

Business Litigation

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Business disputes can be complicated, disruptive, and expensive. They impact business relationships, divert crucial time and resources away from a company's business goals, and create risk in terms of publicity and the bottom line. Our Business Litigation group understands these realities and, from day one, we assess the risks and rewards to determine the best solutions for our clients, while always demonstrating a readiness to take each case to trial or hearing. Whichever direction a dispute may take, we provide careful, efficient, and value-conscious service to help clients meet their objectives and protect their businesses.

Our trial-tested group has experience with a broad range of matters. We routinely handle deal-related litigation, products liability cases, real estate disputes, consumer fraud actions, and trademark disputes for some of the most well-recognized brands. Our clients include hospitality, manufacturing, life sciences, health care, and utility companies, and we appear in courts and arbitrations across the United States. We combine proven experience, knowledge, and dedication to each matter, seamlessly blending analytical skills with staunch advocacy. We are particularly adept at synthesizing sprawling claims and addressing complex cases in an efficient and cost-effective manner. We rely on legal project management to enhance and measure our efforts, and offer alternative fee arrangements when it is in our clients' best interests to do so.

Most important, we build long-term relationships with our clients. We learn their businesses, their industries, and their cultures to deliver on our value-driven approach.

EXPERIENCE

- > Successfully represented national and regional law firms as defendants in legal malpractice cases.
- > Successfully represented several Fortune 100 companies in qui tam cases.
- > Represented an international watch company in breach of contract action.
- > Obtained a substantial recovery for Schering (Merck) in a multi-party construction defect case in Union County, New Jersey.
- > Obtained favorable settlement for technology distribution company in business dispute with multinational computer technology corporation.
- > Represented a former hedge fund manager in a breach of contract dispute over unpaid deferred compensation.
- > Litigated construction defect claims on behalf of several homeowner associations—notably, the possible collapse of a \$5 million parking deck near Seapointe Village in Cape May County, New Jersey.
- > Obtained a complete dismissal of a suit seeking injunctive relief over the violation of a non-solicitation claim agreement in connection with the establishment of a retail brokerage business by Investors Bank.
- > Obtained the complete dismissal of several suits against Comcast alleging violations of public bidding laws for certain public school contracts for broadband services.
- > Tried a case in the Southern District of New York involving a multimillion-dollar escrow claim following the \$76.5 million sale of a money transfer business.
- > Obtained a reversal of a multimillion-dollar jury verdict arising from a 10-day trial on just compensation in an eminent domain case on behalf of the Borough of Saddle River. The Supreme Court of New Jersey ultimately agreed with our position, and reversed the lower courts' decisions and remanded the case for a new trial.
- > Represented a leading cable provider in a construction-related contract termination dispute regarding a build-to-suit lease agreement.
- > Represented a biodiesel company in a shareholder dispute against its former president and CEO.
- > Successfully defended a publicly traded biotechnology company against civil claims brought in the U.S. District Court for the Southern District of New York by warrant holders, arising out of recapitalization and spin-off transactions.
- > Defended Schering-Plough against securities fraud claims that it misled investors about its manufacturing problems and the risks those problems supposedly posed to FDA approval of a new blockbuster antihistamine drug.
- > Acted as lead counsel defending a global supplier of drug development services against temporary restraining order and related contract dispute filed in New York state court.
- > Successfully tried a case for a New York landlord (international corporation) being sued by its tenant seeking specific performance of a \$1.7 million lease option to purchase. Decision affirmed on appeal.
- > Successfully represented institutional investors as plaintiffs in the civil prosecution of securities fraud cases.
- > Represented a large public university in the successful prosecution of multiple construction defect claims relating to the construction of an athletic facility.
- > Acted as lead counsel defending a multinational drilling company against putative class action alleging environmental groundwater contamination filed in New York federal court.
- > Acted as lead counsel representing an international chemical manufacturer in supply contract dispute filed in New Jersey state court.

- > Prevailed on all claims following a lengthy evidentiary hearing on behalf of LifeCell Corporation in an arbitration brought by a licensed distributor that claimed it was entitled to exclusive distribution rights to LifeCell's xenograft porcine tissue product.
- > Acted as lead counsel defending a multinational technology company in connection with product defect suit filed in New York state court.
- > Successfully represented a major provider of point-of-sale software in a commercial arbitration relating to wholesale software licensing and distribution.
- > Successfully defended a telecommunications company in a trial involving complex agency claims.
- > Successfully represented a partner in business dispute concerning a large apartment complex; obtained judgment in excess of \$50 million against defendant managing partner for civil racketeering offenses, fraud, breach of fiduciary duty, and breaches of the partnership agreement and partnership law.
- > Represented a designer of web platforms for alternative investors in asserting claims of breach of contract, misappropriation of trade secrets, and tortious interference with contract against a former high-level employee. Recently defeated a motion to dismiss this matter and it is ongoing.
- > Represented a global manufacturer of high-performance chemicals, pharmaceutical raw materials, and electronic components against a major software company in connection with a failed SAP software implementation.
- > Represented a major publisher of financial news against copyright infringement and unfair competition claims. As a part of the representation, we recently defeated a motion for preliminary injunction.
- > Represent a manufacturer and its subsidiary in an arbitration proceeding pursuant to an asset purchase agreement involving an alleged multimillion-dollar earnout payment, as well as a wrongful termination claim brought by the subsidiary's former president. The subsidiary has filed counterclaims and third-party claims for several million dollars regarding the claimant's fraud and breach of warranties.
- > Represented a manufacturer of telephone communication systems in a contract dispute in which a supplier asserted claims that included breach of contract for stranded materials, lost business opportunities, lost profits, breach of the covenant of good faith, and fair dealing, as well as misappropriation of trade secrets and conspiracy with the new supplier.
- > Represented a leading manufacturer of land, air, sea, and space navigation and guidance equipment in a breach of contract dispute with a primary subcontractee, an international communications and information technology company, regarding the design and construction, hardware, and software for inertial navigation guidance systems test platforms. The matter had a primary contract valued in excess of \$100 million and was settled on favorable terms for our client.
- > Won the dismissal of a multimillion-dollar AAA arbitration claim brought against our client, a multinational company based in India, alleging breach of an oral modification to a development, supply, and marketing agreement.
- > Represented the State of New Jersey as special outside counsel in the State's lawsuit against Volkswagen, Audi, and Porsche for their role in a massive consumer fraud scandal known as "dieselgate." Successfully negotiated a settlement of all claims for a total of \$69 million for New Jersey.
- > Represented lender in litigation against borrower in connection with \$40 million revolving credit facility.
- > Obtained favorable pre-suit settlement for institutional investor resolving securities fraud claims against issuer.
- > Successfully blocked transaction worth \$800 million through expedited litigation filed on behalf of major shareholder.
- > Successfully defended appeal of federal district court's dismissal of complaint against officer and directors asserting breach of fiduciary duties in connection with the dissolution of pharmaceutical company.
- > Defended several state-owned PRC companies against claims stemming from a joint venture formed to design, develop, and manufacture battery systems for electric automobiles
- > Representing a large international cookware manufacturer and distributor in its defense of claims for breach of contract, unfair competition, and theft of trade secrets.
- > Representing a distributorship in its claims against the former owners of an entity it acquired for breach of a stock purchase agreement.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: Ranked in Band 1 in New Jersey for Commercial Litigation**
- > **BTI Consulting Group: BTI Litigation Outlook 2019: BTI Consulting Group: BTI Litigation Outlook (2019)**
Honor Roll in Commercial Litigation