



# Tamar S. Wise

## Member

## New York

[twise@cozen.com](mailto:twise@cozen.com) | (212) 883-4924

### Practice Areas

- Appellate & Supreme Court
- Class Actions
- Commercial Litigation
- Distressed Real Estate

### Education

- New York University School of Law, J.D., 2007
- Yale University, B.A., *cum laude*, 2004

### Bar Admissions

- New York
- Pennsylvania

### Court Admissions

- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- Southern District of New York
- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court -- Northern District of New York
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit

### Affiliations

Civil Court Independent Judicial Screening Panel, 2022

### Awards & Honors

- Chambers & Partners USA: Litigation: General Commercial, 2022-2024
- New York Super Lawyer 2022-2024
- City and State New York City Rising Stars -- Top 40 Under 40, 2019
- New York Super Lawyers "Rising Star" 2012-2018

Tamar is a dedicated and creative commercial litigator who represents clients in a wide range of complex commercial litigation matters, including securities, contract, First Amendment, agency claims relating to false advertising and consumer product litigation, and real estate cases in jurisdictions nationwide. Tamar also has an extensive appellate practice in both state and federal appellate courts, has briefed or argued cases in almost every federal court of appeals, and was a key member of the Cozen O'Connor team that took a case to the United States Supreme Court and secured a precedent-setting victory in 2019. Tamar is also regularly called upon to counsel on defamation and libel issues and cases and has secured important rulings for clients in this evolving legal and Constitutional space.

Tamar has significant experience with commercial and securities cases spanning a wide range of industries, including financial services and investments, mortgage lending, and aviation. She has successfully briefed and argued motions at all stages of litigation.

In 2022, 2023 and 2024, Chambers & Partners USA recognized Tamar as an "up and coming" lawyer in New York commercial litigation. Chambers quoted clients referring to Tamar as an "extraordinary and awesome legal advisor and litigator" and noting that she is "wonderfully responsive, extraordinarily effective and understands clients' business objectives." In 2019, Tamar was selected as one of New York City's 40 Under 40 Rising Stars by City and State Magazine. She was also recognized as a New York Metro Super Lawyer in 2022-2024 and as a Super Lawyer Rising Star from 2012 to 2018. Tamar speaks and writes regularly in legal and business publications, and most recently was an invited panelist at the 32nd Annual Media & The Law Seminar on the topic of the First Amendment and social media control. Additionally, Tamar served on the New York County Democratic Committee's 2022 Civil Court Independent Judicial Screening Panel. Prior to joining Cozen O'Connor, Tamar was an associate in the New York office of a top-ranked international law firm.

Tamar graduated *cum laude* from Yale University with a degree in history and earned her law degree from New York University School of Law, where she was the recipient of the American Corporate Counsel scholarship and a staff editor of the *Journal of Law and Business*. Tamar is admitted to practice in New York and Pennsylvania.

## Experience

### APPELLATE EXPERIENCE

- Successfully defended the appeal of the dismissal of a case alleging claims for FMLA retaliation and harassment as well as defamation before the U.S. Court of Appeals for the Seventh Circuit.
- Achieved a precedent-setting decision from the U.S. Court of Appeals for the Seventh Circuit in a putative class and collective action brought against a social media company, holding that employees who had signed arbitration agreements with class action waivers were not entitled to receive notice of the collective action under the FLSA.
- Second-chaired a major First Amendment victory before the Supreme Court of the United States, *Manhattan Community Access Corporation v. Halleck*, from filing of the case in district court. In June 2019, the Supreme Court ruled entirely in favor of Cozen O'Connor's client, reversing the U.S. Court

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of Appeals for the Second Circuit and holding that a private company which, among other things, operates the public access channels in Manhattan, was not a "state actor" and therefore not subject to liability under the First Amendment. The Court clarified its tests for when private parties can be found to be "state actors" and thus subject to constitutional liability.

- Successfully defended the appeal of the dismissal of a multimillion-dollar federal securities fraud lawsuit against a New York-based real estate developer and its individual executives before the U.S. Court of Appeals for the Second Circuit.
- Successfully defended the appeal of the dismissal of a securities and defamation "short and distort" case before the New York's Appellate Division, First Department.
- Secured and won a rarely granted interlocutory appeal of a summary judgment ruling to a Georgia appellate court on behalf of a publicly traded national trucking company. The Supreme Court of Georgia then denied certiorari as to the dismissal of Cozen O'Connor's clients.
- Drafted amicus briefs on behalf of various interested parties for cases before the United States Supreme Court and the U.S. Court of Appeals for the Seventh Circuit.

#### ***SECURITIES LITIGATION EXPERIENCE***

- Obtained dismissal, on motions to dismiss and for early summary judgment, of a New York real estate developer in a series of investor lawsuits for securities fraud totaling approximately \$10 million in exposure in both state and federal courts in New York.
- Won a dismissal with prejudice in a closely-watched securities and defamation case in the Commercial Division of the New York Supreme Court, brought under the "short and distort" theory. The court held that the defendants had fully disclosed their short positions along with the factual bases for their opinions, and the plaintiff had not challenged the veracity of those underlying facts. This result was affirmed on appeal.
- Won a motion to dismiss securities fraud claims brought against an individual member of the board of directors of a REIT in a class action in the Southern District of New York.
- Represented investors in a claim against an issuer involving auction rate securities. The case settled after two days of jury trial.
- Represent a publicly traded health technology company in a fraud action in federal court in New York in an action alleging that the defendants made misrepresentations to induce issuance of stock worth millions of dollars; survived defendants' motion to dismiss.

#### ***GENERAL COMMERCIAL LITIGATION EXPERIENCE***

- Won a motion to dismiss and an anti-SLAPP motion, as well as an award of attorneys' fees, in a defamation case in California federal court in which we represented a climate scientist who had been asked to provide feedback on the notion of "geoengineering" in connection with a documentary on the subject.
- Won summary judgment on behalf of the estate of a composer and one of the authors of a world-renowned musical. On summary judgment, the court dismissed the plaintiff's claims that the decedent breached an alleged agreement entitling plaintiff to produce a 50th anniversary revival production. The court granted our motion and dismissed the complaint, including as plaintiffs' claims for damages in excess of \$250 million.
- Secured a favorable settlement on behalf of the lender of a mortgage loan in a multimillion-dollar suit

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alleging master servicer and special servicer breaches

- Won a motion to dismiss claims brought against a minority shareholder and its principal for aiding and abetting directors' and liquidating trustees' breaches of fiduciary duty.
- Won the dismissal of FTC and New York Attorney General complaint against the CEO of a consumer products manufacturer.
- Represented a closely held company and its shareholder against claims brought by a former minority shareholder, defeating the former minority shareholder's request for an injunction and securing an injunction prohibiting the former minority shareholder from competing.
- Obtained a defense win in a week-long trial for a regional law firm sued for professional malpractice.
- Defended a *pro bono* client in cancellation of removal proceedings in immigration court. The judge awarded the client the relief requested, and no leave to appeal was given.