

## Litigation

“Brach Eichler brings a unique blend of litigation firepower and business practicality. They are more than capable of achieving the desired result in various ways and the firm possesses the ability to pivot nimbly where case developments call for an audible.”

~ Shaun B., Panasonic

*\*Results may vary depending on your particular facts and legal circumstances.*

### A Powerhouse Litigation Department

When facing their most difficult and critical litigation, businesses and individuals choose the Litigation Group at Brach Eichler for our creative resolutions to complex disputes. Drawing on our deep bench of trial-ready attorneys, we have repeatedly secured precedent-setting results for our clients. We know our way around the courtroom, using the judicial process to get our clients the best results possible. Known as a litigation powerhouse, Brach Eichler's Litigation Department is a full-service practice with extensive trial experience.

### Why Brach Eichler?

We are more than great litigators; we are also dedicated business counselors. We understand that “winning” means different things for different clients, so we take the time to understand your objectives and goals. We also work closely with clients to understand and appreciate their business objectives and culture to provide both short- and long-term solutions.

We strive for resolution, but we are prepared for battle. We pride ourselves in delivering pragmatic, business-centered solutions to disputes. We provide thorough and careful preparation in approaching our clients' objectives is key to achieving successful negotiations and litigation outcomes. While we have the experience, we know listening to and communicating with our clients is essential to meeting your goals.

We represent national and international companies, as well as mid-sized companies, in many types of legal matters, ranging from contract and business disputes, construction claims, business torts, employment disputes, copyright infringement, unfair competition, trade secret litigation, shareholder disputes, regulatory matters, supply chain and beyond. We are also recognized leaders to healthcare providers in complex reimbursement and regulatory disputes, claim audits, disciplinary proceedings before state medical boards, restrictive covenant breaches, insurance fraud matters, governmental investigations, and medical practice shareholder actions.

Brach Eichler was named New Jersey Law Journal's “Litigation Department of the Year – Healthcare specialty” in 2023, 2022, and 2021.

Our litigation services include:

- **Alternative Dispute Resolution**
- **Appellate**
- **Bankruptcy & Restructuring Litigation**
- **Commercial Litigation**



**CHAIR**  
**Keith J. Roberts**  
**MEMBER**

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- **Employment Litigation**
- **Family Law Litigation**
- **Healthcare Litigation**
- **Real Estate Litigation**

Our multidisciplinary, trial-ready approach helps manage risk across jurisdictions and geographies, at every stage of the dispute resolution process.

### **Alternative Dispute Resolution/Arbitration/Mediation**

Brach Eichler's Alternative Dispute Resolution ("ADR") Practice helps parties evade the uncertainty and exorbitant cost of litigation in the courts, through mediation or arbitration in order to a timely resolution to complex disputes. Brach Eichler now has the ability to resolve a wide variety of disputes and to appear in major arbitration forums including the AAA and CPR, and can resolve a wide variety of claims in the U.S. through arbitration and other forms of ADR.

### **Appellate**

Brach Eichler's attorneys customize the services they provide to meet the client's needs, goals and budget. Our appellate practice group comprises a group of attorneys with experience in handling appeals in specific substantive areas, such as intellectual property, antitrust, bankruptcy, employment, and administrative law. This structure allows us to draw on substantial resources if necessary to serve the client's interests. We offer not only flexibility in the services we provide, but are also open to considering alternate fee structures, including fixed fee and hybrid fee arrangements.

### **Bankruptcy & Creditors Rights Litigation**

Brach Eichler attorneys handle a broad range of bankruptcy litigation. Actions include plan confirmation issues, asset purchases, stay litigation, fraudulent transfer litigation, preference litigation, negotiation of cash collateral orders and claim objections. In any type of representation that requires specialized knowledge in other areas of law, we draw from our expertise and experience. With this depth of support, the Creditors' Rights and Bankruptcy Practice provides practical, informed and efficient solutions that deliver to our clients the best available resolution.

Brach Eichler regularly assists lenders in pursuing remedies against borrowers, guarantors and other third parties whose actions may have contributed to the lender's loss. We represent clients in state and federal courts to collect amounts owed, whether a direct suit on notes and guaranties or a deficiency claim subsequent to a foreclosure. We counsel and represent clients in obtaining court-appointed receivers to manage the lender's collateral and investigate and pursue fraudulent transfer actions against obligors. Our attorneys regularly represent unsecured creditors' committees in bankruptcy and ad hoc committees of creditors outside of bankruptcy. The practice also includes the defense of lenders in lender liability claims.

### **Commercial Litigation**

Brach Eichler's commercial litigation attorneys have successfully handled cases across the country in both state and federal courts. With decades of experience, our trial attorneys are known for developing and implementing practical, cost-effective solutions to sophisticated business disputes, often taking on cases that other firms cannot handle or have tried and failed. They know how to navigate a case through the court system skillfully and efficiently to obtain the most favorable result for our clients.

In addition to successfully litigating our clients' business disputes and commercial matters, we also offer our clients guidance to avoid litigation as often as possible by providing proactive strategies and practical advice including when and how to try cases. Our experienced business litigation lawyers have developed a keen sense of why disputes arise, allowing us to counsel our clients on how to best avoid the disputes in the first place. We serve as trusted advisors to our clients on issues including claim assessment and resolution, loss and damage exposure, and pre-litigation strategies. Additionally, we provide a wide range of strategic counseling services on matters ranging from contract disputes; partnership, corporate and business divorces; protecting confidential and proprietary information; and other business disputes.

## Employment Litigation

Brach Eichler attorneys litigate all types of employment-related claims, responding to state and federal equal employment opportunity administrative proceedings arising out of discrimination or retaliation claims. Against employee claims of unlawful discrimination, harassment, whistleblower, retaliation and wrongful discharge, collective and class actions for wage and hour violations, and breach of employment contracts.

Additionally, we provide a wide range of strategic counseling services on matters ranging from contract disputes; vendor disputes, partnership, corporate and business divorces; protecting confidential and proprietary information; domain name disputes, contract warranty and indemnity claims, unfair competition and trade secret litigation, business torts and other business disputes.

## Family Law Litigation

When considering marriage or facing the consequences of divorce, custody, guardianship, or a trust dispute, Brach Eichler's Family Law Practice addresses these events on the family dynamics. Brach Eichler attorneys are recognized for their dedication to serving the legal needs of families, including plans for the care and financial security of children, marital formation or disruption as well as disputes and litigations. Each family law matter is unique. We have experience working with a wide variety of families and individuals with differing priorities, through difficult challenges. We consistently bring to each matter every resource we possess as a firm, for the benefit of each and every client.

## Healthcare Litigation

Brach Eichler's trial lawyers are knowledgeable, not just in healthcare litigation but in all phases of health care financing, delivery, and reimbursement. We have the resources that frequently allow clients to resolve healthcare disputes with government agencies and payers at an early stage. Members of our healthcare litigation team have successfully litigated numerous court cases and settled cases through alternative dispute resolution.

Our healthcare attorneys:

- Resolve fraud cases; regulatory inquiries; exclusion, debarment, and other administrative proceedings; and reimbursement, financing, and government contract-related matters
- Are experienced in complex civil and criminal litigation, and compliance investigations before federal and state courts
- Have extensive knowledge of complex corporate health structures and relationships and federal and state health and reimbursement laws and regulations

## Real Estate Litigation

Real estate disputes cause extensive interruption and interference. Our attorneys work hard to alleviate these roadblocks altogether. Our litigators work closely with members of our real estate transaction teams to serve our clients' needs in a seamless manner. Brach Eichler has extensive experience in representing investors, owners, operators, developers, hotel management companies, lenders, landlords, tenants, and REITs in a variety of disputes across property types. Our lawyers have resolved myriad real estate litigation disputes, including through mediation, arbitration, and trials, deriving from breaches in fund governing documents, securities disputes, indemnification issues, risk management and insurance, failed real estate acquisition, financing and joint venture deals, hotel management contracts and land use and environmental matters.

## Areas of Focus

### Alternative Dispute Resolution

Encompasses negotiation, mediation, arbitration and other creative alternatives to formal legal proceedings.

### Appellate

Guides client through the most complex and high-stakes matters.

## Bankruptcy & Restructuring Litigation

Combines deep experience, strategic insight, and a client-focused approach to litigating complex financial and operational restructurings.

## Commercial Litigation

Proven abilities and efficiencies of a deep bench of litigators skilled in business dispute litigation.

## Employment Litigation

Representing employers and employees in legal disputes arising from the workplace.

## Family Law Litigation

We provide comprehensive family law services to clients.

## Healthcare Litigation

We take a coordinated, layered approach to addressing complex healthcare legal issues.

## Real Estate Litigation

We successfully litigated, tried and arbitrated a wide range of real estate disputes.

## Awards



**NJBIZ® Best Places  
to Work list\***  
2024, 2025



**NJBIZ® Top 40 Law  
Firms list\***  
2024, 2025



**Best Law Firm® in  
New Jersey  
Environmental Law by Best Lawyers  
list\***  
2019-2025



**Best Law Firm® in  
New Jersey  
Litigation - Health  
Care Law by Best  
Lawyers list\***  
2019-2025



**Best Law Firm® in  
New Jersey  
Litigation - Labor  
and Employment  
by Best Lawyers  
list\***  
2019-2025



**Best Law Firm® in  
New Jersey  
Litigation - Real  
Estate by Best  
Lawyers list\***  
2019-2025



**Recognized by Best  
Lawyers list\***  
2003-2025



**New Jersey Legal  
Awards Litigation  
Departments of the  
Year: Healthcare  
Litigation list\***  
2022-2024



**New Jersey Legal  
Awards Law Firm  
of the Year list\***  
2022

\*No aspect of this advertisement has been approved by the Supreme Court of New Jersey. [Click here for the Awards and Honors Methodology.](#)

## Representative Experience

\*Results may vary depending on your particular facts and legal circumstances.

- Enforced an arbitration provision causing a class-action consumer fraud claim to proceed in arbitration.
- Represented a durable medical equipment provider in a multimillion-dollar insurance fraud action. The insurance carrier alleged illegal kickback schemes with physician with potentially disastrous implications. The matter was favorable resolves for the client, as the carrier settled and abandoned all of it claims for nuisance value after they pressed hard in discovery for proofs. The was pending in the Federal Court, Eastern District of New York.
- Obtained summary judgment on a coverage dispute and duty to defend claim in favor of manufacturing client, which resulted in the payment of substantial legal fees to defend the action and indemnity damages to materials caused in transit.
- Defended a breach of contract claim where a vendor owed over \$1.5 million, uncovering an international money laundering scheme, allowing for the seizure of assets to pay a multi-million-dollar judgment.
- Defended a doctor at a in a high profile contested hearing before the New Jersey State Board of Medical Examiners, which was tried over the course of nine days before an Administrative Law Judge. The case involved complex issues of medicine to include controversial advanced spine surgery techniques requiring the testimony of leading nation experts. The hearing resulted in a 79-page decision by the ALJ. Mr. Roberts successfully demonstrated that all the challenged surgical treatment rendered was within the standard of care.
- Represented a hospital in the Southern Federal District Court of New York, as a defendant, in a \$20 million dollar insurance fraud claim alleging multiple regulatory violation and illegal kickback schemes. After litigating the case to the 2nd Circuit Court of Appeals, the insurance carrier was force to settle the case and abandon its claims against the hospital. The case involved complex legal issues that forced an emergent appeal within the federal court system that ultimately resulted in a major win for the client.
- Settled a trade secret/patent infringement/theft of confidential information action obtaining a permanent injunction against the competitor company, royalty payments, lost profits for sale of the competitive product and other damages.
- Enforced a non-compete agreement for an international client against a former head salesperson and succeeded on a breach of contract claim against the competitor company for hiring the company, receiving legal fees and damages for the breach.
- Settled a 12-year-old construction defect case, which had obtained coverage for some of the claims, substantial payment of defense costs and consequential damages from the carrier and settled the plaintiff's claim for a nominal sum.
- Settled a claim against a partner of the business, who commenced a competing company, stole client information and other assets of the partnership company, by allowing the client to remain as a partner in the new entity, payment of damages, obtaining an anti-competition and non-compete agreement and royalties from the new business.
- Represented a large-scale commercial developer involving a \$75 million shopping mall project against some of New Jersey's largest contractors and subcontractors.
- Represented a commercial developer against a publicly traded national homebuilder involving a \$5 million interference claim.
- Represented a publicly traded web hosting company against another publicly traded Internet business website for breach of contract.
- Represented product suppliers in their efforts to collect amounts owed under "sale of goods" transactions falling within the Uniform Commercial Code.
- Represented a property owner in a massive title dispute involving deed restrictions imposed upon an entire neighborhood, with over 40 litigants involved in the matter represented by many of New Jersey's largest insurance defense firms.
- Represented land developers against one of America's largest financial institutions concerning breach of contract and lender liability claims in a construction lending dispute.
- Represented one of the country's largest manufacturers of restaurant industry hardware and equipment against a former contract manufacturer involving misappropriation of trademarks, goodwill, customer lists, and other intellectual property.
- Represented a durable medical equipment provider in a multimillion-dollar insurance fraud action. The insurance carrier alleged illegal kickback schemes with physician with potentially disastrous implications. The matter was favorable resolves for the client, as the carrier settled and abandoned all of it claims for nuisance value after they pressed hard in discovery for proofs. The was pending in the Federal Court, Eastern District of New York.

## Our Litigation Team

### Members

- Keith J. Roberts
- Edward D. Altabet
- Stan Barrett
- Alex S. Capozzi
- Shannon Carroll
- Matthew M. Collins
- Riza I. Dagli
- Charles X. Gormally
- Anthony M. Juliano
- Thomas Kamvosoulis
- Bob Kasolas
- Andrew R. Macklin
- Eric Magnelli
- Stuart J. Polkowitz
- Anthony M. Rainone
- Richard B. Robins
- Sean Alden Smith
- Carl J. Soranno
- Michael A. Spizzuco, Jr.
- Frances B. Stella
- Rose Suriano

### Counsel

- Lindsay P. Cambron
- Doris Cheung
- Mark E. Critchley
- Paul J. DeMartino, Jr.
- Edward Ellersick
- Autumn M. McCourt
- Theodore J. McEvoy
- Michael A. Rienzi
- Thomas J. Spies
- Lauren Adornetto Woods

### Associates

- Eric J. Boden
- Robyn K. Lym
- Neha C. Rao
- John Simeone

### Paralegals

- John Martin

## Insights

[Alerts](#) - January 9, 2025

**Appellate Division Decides That IFPA Claims Are Not Subject to PIP Arbitration**

[Newsletters](#) - December 26, 2024

**Litigation Quarterly Advisor - Winter 2025**

[BJE in the News](#) - November 21, 2024

**Brach Eichler bolsters litigation practice with the addition of Partner Stan Barrett**

[BJE in the News](#) - November 21, 2024

**Brach Eichler Adds Scarinci Hollenbeck Litigator In NJ**

[Awards](#) - November 7, 2024

**Brach Eichler LLC Receives Top Ranking by Best Law Firms® in 2025**

[Awards](#) - August 23, 2024

**Meet the 2024 NJBIZ Leading Women in Business**

[Awards](#) - August 15, 2024

**45 Total Brach Eichler Attorneys Recognized in the “2025 Best Lawyers in America®” List by Best Lawyers**

[Alerts](#) - July 11, 2024

**FTC Noncompete Rule Update**

[BJE in the News](#) - July 1, 2024

**Brach Eichler Litigation Chair Talks ‘Groundswell’ Of Hires**

[Articles](#) - June 30, 2024

**Third Circuit Holds Claims Asserted by GEICO Subject to Arbitration**

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