

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.

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.

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, Ukrainian-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.

ATTORNEYS

Key Contacts

Mathieu J. Shapiro

MANAGING PARTNER
215.665.3014
mathieu.shapiro@obermayer.com

Angela L. Baglanzis

ASSOCIATE
215.665.3067
angela.baglanzis@obermayer.com

Alexander Barnes

PARTNER
215.665.3184
alexander.barnes@obermayer.com

Alex Basilevsky

PARTNER
215.665.3094
alex.basilevsky@obermayer.com

Alexander V. Batoff

ASSOCIATE
215.665.3048
alexander.batoff@obermayer.com

Jeffrey S. Batoff

PARTNER
215.665.3064
jeffrey.batoff@obermayer.com

Dove A.E. Burns

PARTNER
917.994.2550
dove.burns@obermayer.com

Tara Burns

ASSOCIATE
215.665.3056

Jeffrey B. Cadle

ASSOCIATE
412.288.2473
jeffrey.cadle@obermayer.com

Qiwei Chen

ASSOCIATE
412.288.2476
qiwei.chen@obermayer.com

Joel Clymer

ASSOCIATE
856.857.1432
Joel.Clymer@obermayer.com

Michael F. Eichert

PARTNER
215.665.3274
michael.eichert@obermayer.com

Rigel C. Farr

ASSOCIATE
215.665.3226
rigel.farr@obermayer.com

Daniel P. Finegan

PARTNER
215.665.3166
daniel.finegan@obermayer.com

Michael G. Fitzpatrick

PARTNER
215.665.3169
michael.fitzpatrick@obermayer.com

Timothy J. Ford

ASSOCIATE
215.665.3004
timothy.ford@obermayer.com

Bruce C. Fox

PARTNER
412.352.6216
bruce.fox@obermayer.com

Eric B. Freedman

ASSOCIATE
215.665.3092
eric.freedman@obermayer.com

Adam S. Goodman

ASSOCIATE
215.665.3272
adam.goodman@obermayer.com

Derek S. Green

OF COUNSEL
215.665.3080
Derek.Green@obermayer.com

Matthew A. Green

PARTNER
856.857.1413 215.665.3122
matthew.green@obermayer.com

Steven A. Haber

PARTNER
215.665.3253
steven.haber@obermayer.com

Andrew J. Horowitz

ASSOCIATE
412.288.2461
Andrew.Horowitz@obermayer.com

Jordan L. Howell

ASSOCIATE
215.665.3157
jordan.howell@obermayer.com

Nicholas R. Jimenez

ASSOCIATE
717.221.1604
nicholas.jimenez@obermayer.com

Samantha J. Koopman

ASSOCIATE
215.665.3045
Samantha.Koopman@obermayer.com

Lars J. Lederer

ASSOCIATE
215.665.3188
lars.lederer@obermayer.com

Young Min Lee

ASSOCIATE
917.994.2543
young.lee@obermayer.com

Thomas A. Leonard III

CHAIRMAN
215.665.3220
thomas.leonard@obermayer.com

William J. Leonard

PARTNER
215.665.3228
william.leonard@obermayer.com

Richard P. Limburg

PARTNER
215.665.3074
richard.limburg@obermayer.com

Paige Macdonald-Matthes

PARTNER
717.221.1609
pmm@obermayer.com

Joseph J. McGovern

PARTNER
215.665.3058
Joseph.McGovern@obermayer.com

Matthew J. McHugh

ASSOCIATE
215.665.3243
matthew.mchugh@obermayer.com

Colleen O'Donnell

ASSOCIATE
215.665.3026
colleen.o'donnell@obermayer.com

William D. Oleckna

ASSOCIATE
215.667.6333
william.oleckna@obermayer.com

Michael V. Phillips

PARTNER
215.667.6334
michael.phillips@obermayer.com

Nicholas Poduslenko

PARTNER
215.665.3256
np@obermayer.com

Katherine M. Robinson

ASSOCIATE
215.665.3283
katherine.robinson@obermayer.com

Harold G. Rosengarten

ASSOCIATE
917.994.2562
harold.rosengarten@obermayer.com

Gary Samms

PARTNER
215.665.3054
gary.samms@obermayer.com

Leslie B. Spoltore

PARTNER
302.274.3062
leslie.spoltore@obermayer.com

Andrew R. Stoll

ASSOCIATE
215.665.3224
andrew.stoll.10@gmail.com

James Kurt Straub

PARTNER
215.665.3011
kurt.straub@obermayer.com

Tricia A. Swann

ASSOCIATE
215.665.3266
tricia.swann@obermayer.com

Michael D. Vagnoni

PARTNER
215.665.3066
michael.vagnoni@obermayer.com

Jeffrey T. Wolber

ASSOCIATE
917.994.2559
jeffrey.wolber@obermayer.com

Victor A. Young

PARTNER
215.665.3114
victor.young@obermayer.com

RELATED CAPABILITIES

Appellate

Employment Litigation

Environmental

Insurance

International Businesses

Lender Liability & Workouts

Financial Services
Health Care

Local Governments & Municipal
Authorities