

Litigation

We are a firm of litigators with a well-earned reputation for resolving complex disputes and taking on high-profile, “bet the company” lawsuits. Each of our litigators is battle-tested, adept at negotiation, and skilled in bench and jury trials. Many of our attorneys also focus on specific legal issues or industries, such as employment, shareholder, estate, or construction litigation. The result is a vibrant, multi-disciplinary litigation practice where many perspectives come together to offer our clients comprehensive and strategic legal advice and advocacy.

In the role of a trusted business partner to our clients involved in disputes, we provide efficient case management, savvy anticipation of challenges, and a full appreciation of the impact of litigation on their business interests. As such, we carefully evaluate the alternative dispute options that may be available, including whether a telephone call may be more productive and effective than pursuing litigation.

Our litigators include former deputy attorneys general, assistant US attorneys, and state prosecutors. Moreover, the litigation team and clients benefit from the knowledge and experience of the esteemed, retired judges at Pashman Stein, including New Jersey State Supreme Court Justice Gary S. Stein (Ret.), Hon. Ellen L. Koblitz, P.J.A.D. (Ret.), Hon. Ronny Jo Siegal, J.S.C. (Ret.), and Hon. Stuart Peim, J.S.C. (Ret.).

Our litigation department is widely regarded as the go-to law firm for “bet the company” litigation in New Jersey, and we are regularly in contention for some of the most high-profile litigation matters throughout the region. We counsel individuals, businesses, and public entities. Our diverse clientele includes Fortune 500 companies, emerging growth entities and entrepreneurial businesses, professional athletes, fashion models, celebrity influencers, out-of-state corporate counsel, law firms, judges, lawyers, governmental agencies, and non-profit organizations.

Law360 has recognized our litigation department as a “Regional Powerhouse” based upon the editors’ review of the high profile and complex regulatory and litigation matters handled by the firm’s lawyers.

In addition to handling sophisticated and complex business disputes, our attorneys represent clients in general commercial and business disputes, including contract disputes; breach of fiduciary duty claims; consumer fraud claims; and cases involving business torts such as unfair competition, trademark and trade dress infringement, breach of confidentiality and nondisclosure agreements, breach of non-competition and non-solicitation agreements, tortious interference with business and contractual relations, theft of trade secrets and confidential information, and theft of business opportunities.

Within the litigation department, the firm’s litigators focus on dedicated areas of practice, including the following:

- [Alternative Dispute Resolution](#)

- Appellate Advocacy
- Attorney Ethics & Professional Misconduct
- Bankruptcy, Restructuring, & Creditor's Rights
- Business Divorce & Ownership Disputes
- Cannabis & Hemp Law
- Commercial Real Estate
- Construction Law
- Corporate & Business Law
- Criminal Defense
- Employment Law
- Fashion Law
- Food, Beverage & Hospitality
- Health Care
- Insurance & Indemnification
- Intellectual Property
- Investigations - Governmental and Internal
- Justice Gary S. Stein Public Interest Center
- Land Use & Zoning
- Local Counsel
- Media Law
- Privacy and Information Governance
- Public Entity Law
- Trusts, Estates & Fiduciary Litigation

Representative Matters

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.

- Represented prominent cardiology group and individual cardiologists in a business tort case brought against them by a specialty hospital asserting claims of tortious interference and unfair competition relating to the group's referral

practices. Retained after the trial court had just denied defendants' motions for summary judgment and facing a trial that was expected to last several months, we spearheaded the filing of new motions for summary judgment that raised dispositive issues that had not yet been addressed in the more than seven-year-old litigation. Following extensive briefing, the trial court dismissed all of the hospital's claims with prejudice. The hospital had been seeking nearly \$30 million in compensatory damages and an award of punitive damages. On appeal, the Appellate Division affirmed the dismissal of 99% of the hospital's damages claim and remanded for further proceedings on claims valued at less than \$300,000. The case settled during trial, shortly after the parties selected a jury and delivered opening statements.

- Representing the plaintiff in an oppressed minority shareholder suit concerning issues of oppression in a closely held corporation. This case resulted in the New Jersey Supreme Court issuing a precedential decision clarifying the State's oppressed shareholders jurisprudence and provided needed guidance on the question of the proofs necessary to trigger the availability of remedies under the oppressed shareholder statute. The case was remanded and is on appeal again following the entry of a \$25 million judgment in our client's favor on remand. In post-judgment enforcement proceedings, assisted in collecting more than \$20 million on a judgment through various execution avenues from both individual and corporate judgment debtors. Successfully tried a fraudulent transfer claim, resulting in an opinion and order requiring the return of \$18 million in funds secreted overseas.
- Together with co-counsel, obtained a settlement of up to \$25 million in favor of a statewide class of inmates and their families in a class action lawsuit against Global Tel Link Corp. (GTL), a prison technology company, and its subsidiaries, regarding overcharged inmate calling services.
- Representing a liquidating trustee appointed by a federal bankruptcy court on an appeal to the New Jersey Appellate Division concerning more than \$200 million in claims against the corporate parents and affiliates of an insolvent entity relating to environmental liabilities for pollution of the Passaic River.
- In what is believed to be one of the largest estate litigations in New Jersey, Pashman Stein together with co-counsel successfully defended the trustee of a trust against allegations that the trustee exerted undue influence over his father, who established the trust, causing his father to make certain lifetime transfers of business interests, alter his trust, and reduce plaintiff's share of the estate by upwards of \$500 million. Following a highly publicized trial that lasted 85 days and included more than 50 witnesses, Superior Court Judge Estela M. De la Cruz issued a 119-page opinion rejecting plaintiff's claims and ruling in favor of the trustee. The court found that even though the father suffered from a debilitating form of Parkinson's disease that affected his speech and movement, he was fully competent to choose his heirs.
- Obtained the dismissal of claims asserted against a Canadian bank and its broker-dealer affiliate in a federal litigation venued in the U.S. District Court for the Southern District of New York involving claims of wrongful termination, breach of contract, and invasion of privacy.

- Represented major mattress retailer in a putative class action alleging violations of both the New Jersey Consumer Fraud Act and the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act. Negotiated a favorable class-wide settlement prior to resolution of the plaintiff's motion for class certification.
- Represented developers in federal constitutional litigation against New Jersey municipalities. One case concerned allegations that the municipality abused its eminent-domain power for corrupt purposes and was widely covered by national and local media; the other case concerned allegations that the municipality abused its power to exact unlawful concessions from our client.
- Represented members of the New Jersey judiciary who successfully challenged a threatened reduction in their pension on the ground that the New Jersey Constitution did not permit a diminution of the salary of a judge.
- Representing a Fortune 500 company with expansive real estate holdings in a variety of business litigation and land use matters in New Jersey and New York.
- Represented a New York-based developer and financier of solar energy projects in disputes in both the U.S. District Court for the District of New Jersey and the Superior Court of New Jersey arising from three municipal project financings for the design and construction of dozens of solar power electric generating facilities on government-owned properties in Morris, Somerset, and Sussex counties. Successfully obtained a judgment discharging more than \$40 million in Municipal Mechanics' Liens levied against public project funds and then secured an affirmance of that decision following an expedited appeal. Defeated multiple attempts to freeze tens of millions of dollars in proceeds from solar renewable energy certificates, section 1603 grants from the U.S. Department of the Treasury, and revenue derived from the sale of solar electricity. Negotiated extremely complex global settlement agreements that resolved disputes with the engineering, procurement, and construction contractor, county improvement authorities, and county governments.
- In a land redevelopment dispute between a private redeveloper and a local designated redevelopment entity involving issues of contract interpretation and claims of breach of contract, successfully briefed and argued the appeal of an adverse jury verdict, resulting in the Appellate Division reversing the jury verdict, and remanding for a new trial.
- Litigation counsel for a variety of businesses, including ingredients and spices manufacturer, national Hispanic foods manufacturer headquartered in New Jersey, and hotel franchisee.
- Local counsel for a large shopping mall owner with regard to non-payment by national retailers during COVID pandemic.
- Negotiations for investors in a claw back action relating to a Ponzi scheme.
- Successfully represented individual sued by her deceased ex-fiancé's estate for the return of a valuable engagement ring. Following a four-day bench trial, Court held that the engagement ring - typically considered a conditional gift - in this particular instance was unconditional, notwithstanding that the parties' engagement had terminated during the decedent's lifetime.

- Represented a prominent nationally recognized trial law firm in a fee dispute with another law firm. Arbitration resulted in a mutually agreeable confidential resolution.
- Represented a U.S. subsidiary of an internationally-based global mining and exploration company in a litigation brought by a competitor seeking an award of damages and an injunction prohibiting the U.S. subsidiary from selling one of its primary products in North America. We successfully opposed an order to show cause with temporary restraints that would have crippled our client's business and the case eventually settled on favorable terms.
- Obtained settlement of all claims against our client in a multi-district federal antitrust litigation involving numerous corporate and individual defendants.
- Successfully represented a leading commercial real estate company in New Jersey in a land use and redevelopment dispute with a local township which sought to renegotiate its lease obligations and prior settlement terms.
- Obtained a successful settlement on behalf of a prestigious New Jersey law firm in a fee dispute in which that firm's client refused to pay its contingency fee after a decade-long legal battle.
- Represented a large international labor union in a civil case involving hundreds of millions of dollars in assets and hundreds of thousands of workers.
- Representation of a defendant in a federal securities fraud and tax evasion case containing allegations of approximately \$200 million of loss.
- Successfully briefed and argued an appeal to the U.S. Court of Appeals for the Second Circuit on behalf of a global restaurant chain in a complex commercial dispute.
- Successfully represented a major financial institution in litigations in both state and federal court in New York (New York County Commercial Division and the U.S. District for the Eastern District of New York) seeking the recovery of nearly \$1 million in funds wrongfully removed by customers from an account in violation of foreign court orders.
- Representing a New Jersey-based financier and developer of solar energy generation projects in a federal litigation venued in the U.S. District Court for the District of New Jersey arising from the sale of solar projects on government-owned property in New Jersey.
- Successfully obtained the dismissal of all federal Lanham Act claims brought by a lighting company against its former contract manufacturer in a suit alleging that the manufacturer stole trade secrets and was improperly competing with the lighting company in breach of a confidentiality agreement. Then successfully obtained the dismissal of a follow-on lawsuit in state court on the basis of choice of law and personal jurisdiction defects. We then successfully pursued insurance coverage for all of the defense costs and expenses in federal court and on appeal before the Second Circuit Court of Appeals.
- Successfully obtained a preliminary injunction prohibiting a former senior executive from competing against his former employer anywhere in the state of New Jersey and successfully prosecuted an order for sanctions when the former employee violated the injunction.

- Successfully appealed and obtained reversal of \$7.6 million jury verdict in premises liability action.
- Represented a British bank in an action brought in the U.S. District Court for the Southern District of New York to recover an unpaid investment banking fee. Negotiated a settlement following motion practice in which the court struck several of the adversary's affirmative defenses and dismissed the adversary's counterclaim against the firm's client for breach of contract.
- Successfully defended a lawsuit challenging a county improvement authority's award of a waste disposal contract valued at approximately \$150 million. The plaintiff, an unsuccessful bidder, challenged the improvement authority's application of the financial responsibility requirements of the bid specifications. Following a bench trial, the court rejected the plaintiff's challenge to the contract award.
- Obtained favorable resolution of products liability action in a subrogation claim by insurer, wherein the client's product was alleged to have caused a house fire due to defective design and failure to warn, resulting in significant property damage.
- Obtained a favorable settlement after seeking emergent discovery on behalf of business owners whose partner formed and operated a competing business. Avoided protracted litigation through prompt and aggressive Court action.
- Avoided litigation and all liability on behalf of a national manufacturer that shipped non-conforming goods to a Fortune 500 customer/supplier. Addressed complex issues pertaining to the Uniform Commercial Code and aggressively refuted a claim that exceeded \$2.5 million.
- Represented the liquidator of an insolvent Swiss financial-services company in bankruptcy litigation under Chapter 15 of the Bankruptcy Code against U.S., U.K., and Korean financial institutions. The case involved a dispute as to whether U.S. and Swiss bankruptcy law permitted some of the defendants to set off amounts owed the plaintiff under ISDA Master Agreements governing derivatives transactions against amounts that the plaintiff and one of its affiliates owed to another defendant under different ISDA Master Agreements.
- Represented a Latin American State in two investment-treaty arbitrations before arbitral tribunals and an annulment committee at the International Centre for Settlement of Investment Disputes (ICSID). The case involved allegations that the State violated bilateral investment treaties by failing to pay the claimants for custom-inspection services.
- Represented an international hotel-management company in a contract dispute with a hotel owner raising issues of first impression under New York law concerning the hotel owner's right to terminate the management company without cause on the theory that the management agreement was a personal-services contract. Successfully argued interlocutory appeal to the New York Appellate Division, First Department, resulting in dismissal of a trespass claim against the management company.
- Successfully represented adjacent residential property owners who urged the Livingston Zoning Board to deny a use variance to an applicant seeking to construct a medical office building based on the applicant's failure to meet the statutory criteria for a use variance.

- Obtained multiple defense verdicts for industry leading computer manufacturer sued by plaintiffs for defective design and failure to warn with respect to repetitive stress injuries allegedly sustained from operating computer keyboards, mouse devices and UPC price scanners.

