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**COMMERCIAL LITIGATION
ATTORNEYS**

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- Daniel I. Goldberg
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- Douglas R. Kay
- Candice Kearney
- Jung Kim

Reducing Your Commercial Risk

Commercial disputes can be challenging for businesses to navigate, presenting significant financial or reputational risks to companies and individuals. Offit Kurman's Commercial Litigation Practice Group attorneys are not just litigators—they are premier trial lawyers. Our litigators have tried cases to judgment nationwide across many industries from accounting to wholesale distribution and over substantive areas from antitrust to tax law controversies in a variety of settings, whether in federal or state trial court, appellate court, or alternative dispute resolution centers, including the American Arbitration Association, the International Chamber of Commerce, JAMS, and the International Centre for Dispute Resolution. From the first day of the case, every step our litigators take is with trial in mind. They believe that best results for clients—in court or at a negotiating table—come from our strategic approach to trial readiness.

Offit Kurman recognizes that every dispute contains unique dynamics as well as elements in common with similar disputes. We apply a combination of creativity, experience and judgment to address both aspects. Our litigators know that every dispute is different: some cases are about the very survival of a business, while others are just a distraction. That is why they always keep our clients' priorities at the center of our strategy, whether in mediation, arbitration, or trial and prepare each case for trial while keeping an eye out for favorable settlement opportunities.

With an integrated group of over 60 litigation attorneys in 19 offices across nine states and the District of Columbia, with attorneys admitted to practice throughout the United States, including two foreign countries, Offit Kurman provides litigation services to local, national, and international companies and individuals. Our litigators partner with clients to understand their business objectives and craft a litigation strategy meant to attain these business goals in the most efficient and most effective manner with the responsiveness and close client connection other firms often lack.

Our strategic, aggressive, cost-effective representation spans a range of industries and issues, including:

- Banking & Financial Services
- Entertainment & Media
- Health Care
- Hospitality & Leisure
- Industrials & Manufacturing
- Professional Services
- Real Estate & Construction
- Technology
- Transportation

Offit Kurman Commercial Litigation attorneys evaluate cases at an early stage and recognize that litigation is a part of a larger business strategy, and pride themselves on lean staffing and a dedicated team with the right expertise and industry knowledge. Clients benefit from our regulatory experience and our disciplined process designed to seek dismissal pretrial or when necessary to define and narrow the issues for trial. Our litigators work collaboratively with colleagues with subject-matter experts from across the firm to address a full range of considerations related to a dispute. Our litigators embrace appellate practice and are regularly retained to handle client interests on appeal in state and federal courts throughout the country.

While our litigators are always ready to fight for our clients, sometimes the greatest service we can do for our clients is to help them avoid disputes in the first place. To that end, our litigators provide pre-dispute counseling to clients, collaborating with our colleagues from across the firm to identify possible problems before they arise and find cost-effective solutions that allow our clients to avoid the distraction of litigation and focus on their business. This all-encompassing approach gives us insight into the litigation strategies designed to help our clients succeed and, whenever possible, avoid or resolve disputes before they result in litigation.



- Alan Klein
- Joyce A. Kuhns
- Eric Lanter
- Janene Marasciullo
- Brendan Marx
- Robert McNeill
- Richard G. Menaker
- Alexander Mirkin
- John Monica, Jr.
- Neil A. Morris
- Lauren Mullin
- Queen O. Ndukwe
- Scott Piekarsky
- Thomas Powell
- Jason Powell
- Joshua Quinter
- Peter Rauch
- Thomas W. Repczynski
- Elliot Rosner
- Roopa Sabesan
- Sarah Sawyer
- Dani Schwartz
- Kurt A. Seeber
- Anders Sleight
- Jonathan Smoller
- Franklyn Snitow
- Gary Snitow
- Theodora A. Stringham
- Louis Tambaro
- Edward Tolchin
- Philip W. Vogler
- Harold M. Walter
- Mark Weissman
- Frances C. Wilburn

Key Areas of Practice

ALTERNATIVE DISPUTE RESOLUTION

Offit Kurman's commercial litigation attorneys have vast experience representing clients in all manner of ADR methods, including mediation, arbitration, and mock and mini-trials. Our litigators have also appeared before many different arbitral forums like the American Arbitration Association (AAA), Judicial Arbitration and Mediation Services, Inc. (JAMS), the Financial Industry Regulatory Authority (FINRA), the American Health Law Association (AHLA), National Arbitration of Mediation (NAM), International Arbitration Association (AIA) and various international arbitration forums to name a few.

For many businesses, alternative dispute resolution mechanisms make sense even before a dispute arises. That is why Offit Kurman's commercial litigation attorneys work closely across practice areas and industries to weigh the risks and benefits of ADR and, where advantageous, assist clients in drafting ADR contract provisions. Each client's risks and needs are different, so our attorneys design tailored ADR processes and solutions for each client to accomplish their goals and mitigate their risk.

APPELLATE LITIGATION

Whether defending our winning trial court arguments or providing fresh scholarly perspectives as appellate counsel, we have rewarded our clients with appellate successes in every jurisdiction in which we practice. Offit Kurman's experienced, erudite appellate advocates produce significant reported successes before federal and state appellate courts across the country at the highest levels. With proven track records in the courts in which we practice, our appellate attorneys creatively and successfully defend and overturn trial and lower appellate court rulings and are known for making new law in the process. When a trial court errs or when you face the question of further success measured in numbered pages and limited minutes of oral advocacy, Offit Kurman's seasoned appellate advocates are your answer.

CORPORATE GOVERNANCE AND SHAREHOLDER/PARTNERSHIP AGREEMENT DISPUTES

Offit Kurman attorneys advise shareholders, partners, directors, boards and senior executives on a full panoply of corporate governance matters that confront both companies and their management. Such matters may include board structuring and succession planning, shareholder concerns, daily compliance considerations and regulatory changes. Our attorneys understand that it is of paramount importance to keep corporate clients in a wide range of dynamic industries abreast of evolving trends, changes in the law, and best practices considerations to stay ahead of compliance issues.

When business crises do arise, Offit Kurman's experienced team of corporate governance counselors work collaboratively with our seasoned Commercial Litigation attorneys to provide comprehensive services to both individual clients and businesses to efficiently resolve critical business issues.

Whether fending off a hostile takeover attempt, internal shareholder or partnership breakup or negotiating a key transaction, we commit to providing reliable legal guidance with a focus on cost-effective problem-solving and risk mitigation. Our attorneys are called upon to represent clients in partnership breakups, shareholder derivative suits, mergers and acquisitions litigation, takeover litigation, or proxy contests.



Key Areas of Practice (cont.)

INTELLECTUAL PROPERTY LITIGATION

Offit Kurman litigation attorneys partner with our intellectual property attorneys handling disputes within the courts and agencies, including infringement litigation, oppositions, cancellations, invalidations, expungement and reexamination matters. Our attorneys provide services to public and private companies of all sizes as well as entrepreneurs and start-ups based in the United States and throughout the world. Our industry experience is vast, including but not limited to the software and electronics, social media and influencer marketing, finance and fintech, fashion, medical devices, pharmaceuticals, food and beverage, and cannabis industries.

INTERNATIONAL DISPUTE RESOLUTION

Offit Kurman attorneys assist clients in resolving disputes that straddle jurisdictions, borders, corporate structures, cultures, sanctioned regimes, political systems, and treaties, whether through litigation, arbitration, mediation, or other forms of dispute resolution. Our litigators assert clients' legal claims and defend clients against claims in court systems and before tribunals across the globe, including international arbitrations.

With U.S. court-ordered investigation (including documentary and testimonial evidence in the U.S.) our attorneys advise clients on the extraterritorial application of U.S. law in connection with pending civil and criminal matters and support international clients involved in or bringing a claim in their 'home' jurisdiction or before an international tribunal. Our lawyers combine their legal acumen and foreign language proficiencies with industry experience gained from representing clients across many sectors and offer specific subject-matter expertise to achieve results efficiently. Our attorneys approach our cross-border disputes with a focus on resolving disputes with as little disruption to business operations and expansion as possible, quickly and effectively.

INVESTIGATIONS

Our litigators also have extensive experience representing companies, their management and key employees throughout the United States during regulatory investigations, formal and informal company audits, federal or state level investigations, on-the-record interviews and formal enforcement actions brought by regulatory bodies in industries ranging from financial services to franchising.

Our litigators deftly handle such matters to reduce the stress of these events on a company's day-to-day business operations and mitigate any potential harm resulting from any such regulatory actions and findings.

REGULATORY AND ADMINISTRATIVE LAW

Our commercial litigators regularly represent clients in formal and informal enforcement actions before administrative law judges, commissions, and in federal and state court. In these and countless other regulatory matters, our commercial litigators' deep familiarity with the administrative law process, understanding of the regulatory framework, and the capabilities of our Commercial Litigation Practice Group are highly effective.

We counsel our clients on the applicability of foreign laws and regulations to U.S. and international business operations, including the U.S. Foreign Corrupt Practices Act, Office of Foreign Assets Control (OFAC) sanctions programs and regulations, foreign secrecy laws and blocking statutes. We help our clients navigate economic sanctions, export controls, and national security restriction regimes imposed by the United States, the European Union, the United Nations, and other countries and alliances.

Our attorneys advise clients on a range of matters involving the rules and regulations before regulatory bodies, including Commodity Futures Trading Commission (CFTC), Federal Trade Commission (FTC), Financial Industry Regulatory Authority (FINRA), Food and Drug Administration (FDA), Office of the Comptroller of the Currency (OCC), and Securities Exchange Commission (SEC).

Key Areas of Practice (cont.)

TRANSACTIONAL DISPUTES

Our litigators bring decades of experience to disputes between and among parties to transactions including Loan and Lease Agreements, Security Agreements, Guaranties, Intercreditor Agreements, Master Non-Recourse Agreements, Syndication Agreements, Service Contracts, Licenses, Trademark Agreements, Employment Contracts, Sales Agreements, Unfair Trade Practices, Fraud, Breaches of Fiduciary Duty, and Professional Malpractice claims. Our litigators focus on resolving the dispute, so while always ready to guide our clients to a litigated or arbitrated outcome, our lawyers have the experience and sense to find creative solutions to conflicts before they crystallize into lengthy and sometimes public litigation.

Related Areas of Practice

- Antitrust Litigation
- Bankruptcy and Insolvency Litigation
- Broker-dealer and FINRA Arbitration
- Business Torts Litigation
- Cannabis Litigation
- Commercial Transactions
- Commodities, Futures & Derivatives
- Construction Litigation
- Contract Disputes
- Creditor's Rights
- Cybersecurity
- Employment Litigation
- Environmental Litigation
- Estates and Trusts Litigation
- Government Contracts Litigation
- Insurance Coverage Litigation
- Intellectual Property
- Mass Torts Litigation
- Pharmaceutical, Medical Device and Products Liability
- Privacy and Data Protection
- Real Estate and Title Litigation
- Shareholder Derivative Actions
- Sports and Gaming
- Surety Litigation
- Transportation Litigation
- Warranty and Product Defect Litigation