BIO & LARACCA**

*sl Marco Laracca*

MARCO A. LARACCA

Enc.

cc: Caitlin Sidley, A.P.

James Mainello

Jason LeBoeuf, Esq.

Carole Hafferty, Esq. *(with a copy of the opposition to Dina Cantin's Motion)*

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<sup>1</sup> Citing “Certified Statement that Mr. Cantin provided to the Prosecutor and Police Detectives on May 14, 2017 at 6:07a.m., Mr. Cantin indicated that he was struck by a bat *“in the leg, knee, arm, back and face”* and after he fell to the floor, *“They kept hitting (him) with the bat over and over”*. Based upon his certified statements to detectives, Mr. Cantin alleges that he had been struck by a baseball bat a minimum of 5 times in the incident that occurred on Saturday, May 13, 2017.” From Page 1 of Dr. DiPaolo’s report