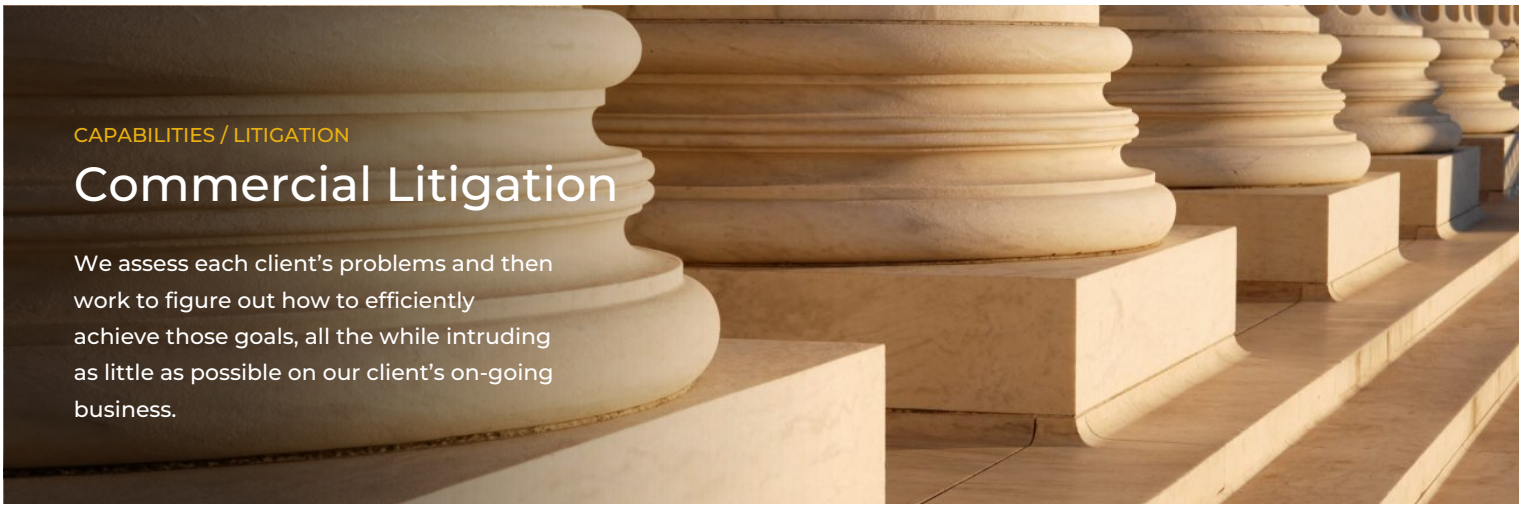

CAPABILITIES / LITIGATION

Commercial Litigation

We assess each client's problems and then work to figure out how to efficiently achieve those goals, all the while intruding as little as possible on our client's on-going business.

OVERVIEW

> *"We help resolve business disputes in a creative and cost-predictable way, so that our clients can get on with their business."*
>
> **— Mathieu Shapiro**

Obermayer's litigation attorneys represent businesses across the entire spectrum of complex commercial litigation, from bet-the-company problems to simple nuisances. Clients facing claims and disputes on both sides of the docket rely on our group's attorneys – in and out of the courtroom – to handle thorny business disputes, including:

- Intra-company business disputes (business divorces);
- Business fraud;
- Contracts and real estate litigation;
- Insurance claims and disputes;
- Professional liability litigation; and
- Injunction proceedings.

Our Value

Within the courts where we regularly operate, we know the routines, the judges, the rules, the jurors, and the communities. We assess our clients' goals and use all the tools available to us either to achieve a favorable settlement or else to win at trial. Either way, we work with the client to provide our services in a predictable, efficient way.

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Clients bring us what is frequently a personal or emotional dispute. We take the weight of the dispute off their plates, take ownership of the problem and apply our own creative problem solving to achieve a resolution.

We stay on top of the law relating to technology, in all of the ways it helps our clients. Technology creates jurisdictional questions, enforceability of contract questions, discovery questions, and questions about how we best deliver our services. This includes the internet, social media, email, and other technology platforms.

Our Clients

A wide range of business clients and individuals seek our litigation help. Having clients of many sizes, across many industries and with such vastly different problems, allows our team members to develop a versatile tool box to apply to a myriad of problems for any type of client.

Our Focus

The members of our group play to win, from the start, by first discussing the options and costs with the client and figuring out how to win efficiently, with a plan and goals that work for the client. Lean staffing is a factor in making us more efficient. In addition, having a large number of smaller and individual clients makes us more in tune to the efficiencies our largest and most sophisticated business clients now demand from their litigation teams.

Awards Won*



*Click here for a description of the standard or methodology on which the awards and honors are based. No aspect of this advertisement is approved by the Supreme Court of New Jersey.

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EXPERIENCE

- We represented an employer seeking to sue former employees for violating a non-compete agreement. Mid-way through this multi-party, multi-defendant litigation, our client became embroiled in another, unrelated litigation. The client felt two big litigations stretched its resources too thin. We settled the non-compete case for $1 million more than the original multi-million dollar amount offered.
- We represented Gamesa Energy in a dispute over office space at a Center City building. In response to Gamesa's request for subtenant approval, the landlord held its consent hostage, insisting that it would agree only if Gamesa waived its rightful, remaining tenant improvement allowance worth hundreds of thousands of dollars. As a result of the landlord's failure to approve the sublease in a timely fashion, Gamesa lost the subtenant and retained Obermayer to file suit. We won the case on all counts, the Philadelphia Court of Common Pleas finding the landlord acted in bad faith.
- We represented a son battling his parents for control of the family business. The father sued the son for over $4 million, claiming conversion and breach of fiduciary duty. The father also sought to strip the son of his 95 percent ownership interest in the company. Weeks before trial was originally set to begin, the mother intervened in the case to assert her own claims against the son. The mother, under her husband's control, claimed she owned the company and sought damages in excess of $75 million. We countersued the parents, on behalf of the son, for their conversion, breaches of fiduciary duty, and improper attempt to fire our client and strip him of his ownership in the company. We prevailed in the Delaware County Court of Common Pleas, successfully asserting our client's parents had cheated him out of his share of the jointly owned company and that his father had stolen thousands of dollars in money that was rightly his.
- We regularly litigate business divorce cases, in which professional partnerships and family businesses figure out how to move forward. These frequently involve injunctions, but more frequently involve counseling in succession planning.
- We successfully defended an IT company and its CEO in a complex bet-the-company case in the Southern District of New York, brought by a notorious, Ukranian-owned, New York City hedge fund. The hedge fund's claim was based upon a security interest, which the court found to be unenforceable after a four-day bench trial, vindicating our client and salvaging his company.

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