

Greenbaum Partner, Marc J. Gross, Files Lawsuit Against ExxonMobil For Unfairly Manipulating The Motor Fuel Marketplace

December 10, 2009

New Jersey's Exxon Stations claim that ExxonMobil has imposed unreasonable standards, threatening their continued viability and prohibiting competition.

For more information, please contact:

*Patrick Brightman, Vice President Public Relations
Compass SGW
219 Changebridge Road, Montville, NJ 07045
T. 973.263.5475 / F. 973.299.7937
pbrightman@sgw.com*

*Marc J. Gross, Esq.
Greenbaum, Rowe, Smith & Davis LLP
75 Livingston Avenue, Suite 301, Roseland, NJ 07068
T. 973.577.1810 / F. 973.577.1811
mgross@greenbaumlaw.com*

Fort Lee, New Jersey - December 10, 2009 - Marc J. Gross, partner in the law firm of Greenbaum, Rowe, Smith & Davis LLP in Roseland, NJ, filed a lawsuit in Federal Court today against ExxonMobil Corporation on behalf of more than one hundred (100) local Exxon stations throughout New Jersey. This unprecedented legal action is an effort to sustain the operation of the Exxon stations, all of whom are independent franchisees of ExxonMobil, and to protect them from unfair practices that they say have been levied upon them by ExxonMobil. Through the lawsuit, the Exxon station owners seek to have the Court declare certain practices of ExxonMobil as unlawful and to reduce gasoline prices in New Jersey and ultimately, throughout the country.

Towards this end, the lawsuit, funded entirely by the station owners, accuses ExxonMobil of taking advantage of its New Jersey franchises through a number of unlawful practices. The lawsuit claims that ExxonMobil has been charging different prices to different Exxon stations for the same quality and grade of motor fuel. Thus, consumers in the same geographic region have been forced to pay different prices for the same gasoline. The lawsuit also alleges that ExxonMobil's conduct has resulted in plaintiffs and the consuming public having an insufficient supply of available gasoline as prices rise. The lawsuit seeks to prohibit ExxonMobil from engaging in such conduct.

"All of ExxonMobil's actions have resulted in an increased financial burden on the families that own and operate more than one hundred Exxon stations in New Jersey," says attorney, Marc J. Gross, a partner at Greenbaum, Rowe, Smith & Davis LLP, in Roseland, New Jersey, who represents all of the plaintiff station owners. "ExxonMobil has threatened the continued viability of all of these small businesses with the imposition of unreasonable standards," says Gross. For most of these plaintiffs, who are taking on the world's largest and most profitable corporation, "their investment in their franchise represents their life savings," Gross adds.

Scott Brownfeld who has owned an Exxon Station in Lincroft, New Jersey for nearly a decade complains that "ExxonMobil has made things very difficult for us and it has even threatened to sell all of its New Jersey franchises to jobbers." If that happens, he says, "We are afraid our costs will increase and the price we pay is already high enough."

As the worldwide market leader in the sale of motor fuels, clearly ExxonMobil's conduct sets the pace by which all other oil companies will follow. "These business owners have taken an extraordinary risk and placed an enormous burden upon themselves in suing ExxonMobil," says Gross. "They are attempting to bring order and accountability to the motor fuel marketplace," he adds. Gross says this lawsuit will have "far-reaching consequences in reducing the price everyone pays for gasoline if the station owners are successful."

"We need customer support now more than ever in order to make a difference," says Ebbie Ashabi, who has owned Exxon stations in Ramsey and Newfoundland, New Jersey for more than nine years. While it may seem counter-intuitive, continued or increased customer patronage at Exxon stations is the only mechanism that will permit these local businessmen to continue to afford taking on the world's largest corporation. "ExxonMobil will undoubtedly assemble significant opposition to our efforts and we will not be able to afford this fight unless our customers stand behinds us," adds Ashabi.

Ed Rapke, who has owned Exxon stations in Livingston, New Jersey for more than nine years is more than concerned. "We are paying for this out of our pockets, while at the same time doing everything we can to keep the price of gasoline as low as possible." Rapke adds, "A portion of the purchases made at our Exxon stations goes towards the fight we are advancing against ExxonMobil to get it to treat all of us in a fair way."

Ashabi sees it that way too. "The continued patronage of our customers insures our ability to survive as small businesses." Ashabi states his group's goal plainly: "We want to make the New Jersey gasoline marketplace more consumer friendly, we want to reduce the price everyone pays for gasoline, and we need our customers to be our partners to help us make it that way."

Gross has been recognized as a "Super Lawyer" by *New Jersey Monthly* magazine for the last three (3) consecutive years, and as among the top attorneys in the country for business litigation in *Super Lawyers - Corporate Counsel Edition* for 2009. Gross, who served as the President of the Essex County Bar Association for the 2007-2008 term, was also recognized by *NJBIZ* magazine in 2005 as one of the forty most prominent business people in the State under the age of 40. In August 2002, Gross was selected by

Press Releases (Cont.)

the *New Jersey Law Journal* as one of the leading 40 attorneys in the state under the age of 40. Gross serves as president and founding member of the North Jersey Business Council, a non-profit, which assists professionals, entrepreneurs and chief executives in building business relationships. Gross is a Phi Beta Kappa, *cum laude*, graduate of The George Washington University, and received his law degree from the University's National Law Center.

In 2009 Greenbaum, Rowe, Smith & Davis LLP celebrates its 95th year of building business in New Jersey. The firm has over 100 attorneys in four main practice departments: Litigation; Real Estate; Corporate; and Tax, Trusts and Estates. The firm has offices located in Woodbridge and Roseland, New Jersey. For more information, call Erin P. Faltin at 732-549-5600 or visit the firm's web site at www.greenbaumlaw.com.

###