



# John J. Sullivan

## Member

### New York, Cherry Hill

[jsullivan@cozen.com](mailto:jsullivan@cozen.com) | (212) 453-3729

John practices in the firm's Commercial Litigation Department and has over two decades of experience handling a wide variety of complex litigation. He defends companies in securities, corporate governance, class action, antitrust, product liability, mass tort, and other business litigation. John regularly represents global companies in the life sciences, banking, consumer products, venture capital, fund management, and real estate industries.

In the area of financial litigation, John defends clients in state and federal courts in disputes involving contested takeovers, securities class actions, RICO claims, fraud claims, and real estate financing disputes. In this area, John represents clients who have been victims of cyberattacks. He currently serves as lead counsel to a foreign central bank in the Commercial Division of the New York Supreme Court, seeking the recovery of tens of millions of U.S. dollars in foreign reserves that were stolen through a cyberattack as part of one of the largest thefts in New York banking history. John also has extensive experience in arbitration and international arbitration.

John is also a highly experienced class action litigator, having defended clients against consumer privacy, securities, antitrust, data privacy, breach of contract, and other class actions. His experience extends to multidistrict class action litigations and consolidated proceedings. He has litigated class actions involving governmental services in the *pro bono* sphere, and he is lead counsel to the former deputy executive director of the Port Authority of New York and New Jersey in the pending consolidated class action arising out of the "Bridgegate" scandal.

John also has years of experience in high stakes mass tort and product liability actions, litigating between-company actions in state courts and in federal multidistrict litigation. John has served on trial defense teams in some of the largest and most challenging product liability and mass tort litigation, defending against cases involving significant personal injury and disease states and claims of failure to warn, manufacturing and design defect, and breach of warranty.

In the real estate industry, John represents lenders, REITs, and financial trusts in high-stakes litigation and advisory work regarding workouts and distressed assets, including disputes between servicers and co-lenders, and contract matters relating to distressed borrowers. John develops practical tactics for both negotiations and litigation relating to all types of distressed real estate disputes.

A well-rounded commercial litigator, John has deep experience managing attorneys conducting case-specific discovery, defending witnesses, handling evidentiary and coordination hearings, negotiating with opponents, and deposing and defending expert witnesses. He has litigated constitutional and preemption issues, dealt with regulatory agencies and their regulations, and represented clients in appellate proceedings before state and federal appellate courts, including the U.S. Supreme Court.

Before joining Cozen O'Connor, John was a partner at Dechert LLP, and he started his career at Sullivan & Cromwell. For John's considerable success, he has been recognized by Benchmark Litigation as a "future star," an "innovative lawyer" by the *Financial Times*, and as a New York Super Lawyer in Business Litigation.

John is a frequent author and speaker at legal conferences, and he is often asked to comment on

### Practice Areas

- Commercial Litigation
- Class Actions
- Product Liability
- Technology, Privacy & Data Security
- Securities Litigation & SEC Enforcement
- Antitrust & Competition

### Industry Sectors

- Cryptocurrency and Blockchain Technology
- Food & Beverage
- Real Estate & Construction

### Education

- Rutgers University School of Law—Newark, J.D., 1996
- Rutgers University, B.A., 1992

### Bar Admissions

- New York
- New Jersey

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court -- New Jersey
- U.S. District Court -- Southern District of New York
- U.S. District Court -- Eastern District of New York

### Awards & Honors

- New York Super Lawyer in Business Litigation 2018, 2019. This award is conferred by Super Lawyers. A description of the selection methodology can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

### John J. Sullivan

[jsullivan@cozen.com](mailto:jsullivan@cozen.com)

P: (212) 453-3729 | F: (646) 461-2073  
P: (856) 910-5067 | F: (856) 910-5075

current litigation in the legal media.

John earned his law degree from Rutgers University School of Law-Newark, where he was awarded the Order of the Coif and was a two-time Saul Tischler Scholar. He received his bachelor's degree from Rutgers University, New Brunswick.

## Experience

Serve as lead defense counsel in multiple highly complex class actions pending in federal courts and MDL proceedings across the country and involving issues such as alleged data breaches, alleged antitrust law violations, breaches of alleged form contracts, and consumer fraud.

Serve as counsel for an entity tasked by a federal court to recover cryptocurrency stolen from a certified class of investors who had placed their cryptocurrency on a crypto exchange only to have it stolen by the exchange's owner and operator and transferred to private digital wallets and to other exchanges not located in the United States.

Served on multiple trial teams defending against mass tort claims in federal MDL and state court proceedings in which tens of thousands of plaintiffs alleged significant injury, including heart attack, cancer, diabetes and other life-threatening injuries and illnesses. Handled every aspect of these litigations from trial to mastering the science and regulatory stories to coordinating proceedings within consolidated actions and across multiple jurisdictions.

Currently serving as lead counsel to the former deputy executive director of the Port Authority of New York & New Jersey defending him against two class actions arising out of the "Bridgegate" scandal relating to lane realignments of the George Washington Bridge in September 2013. The plaintiffs asserted RICO claims as well as Constitutional and common law claims. We won a dismissal with prejudice of the RICO claims on a FRCP 12(b)(6) motion.

Represented an investment bank against state and federal securities law claims, RICO claims, and common law claims asserted in connection with the offering of junk bonds to fund the construction of a steel mill in South East Asia. The cases were filed in multiple state and federal courts across the country, including in California.

Defended UK venture capital firms in California state court against a securities class action brought by investors seeking tens of millions of dollars in damages. The investors alleged California securities and common law claims. The case was dismissed with prejudice on demurrer.

Defended a fund management company in federal court against class action claims brought under the Investment Company Act, the Securities Exchange Act and Maryland common and statutory law. After filing a motion to dismiss and convincing the court to stay the action, the matter settled.

Advised fund management companies on (i) securities and corporate governance issues of potential acquisition targets and (ii) potential avenues of redress under the securities laws with regard to ongoing scandals.

Defended a NASDAQ market maker against class action and SEC investigation of whether market makers colluded to avoid posting odd-eighth quotes for stocks traded on NASDAQ.

Served on the trial team that successfully defended a tobacco company against negligence, design defect, conspiracy, and punitive damages claims brought by hospitals claiming hundreds of millions in damages for services provided to patients treated for tobacco-related illnesses. The trial lasted four months in Missouri state court in St. Louis.

**John J. Sullivan**

[jsullivan@cozen.com](mailto:jsullivan@cozen.com)

P: (212) 453-3729 | F: (646) 461-2073

P: (856) 910-5067 | F: (856) 910-5075

©2024 Cozen O'Connor. All rights reserved.



In Delaware Chancery Court, defended members of a special committee of directors of a real estate management and investment company against breach of fiduciary duty claims in connection with the sale of the company to a group headed by its CEO.

Defended large venture capital fund in both Delaware Chancery and Colorado state court in connection with a dispute over convertible debentures. Successfully stayed the Colorado action, which was in the plaintiff's home state, and the matter settled once it was proceeding solely in Delaware court.

Drafted and filed amicus brief in the United States Supreme Court on behalf of a public interest group supporting Dura Pharmaceuticals' appeal in *Dura Pharmaceuticals Inc. v. Broudo*, which involved interpretation of the Private Securities Litigation Reform Act. The Supreme Court ruled in Dura's favor.

Defended venture capital fund and two related entities in connection with challenge to proposed leveraged buyout of a public company filed on an expedited basis in New Jersey chancery court.

Defended a domestic investment banker that had underwritten a junk bond offering, under SEC Rule 144A, to be used to fund construction of a steel mill in South East Asia. The plaintiffs were mutual and hedge fund investors who had filed actions in eight separate state and federal jurisdictions alleging securities law claims and RICO claims.

Defended insurance holding company in federal court against securities class action involving claims brought under the Securities Act of 1933, the Securities Exchange Act of 1934, and their relevant control person provisions.

Defended a specialty chemical company against product liability and contract claims. Used summary judgment and expert preclusion motion late in litigation to engineer settlement at a small fraction of claimed multi-million dollar damages.

Defended a medical imaging subsidiary of healthcare services company against a contract claim. Won a complete dismissal of the action by filing a motion to dismiss at the start of the litigation.

Won dismissal with prejudice of a major RICO action in federal court in Florida alleging that our insurance adjuster client engaged in criminal and fraudulent conduct as to hundreds of hurricane-related insurance claims. In granting the motion to dismiss, the court held that the RICO claim was preempted by the McCarran-Ferguson Act because it would impair the procedural safeguards afforded to insurers under Florida's bad faith statute and that the plaintiff failed to sufficiently allege the details of any purported fraud, noting in particular that our client had not been connected to any misrepresentation.

**John J. Sullivan**

jsullivan@cozen.com

P: (212) 453-3729 | F: (646) 461-2073

P: (856) 910-5067 | F: (856) 910-5075

©2024 Cozen O'Connor. All rights reserved.

