

Commercial Litigation

One of the country's most successful litigation firms, Cozen O'Connor has been winning complex commercial trials for more than 50 years. With more than 300 highly respected litigators in the United States and Canada, including numerous fellows of the American College of Trial Lawyers, we are a go-to firm for sophisticated clients with complicated and consequential business litigation. Our U.S. team consistently receives a National Tier 1 ranking in U.S. News – Best Lawyers “Best Law Firms” rankings. Our clients include public and private companies, startups, corporate boards and committees, directors and officers, nonprofits, trade associations, and government entities.

Most clients litigate reluctantly because it is costly, distracting, and unpredictable. However, for countless legitimate reasons, lawsuits must be filed and defended. Plaintiff or defendant, individual or corporation, local branch or a national chain, when litigation becomes unavoidable, there is only one acceptable option: win.

Cozen O'Connor is a trial firm — not simply a litigation firm. Our commitment to actual trial work benefits our clients both in the form of decisive verdicts and advantageous settlements. We practice before judges across nearly every U.S. state as well as in Canada, are well-versed in the procedural norms in their courtrooms, and win cases in the most challenging jurisdictions. Our commitment to hands-on trial practice is unusual in the current legal marketplace, even among prestigious peer firms. Our record of success in court contributed to the Commercial Litigation practice being selected as a Litigation Department of the Year finalist in 2023 by The American Lawyer, the firm being one of just four firms named a Law360 Powerhouse in 2022, the Commercial Litigation practice being selected as a Litigation Department of the Year in 2021 by The American Lawyer, and the firm being named Law Firm of the Year for 2020 by The Legal Intelligencer.

Our attorneys' trial skills were developed through direct experience. Excellent trial lawyers know the language and rhythm of the courtroom. They know how to assimilate new information and recalibrate strategy as events unfold. These critical intangibles are our stock in trade. And because our litigators are trained in a wide range of areas, we can typically assign one small team to handle both unique and more general claims in a given lawsuit, resulting in a streamlined approach to staffing that maximizes efficiency.

Our experience benefits clients not only during trial but also during settlement negotiations. We are able to craft strategies based on realistic assessments of the relative strength of all parties' positions. And our reputation for being trial-ready leads to more favorable settlements because adversaries know that we settle only to serve clients' best interests — not to avoid court.

SERVICES

- Appellate
- Commercial, including:
 - Corporate governance, partnership, and shareholder rights disputes
 - Securities and financial services litigation
 - Breach of contract claims
 - Business torts
 - Data privacy and cybersecurity breaches
 - Unfair business practices
 - Antitrust
 - Class actions and mass torts
 - Product liability
 - Defamation



Barry Boss

Co-Chair, Commercial Litigation Department
Co-Chair, White Collar Defense & Investigations

bboss@cozen.com
Phone (202) 912-4818
Fax (866) 413-0172



James H. Heller

Co-Chair, Commercial Litigation Department
Chair, Product Liability

jimheller@cozen.com
Phone (215) 665-2189
Fax (215) 701-2189

Related Practice Areas

- 9/11 Litigation
- Appellate & Supreme Court
- Aviation Litigation
- Bankruptcy, Insolvency & Restructuring
- Class Actions
- CODISCOVER (eDiscovery)
- Commercial Litigation
- Construction Law
- Family Law
- Financial Services
- Franchising
- Health Care & Life Sciences
- International Arbitration
- Italy Practice
- Long-Term Care Litigation
- Product Liability
- Product Regulatory & Compliance
- Professional Liability
- Real Estate Litigation
- Securities Litigation & SEC Enforcement
- Self-insured Recovery
- Strategic Communications/Reputation Management
- Technology, Privacy & Data Security

- Telephone Consumer Protection Act (TCPA)
- Parallel proceedings and MDLs

- Construction
- Criminal Defense & Government Investigations
- Intellectual Property
- International Arbitration
- Officer and Director Liability
- Professional Liability
- Real Estate and Land Use
- Securities & Financial Services
- Transportation

TEAM

We are trial lawyers, first and foremost. Cozen O'Connor's litigation department retains some of the most respected courtroom attorneys in the United States and Canada. Over the last few years, as other firms have retrenched, ours has grown. Cozen O'Connor is a destination law firm for top litigators. Among our ranks are a former U.S. Supreme Court clerk, a senior official with the SEC enforcement division, experienced litigators from other prominent firms, and former federal prosecutors.

The litigation problems our clients face are high stakes, complicated and multidimensional. That is why we have an internal structure that supports cooperation among practice groups, facilitates intra-firm communication, and rewards the mobilization of diverse resources to solve target issues. Complex legal problems require a well-coordinated interdisciplinary team. All of our litigators are members of a single department and are incentivized to leverage one another's skills and experience. At Cozen O'Connor, turf is irrelevant — success is all that matters.

Experience

Secured dismissal with prejudice of claims brought against a timekeeping/payroll software services provider by a customer that experienced a service outage after the provider was the victim of a criminal ransomware attack. Asserting that the provider was grossly negligent in "allowing" criminals to attack its systems, the plaintiff unsuccessfully sought to expand the provider's obligations to include the customer's own failure to pay its employees correctly.

Prevailed on behalf of a private medical practice and its majority shareholders in a "business divorce" arbitration against one of their founding shareholders after uncovering that he was working to create a competing practice. After successfully compelling arbitration in NJ Superior Court, contentious motion practice and discovery, and a seven-day hearing, a three-arbitrator AAA panel found that the practice proved its claims for breach of fiduciary duty and breach of contract, and rejected the founder's minority shareholder oppression claim. The panel awarded the practice significant equitable relief, including enforcing a two-year restrictive covenant and ordering that the practice buy out the founder for only one-third of the fair value of his 25 percent interest under their shareholders' agreement's punitive, for "cause" termination provision.

Obtained an award in our client's favor in an international franchise arbitration matter centered on the termination by our client of a 26-year franchise relationship covering 100 franchise locations in Malaysia and Taiwan, along with related development and distribution agreements, for which the opposition sought \$34 million in damages. After more than two years of litigation and nine days of

- Transportation & Logistics Litigation
- White Collar Defense & Investigations

Industry Sectors

- Hospitality
- Retail

hearing, with witnesses coming in from China, Singapore, and various states in the United States, the tribunal found that the franchisee was entitled to no damages and our client was entitled to recover on its counterclaims for lost profits and unpaid royalties. In addition, the tribunal entered a permanent injunction directing the claimants, *inter alia*, to transfer all product registrations using our client's trademarks and related tradenames at no charge to our client.

Secured dismissal with prejudice of all claims against our cannabis industry client in a case centering on an oral agreement, entered into in the late 2000s, which the plaintiff claimed created a partnership between it and our client (among other named defendants) with the intention to sell cannabis seeds when it became legal to do so. In dismissing the claims, the Court accepted our argument that because the partnership was allegedly formed as a for-profit entity at a time when it was illegal to cultivate cannabis for profit in California, the alleged contract was unenforceable.

Won summary judgment for a national retailer of nutritional supplements in a case in which the plaintiff alleged that it sold tainted supplements.

Successfully moved to dismiss a case filed against a social media company in state court in Colorado that that shared issues with two U.S. Supreme Court cases -- *Gonzalez v. Google LLC* and *Twitter, Inc. v. Taamneh* -- about whether such companies can be held liable for user-posted content. The plaintiff sought an injunction to force the company to remove from its platform allegedly defamatory posts. In granting the motion to dismiss, the court accepted our argument that the client was immune under Section 230 of the Communications Decency Act and dismissed all claims brought against the company.

Won a complete victory for private equity firm clients in a broker-finder fee agreement dispute, including securing dismissal of breach of contract and misappropriation of trade secrets claims.

Won summary judgment on all claims asserted against an information services company client, following a \$5 million-plus pre-motion settlement demand.

Successfully represented the owner of a number of newspapers in overturning an injunction against a reporter for the Arizona Capitol Times that an Arizona State Senator had obtained at an *ex parte* hearing. We requested a hearing, at the conclusion of which the injunction was dismissed, with the judge ruling that the reporter's actions were protected by the First Amendment, served a legitimate purpose, and therefore could not constitute harassment (as the Senator had claimed) under the applicable statute.

Won two summary judgment motions on the eve of trial, eliminating an alleged \$50 million in breach of contract and breach of fiduciary duty claims asserted against real estate development entities and their directors following the turnover of a community association and golf club.

Secured dismissal of claims brought on constitutional grounds against the Federal Housing Finance Agency, in its role as conservator and receiver of the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac"), by private investors seeking to nullify a series of agreements with the U.S. Department of the Treasury under which Treasury loaned Fannie Mae and Freddie Mac approximately \$187 billion in return for the companies' entire net worth less a capital buffer and a liquidation preference essentially equal to the loan. The plaintiffs argued that FHFA's director was unconstitutionally appointed and the actions of FHFA were unconstitutional, which the district court rejected. When the U.S. Supreme Court later held that the similarly appointed director of the Consumer Financial Protection Bureau had been unconstitutionally appointed, the U.S. Court of Appeals for the Eighth Circuit remanded the FHFA case back to the district court to determine whether the plaintiffs could allege any harm as a result of the

unconstitutional appointment of the FHFA director. After extensive briefing and oral argument concerning plaintiffs' newly amended complaint, the court again dismissed all claims with prejudice.

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.

Represented a large busing company in connection with challenging an award of a substantial busing contract with a school district. Filed an injunction to challenge the RFP process and the school district's process and decision to award the contract to another bidder. The basis of the protest was that the school district advised the other bidder that the original bid parameters had changed, and allowed that entity to rebid pricing and other provisions, while the client was not given that opportunity. We challenged the fairness of the process and utilized discovery to solidify client's belief that there was an unlevel playing field. When the school district moved ahead with the contract award in the face of the formal protest, we filed a complaint and preliminary injunction that led to 4,000 documents being exchanged, and 15 depositions being taken, within a 7-day period. After a 10-hour injunction hearing, the court ruled in the client's favor.

Secured a \$3.5 million judgment following a multi-day arbitration for a dining and facility management services company in a breach of contract case which also involved liability incurred when the defendant's termination of the contract at issue caused the client to withdraw from a union pension fund to which it had been contributing. After winning a motion for partial summary judgment that secured hundreds of thousands of dollars in past due invoices, attorneys' fees, and defeated a \$670,000 counterclaim, we prevailed at arbitration with the arbitrator finding that the client was entitled to indemnification by the defendant of \$2.4 million of withdrawal liability and entitled to more than \$600,000 on other claims related to the applicable collective bargaining agreement and the termination of the parties' contract.

Secured a victory for a defendant-guarantor in a matter of first impression before the California Court of Appeal in a case centering on prevailing party attorneys' fees. The underlying case was a landlord-tenant dispute involving breach of contract and breach of guaranty claims, and it came before the Court twice. The initial issue was whether the prevailing plaintiff-landlord could collect attorneys' fees from the individual guarantor, who had deposited the funds at issue with the trial court, under the prevailing party attorneys' fee clause contained in the lease guaranty. We successfully moved to strike the plaintiff's prayer for attorneys' fees, and Court of Appeal affirmed in a published decision. On remand, we successfully moved for an award of attorneys' fees on behalf of the guarantor for fees she incurred both on appeal and in significant ancillary appellate proceedings, and the landlord again appealed. In its second published decision in the case, the Court announced for the first time that debtor defendants can escape contract liability for attorneys' fees, even after an action has been brought against them, if they tender the full amount owed before answering the complaint.

Secured a complete victory for five individual investors on counts of securities fraud under Section 10(b) of the Securities and Exchange Act and Rule 10b-5 thereunder, the New Jersey Uniform Securities Act (N.J.S.A. 49:3-52), and common law fraud following a four-day bench trial in U.S. District Court for the District of Delaware. The court found that the defendant fraudulently induced them to invest in what he claimed was a revolutionary pharmaceutical packaging company, and then misappropriated their funds to support his lavish lifestyle and pay back earlier undisclosed investors in classic Ponzi scheme style. The court awarded the investors the entirety of their investment losses,

prejudgment interest, and punitive damages. This result was affirmed by the U.S. Court of Appeals for the Third Circuit.

Successfully defended Marriott International, Inc. in connection with a third-party judgment enforcement information subpoena and purported restraining notices filed by Trump-affiliated entities in connection with an action involving the operation of a Panama-based, Marriott-branded hotel. The plaintiffs' goal appeared to be to pressure Marriott to satisfy a judgment obtained against the hotel owner in a Panamanian arbitration. We successfully moved to quash the restraining notices and for a protective order against further discovery directed to Marriott.

Won a complete victory on behalf of the landlord in a closely watched commercial landlord-tenant dispute before the New York Appellate Division (First Department). At the outset of the COVID-19 pandemic, The Gap (the international clothing store) stopped paying rent for many of its retail stores, including the premier space in the building owned by our client in lower Manhattan. The Gap preemptively sued for a declaration that the lease had terminated because of the pandemic, citing the doctrines of "frustration of purpose" and "impossibility of performance," among other arguments. The trial court partially granted our motion to dismiss, but left the "frustration" and "impossibility" claims and defenses in the case. On appeal, the Cozen O'Connor team secured dismissal of all of The Gap's remaining claims, and the company was ordered to pay both back rent and future rent. The case was the first time the appellate courts in New York had directly addressed the ubiquitous "frustration" and "impossibility" defenses relating to the pandemic.

Won summary judgment in a multimillion-dollar case that arose from a catastrophic collision when an unattended tractor-trailer, owned and operated by a third-party trucking company, rolled down the driveway at our client's facility and onto a highway, where it struck the vehicle occupied by the plaintiff and his family. The plaintiff previously brought suit against the driver, who was convicted criminally, and the trucking company. The complaint against our client contained allegations of premises liability, nuisance, and vicarious liability. In granting summary judgment, the court accepted our arguments that the plaintiff failed to substantiate a claim under any of the counts, and the driver's criminal conviction severed the causal connection between our client's alleged negligence and the accident.

Obtained dismissal of a multimillion-dollar securities fraud suit against a New York-based real estate developer and its individual executives. On the advice of a financial advisor, the plaintiffs invested millions in the developer's funds, which lost significant value as a result of the 2008 recession. The federal district court granted our motion to dismiss, and the victory was affirmed by the U.S. Court of Appeals for the Second Circuit.

Secured directed verdicts on behalf of a limited liability company, after a four-day jury trial, on tortious interference, unjust enrichment, and unpaid wage claims against it that totaled \$1.6 million. The client had, through a subsidiary, acquired the business assets of various companies in the restoration services industry. The dispute arose out of the alleged nonpayment of certain "performance payments" allegedly owed to the plaintiffs by a third party to which our client sold its majority interest in the assets. In granting our motion for a directed verdict, the court found that the plaintiffs had not put forth sufficient evidence to support their claims against the client.

Secured voluntary dismissal of a "bet-the-company" lawsuit filed against our client, a start-up company in the software development industry. The plaintiff was a strategic investor which abruptly demanded that the client pay a convertible promissory note in full. The key issue in the case was whether Simple Agreements for Future Equity constituted "equity securities" or "securities convertible into equity securities" that triggered conversion of the note under its express terms. The Cozen O'Connor team secured a favorable ruling from the U.S. District Court for the Eastern District of

Pennsylvania on this issue, and secured the exclusion of the plaintiff's expert witness from trial, and the plaintiff conceded defeat. This matter drew on the experience of the firm's corporate and commercial litigation attorneys.

Secured a \$3 million jury verdict, which was upheld on a motion to amend the judgment, on behalf of a company that stores and handles petroleum products in a lawsuit it filed against a company that mishandled a hydrostatic pressure test on a major pipeline, resulting in a significant oil spill. The spill was investigated by the U.S. Coast Guard and the California Department of Fish and Wildlife, and the defendant disclaimed all responsibility and called investigators to testify against the client at trial. During the four-day trial, the Cozen O'Connor team examined 25 witnesses, including experts, under court-imposed time restrictions, and the jury returned a unanimous verdict in the client's favor.

Successfully moved to dismiss a complaint on grounds of *forum non conveniens* on behalf of a trucking company, a railroad, and individual defendants in a wrongful death and survival action filed in Philadelphia County stemming from an accident that occurred in New Jersey.

Won a major jury verdict Orange County, California on behalf of two investment companies, convincing the jury to award \$4.3 million in compensatory and punitive damages for claims arising from breach of an oral contract, breach of fiduciary duty, and spoliation of evidence in a dispute stemming from the defendants' mishandling of our clients' investments. In securing this verdict, the Cozen O'Connor team overcame the substantial challenge presented by the lack of a written agreement and the need to base the case entirely on witness credibility and circumstantial evidence.

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 judgment of more than \$22 million in favor of our client, a London-based commodities trader, in a breach of contract and fraud matter it filed against a Greek shipping company and individual co-defendants in New York state court. The trial court entered judgment against the defendants after it was discovered that one of them intentionally destroyed thousands of relevant emails and had repeatedly attempted to mislead the court. This result was unanimously affirmed on appeal. We also secured dismissal, as a bad faith filing, of a personal bankruptcy case one of the co-defendants filed in North Carolina.

Secured a verdict, after a week-long jury trial, in favor of a New Jersey state agency active in the re-development of the City of Camden in a case involving eminent domain and disputed property valuation. The controversy arose when the state exercised its right to take property in downtown Camden to be re-developed as part of the "Eds and Meds" corridor, and the various property owners demanded more than double the amount offered. The jury -- in Camden -- returned a verdict adopting the state's valuation to the dollar.

Secured a favorable jury verdict on behalf of a licensed life settlement provider after a two-week trial in federal court in which a large, international conglomerate alleged that it had been defrauded into overpaying for 12 life insurance policies and that the client had an undisclosed fee-sharing agreement with third-party intermediaries. After deliberating for less than five hours, the jury returned a verdict for our client, including on its defensive counterclaim.

Successfully represented the Southeastern Pennsylvania Transportation Authority (SEPTA) before the Pennsylvania Supreme Court, defeating an effort to overturn the statutory damages cap that limits

recovery against state agencies to \$250,000. Responding to the plaintiffs' King's Bench petition, the Cozen O'Connor team argued that the extraordinary relief sought was improper and that the plaintiffs' arguments regarding potential changes to the sovereign immunity statute were inappropriately directed to the Court, rather than to the legislature.

Secured a defense verdict at the close of a bench trial on behalf of a large electronics manufacturer and defense contractor that was sued by a Qatari company under contract to act as the client's representative for selling baggage scanners for use at the New Dona International Airport in Qatar. At issue was whether the client owed the plaintiff commissions on certain scanners.

Won summary judgment on behalf of a financial institution specializing in debt collection that faced more than 100 claims of alleged violations of the Fair Debt Collection Practices Act (FDCPA) and Fair Credit Reporting Act (FCRA). We were engaged to replace prior counsel, entered the case just before summary judgment motions were due, and secured dismissal of all claims with prejudice. This win was affirmed by the U.S. Court of Appeals for the Eleventh Circuit.

Secured a judgment of more than \$1.1 million, after a five-day bench trial, on behalf of a client in the business of operating music venues and producing, staging, and hosting concerts. The client sought a refund of payments it made to operate a large amphitheater in Maryland after the defendant failed to reconstruct the venue's dressing rooms and other backstage facilities. In securing this victory, we overcame the defendant's argument that the client's recovery interfered in the renovations and was precluded by a limitation of damages provision.

Obtained a \$5.4 million summary judgment ruling in favor of a banking industry client, which was the plaintiff in a case seeking to enforce the prime obligation and personal guaranties executed by the owner of a first-stage crude oil refining business located in North Dakota. In obtaining summary judgment, we successfully overcame the defendant's argument that he had been fraudulently induced into the executing the guaranties. This result was unanimously affirmed by the Supreme Court of North Dakota.

Won summary judgment on behalf of an insurance company client alleged to have violated the Employee Retirement Income Security Act (ERISA) when it refused to pay the plaintiff a portion of his deceased wife's life insurance benefit, and instead made the payout to the primary beneficiaries she had designated. In granting our motion for summary judgment, and denying the plaintiff's cross-motion, the court reasoned that the plaintiff's speculation that a conspiracy existed to cover up an internal change to the plan documents removing him as a primary beneficiary did not create a genuine issue of material fact, and held that the company's practices and procedures in administering its employee benefit plan satisfied its duties under ERISA and were properly followed.

Secured dismissal of a securities fraud complaint filed by two hedge funds against the client, the former president and board member of a New York publicly traded renewable energy company, and several co-defendants. The plaintiffs sued in connection with the loss of their million-dollar private investment in the company, alleging that the defendants made false and misleading statements about the company's ongoing projects and future business prospects. After the firm moved to dismiss on grounds that the plaintiffs failed to meet the Private Securities Litigation Reform Act of 1995's heightened pleading standards, the U.S. Securities and Exchange Commission filed a civil enforcement action against the company and several of the client's co-defendants. The plaintiffs then amended their complaint, incorporating the SEC's allegations into the pleading, which required a second round of motions. The court dismissed the case in its entirety, ruling that the plaintiffs had failed to plead facts establishing the necessary elements of a 10b-5 securities fraud claim.

Defeated a motion for class certification in a putative class action filed in California state court

against our client, a major food manufacturer, alleging that the packaging for a specific type of dog treat misrepresented that the product was “wholesome.” The plaintiffs sought approximately \$8.4 million on behalf of the putative class, plus punitive damages and attorneys’ fees under California’s consumer protection statutes. We defeated class certification, and plaintiffs agreed to drop all claims.

Obtained dismissal with prejudice of a high-profile case filed against a group of investors who secured zoning approval for the construction and operation of a firearms safety training and firing range in suburban Chicagoland, described as the “Apple store of the firearms industry.” An advocacy group sued in an effort to stop the project, arguing that the zoning approval unconstitutionally violated the rights of neighboring property and business owners. The years-long trial and appellate court litigation centered on issues relating to the Second Amendment, the Illinois Constitution, zoning challenge standing, and separation of powers between the judiciary and the municipality that approved the zoning ordinance.

Obtained dismissal of defamation and intentional infliction of emotional distress claims filed by a public adjuster against our third-party administrator/investigation company client and one of its employees. The lawsuit stemmed from a comment the employee allegedly made to a fire department arson investigator and then published in an email, which the plaintiff interpreted as suggesting that he had set the fire. We secured dismissal of the action through an anti-SLAPP motion, successfully arguing that that statement at issue was made in connection with a law enforcement investigation, and therefore privileged, and that the plaintiff did not meet his burden of showing a likelihood of success on the merits.

Won summary judgment on behalf of Big Ten Network in its defense of a patent infringement case centering on a mobile streaming application through which users can watch Big Ten Conference games on their mobile devices. In granting our motion, the court agreed that there was no literal infringement of the patent at issue and that the plaintiff was estopped from arguing infringement under the doctrine of equivalents. This result was affirmed by the U.S. Court of Appeals for the Federal Circuit.

Obtained dismissal of a defamation claim brought against our clients, a national association for amateur radio operators and three of its officers, by a former regional chair of the association. The plaintiff filed the lawsuit in the wake of an article the association published on its website explaining that his chairmanship had been terminated because of repeated unauthorized communications on the association’s behalf with the Federal Emergency Management Agency. In dismissing the claim, the district court accepted our argument that the affirmative defense of truth was appropriately raised at the motion to dismiss stage because the defense was apparent on the face of the complaint, including undisputedly authentic documents integral to the allegations. This victory was affirmed by the U.S. Court of Appeals for the Third Circuit.

Won a unanimous jury verdict on behalf of insurance broker/producer client, which was the last defendant in a long-running lawsuit filed by a software manufacturer pursuing claims for insurance-broker malpractice and concealment. Having succeeded in claims against the other defendants in the case, the plaintiff aggressively pursued claims against our client, including fraud and deceit and a claim for punitive damages. At the conclusion of a nearly three-week trial, the jury deliberated less than 30 minutes to return a favorable verdict on all counts of the plaintiff’s complaint.

Secured an appellate victory on behalf of one of the largest landlords in the New York area, which sued a shell company that abandoned space it had leased in one of the client’s buildings, also naming as a defendant the tenant’s parent company on theories of alter ego and piercing the corporate veil. We appealed the trial court’s decision which granted the defendants’ motion for summary judgment and dismissed the complaint. We argued on appeal that the shell and the parent were jointly and

severally liable to our client for all obligations under the lease through its expiration date, which totaled more than \$1 million, as well as attorneys' fees. In a unanimous reversal, the appellate court agreed that the parent was the alter ego of the shell, reinstated the complaint, and remanded the case for trial on only one issue.

Obtained pre-answer dismissal of a complaint filed in New York alleging claims of forgery and fraud in connection with a dispute between citizens of China and Norway over the ownership of real property in China. In granting the motion to dismiss, the court accepted our arguments that the claims against our clients (individual co-defendants) were time-barred and precluded by a 2015 judgment of a Chinese court pursuant to the doctrines of comity and res judicata, and in the alternative should be dismissed on forum non-conveniens grounds.

Achieved victory in a FINRA arbitration on behalf of a major investment bank and one of its financial advisors. The dispute centered on the advisor's former employer's allegations of violation of the Illinois Trade Secrets Protection Act, breach of contract, and tortious interference after several former clients transferred their accounts to our clients. A central legal question was whether the plaintiff's attempt to foreclose its former employee from using his recollection of client names to contact them, after the expiration of a contractual non-solicitation period, sought to create a lifetime ban on competition that is illegal and against public policy.

Represented a shareholder in a dispute involving more than \$100 million in connection with the sale of multiple franchised locations. An adverse shareholder had attempted to purchase our client's interest and stop the sale. After a two-week bench trial, we obtained an order in our client's favor that required the sale to proceed and allowed our client to retain a minority interest in the business and to serve as a senior executive in the new entity.

Secured a complete defense verdict on behalf of an individual member sued by minority members of a limited liability company he formed to purchase and reconstruct a commercial building. The plaintiffs filed the lawsuit despite a Special Litigation Committee's conclusion that their claims should not be pursued on behalf of the company. After prior counsel for the client unsuccessfully moved for summary judgment, we convinced the court at trial that the plaintiffs' claims were time-barred and/or were derivative claims which the plaintiffs lacked standing to pursue.

Won summary judgment on three of four counts in a case alleging breach of an agreement entitling the plaintiff to approximately \$3 million plus interest. In granting summary judgment, the court found no obligation to make the payment and that the provision at issue did not even apply to the client. The court also granted summary judgment on counts for unjust enrichment and promissory estoppel, holding that those equitable claims failed in the face of the written agreements. The fourth count, seeking comparatively minimal amounts, was settled on terms favorable to the client days before the trial was scheduled to begin. In a separate order, the trial court found that federal subject matter jurisdiction under U.S. patent law existed because the patents were still in effect, the equitable claims were based on allegations for unauthorized use of the patents, and the issues litigated included defenses to the patents' enforceability. In a subsequent order, the court awarded the client more than \$200,000 in attorneys' fees.

Won summary judgment on behalf of Marriott International in a multimillion-dollar wrongful death lawsuit brought by the family of a man who died when a suicide bomber drove into a Marriott hotel in Pakistan. We successfully argued that, under the operative franchise agreement, the franchisee was responsible (under either U.S. or Pakistani law) for handling all security measures at the hotel. This result was affirmed on appeal to the U.S. Court of Appeals for the Fourth Circuit.
