



LITIGATION

The RCCB Litigation Group is the go-to choice for many businesses and individuals in the region when they find themselves defending or initiating litigation. Our litigators have been extensively trained as general commercial litigators at premier litigation firms and they routinely go head to head opposite the largest firms in America. RCCB's litigation capabilities have been recognized by, among others, Chambers USA, Pennsylvania Super Lawyers, Best Lawyers in America, and World Trademark Review 1000 list.

RCCB litigators are aggressive but thoughtful, and use litigation as a means to achieve a client's business objective. We carefully tailor approach and strategy to translate litigation tactics into successful outcomes for our clients. RCCB's lawyers are experienced litigators who work with both plaintiffs and defendants, from the initial pleading stage through trial, and, if needed, appeals. We have successfully represented clients in both federal and state courts nationwide. We also often counsel on alternative solutions to disputes, including mediation and arbitration.

Our Litigation Group frequently works in conjunction with our corporate, tax, employment/benefits, real estate, banking, and restructuring practices, allowing us to offer full-service support to clients on any ancillary issues.

ALTERNATIVE DISPUTE RESOLUTION

Alternative dispute resolution (ADR) is best used when highly knowledgeable counsel knows how to manage the process to facilitate the clients' goals. Our deep experience in formulating procedures and utilizing our wide array of skills to alter the processes have resulted in substantial successes on behalf of our clients.

RELATED PRACTICES

Business Restructuring & Bankruptcy
Intellectual Property
Corporate & Business
Employment
Real Estate

CONTACTS

Barry L. Cohen
Partner
484.362.2628
bcohen@rccbllaw.com
Matthew Faranda-Diedrich
Partner
267.546.0275
mfd@rccbllaw.com

TEAM

Kevin F. Berry
Andrew A. Chirls
Barry L. Cohen
Marc B. Cytryn
Matthew Faranda-Diedrich
S. David Fineman
Nancy Rubner Frandsen

Through a comprehensive case assessment, we analyze the strengths and weaknesses of the case to make informed choices in a wide array of complex commercial dispute matters in industries such as banking, real estate, and insurance. We also regularly handle RICO, civil rights, securities, and fraud matters.

APPELLATE LAW

We serve our clients as appellate advocates in all aspects of the appellate process involving complex and precedent-setting legal issues.

- Appeals from private arbitration
- Appeals from state-level administrative agencies
- Appeals from state and federal courts

BANKRUPTCY ALTERNATIVE DISPUTE RESOLUTION

Bankruptcy Courts are increasingly mandating alternative dispute resolution in restructuring cases, and RCCB is well versed in all aspects of ADR.

- We regularly serve as impartial mediators assisting parties embroiled in complex litigation to resolve their differences more efficiently and economically at the mediation table instead of the courtroom.
- RCCB attorneys serve on the mediation panels in the Southern and Eastern Districts of New York and the District of Delaware.
- Given our experience in serving as mediators, we also regularly serve as counsel to parties in mediations.

BUSINESS AND COMMERCIAL LITIGATION

We guide our clients through the full life cycle of prosecuting and defending commercial disputes in state and federal courts.

- Breach of contract
- Partnership disputes
- Breach of shareholder and fiduciary duty
- Real estate
- Technology

Marc E. Hirschfield
David S. Hollander
Hope Steidle Kildea
Gary A. Krimstock
Julie M. Latsko
Sean S. Litz
Kira N. Lum
Alexander J. Nassar
Rachel Rempel
Sonia S. Shariff
Marc Skapof
Donna A. Tobin
Robert Toland II
Joshua Upin
Jakob F. Williams
Neil M. Willner

- Unfair trade practices and unfair competition

FINANCIAL SERVICES LITIGATION

We provide counsel to financial services companies, including banks and insurers, in all types of litigation matters, in both state and federal courts.

- Defending against claims brought by borrowers and insureds for, among other things, breach of contract, lender liability and bad faith
- Representing financial services companies in actions asserted on a class-wide basis
- Regularly defending insurers in claims defense, and advising on coverage issues

INTELLECTUAL PROPERTY LITIGATION

Intellectual property can be the most valuable asset of a business. We guide our clients from the preliminary injunction phase through trial and beyond.

- Trademark infringement
- Copyright infringement
- Misappropriation of trade secrets
- False advertising
- Licensing disputes
- Trade dress claims

REGULATORY LAW

We provide our regulated clients with counseling at administrative agency proceedings and appellate courts.

- Protests of regulatory certification
- Applications for/expansion of regulatory certification
- Appellate court proceedings
- Change-of-control matters
- Rulemaking matters

TRIAL WORK

With over 200 trials brought to verdict in more than 28 jurisdictions, we represent both plaintiffs and defendants in a broad range of complex business disputes across a myriad of industries. We are experienced first-chair attorneys accustomed to trying major cases. As exceptional and effective communicators, we are pragmatic in court and highly skilled at presenting to decision-makers. We represent clients ranging from

individual entrepreneurs to large publicly traded companies.

EXPERIENCE

■ **RCCB Represented Managers in Separation from Business Partners**

RCCB represented the managers of three related investment vehicles in matters involving the unwinding of those entities and the acrimonious separation from former business partners. The former business partners were represented by an AmLaw 100 law firm. After initially being served with a draft complaint by the departing partners, RCCB was able to deftly both cool temperatures to permit for pre-complaint mediation while, at the same time, develop and press claims exposing the other side to significant risk. The combined strategy ultimately led to an early resolution on terms very favorable to our client.

■ **RCCB Successfully Defends Client Against Trade Secret Allegations Over Holiday Weekend**

The Plaintiffs initially granted a TRO, asserted that they had a substantial likelihood of success on their claims of trade secret misappropriation and tortious interference, and sought an appointment of a receiver. With a great team effort, RCCB responded to the motion for a preliminary injunction just before the Thanksgiving holiday, which was followed by a five-hour evidentiary hearing before the Court. The Court agreed with our client's position, rejected the Plaintiffs' trade secret allegations (among others), denied the preliminary injunction, and dissolved the TRO.

■ **RCCB Prevails Against International Company Represented by Am Law 100 Firm in Partnership Dispute**

This matter involved a dispute regarding a limited partner's redemption out of a fund. The limited partner claimed it was defrauded initially and later was forced out improperly while still being owed over \$1,000,000 in additional compensation above and beyond the redemption amount already paid. The matter involved several complicated and detailed valuation issues and the overlay of an intricate partnership agreement. Our adversary was a large international company that hired an Am Law 100 firm. We proceeded to win on nearly all of the limited partner's claims after a week-long arbitration, and their claims for attorney's fees and interest were also defeated.

■ **RCCB Finds Fatal Deficiencies in Restrictive Covenants, Leading to a No-Pay, Walk-Away Victory**

This matter involved a breach of restrictive covenant claims made by a national audio-visual system firm against our clients, a smaller competitor in the space, and their employees who previously worked at the national company. If successful, the claims would have hampered the competitor's ability to operate in a crucial market and caused significant financial hardship to the employees who would be forced to sit out of work for an extended period of time. The national firm moved aggressively by filing for a TRO and other preliminary relief. After RCCB convincingly briefed and argued the issues, the Plaintiff dismissed all claims against our clients without any payment or settlement because we had pointed out fatal deficiencies in the restrictive covenants that, if ruled upon by the Court, would negatively impact business operations on a national scale.

■ **RCCB Manages Massive Forensic Collection of a Global Pharmaceutical Network's Chapter 11 Proceedings**

In response to a subpoena pro- pounded by the Official Committee of Unsecured Creditors in the Chapter 11 proceedings of a global pharmaceutical network, RCCB managed a forensic collection, including processing, review and production of ESI on behalf of 146 client entities situated across 56

different international jurisdictions, with an initial data scope in excess of 850,000 documents (3TB of total data) in 96 different languages. RCCB managed a 160 person document review team based in Chennai, India, and a 40 person tier two review team located in the United States.

- **RCCB Successfully Navigates Entertainment Client Lawsuits From State to Federal Court in Texas Resulting in All Matters Voluntarily Dismissed**
RCCB's entertainment-based client was sued multiple times on claims of copyright infringement and breach of contract. We were successful in transferring all cases from State Court to Federal Court in Texas and winning voluntary dismissal of all claims, and then having all matters dismissed without our client paying any monies whatsoever.
- **RCCB Successfully Defends Real Estate Holding Co. and Its Investors in a 2.2 Million Dollar Judgment Enforcement Action**
RCCB nimbly defended a multi-state real estate holding company and its foreign investor principals against a \$2,200,000 judgment enforcement action prosecuted simultaneously in several state and federal courts. RCCB created offensive leverage, where there otherwise was none, by filing a class-action lawsuit in Federal District Court alleging violations of the 8th Amendment prohibition on excessive fines, ultimately leading to a favorable settlement outcome for our clients.
- **Software Company Accusations of Infringement, Unfair Competition and Cybersquatting Dismissed With Zero Dollars Paid**
Our client, a leading provider of software solutions to pharmaceutical clinical trials, was accused of trademark infringement, unfair competition, cybersquatting, and dilution in Federal Court. After filing a motion to dismiss, RCCB was successful in forcing the Plaintiff to dismiss its claims with zero dollars being paid by our client.
- **RCCB Assists Global Social Media Company with Motion to Dismiss a Claim of Breach of Rights**
In Federal District Court, RCCB assisted a global social media company in obtaining an order dismissing a claim brought by a reporter. The dismissal, in a case of first impression in the Third Circuit, was based on Section 230 of the Communications Decency Act.
- **RCCB Represents a Leading Manufacturer's Trademark Against Ongoing Counterfeiters**
In Federal District Court, RCCB successfully defeated a motion for a preliminary injunction brought by the buyer of manufacturing equipment and know-how against the prior seller accused of breaching certain contractual rights and claims of copyright infringement.
- **Settlement of Long-standing Dispute and Break-up of Multi-family Partnerships Results in Continuation of Business**
RCCB assumed the representation of an owner in a long-standing dispute and break-up of several multi-family member partnerships and was able to guide the parties to an amicable settlement agreement allowing for the business to continue operating.
- **RCCB Provides Guidance to Businesses with Employment Law Compliance and Litigation Avoidance During Pandemic**
In the midst of the pandemic, RCCB navigated its clients through an ever-evolving landscape of workplace laws, rules, and regulations that challenged employers as never before. RCCB advised employers on COVID-19-related compliance, administration of government paid leave programs,

workplace safety, reductions in force, furloughs, wage and hour issues, and countless other areas of the law implicated by the catastrophic impact of COVID-19. And, RCCB continued to provide a full suite of employment law-related services in addition to the defense of employers in litigation, acting as substantial support to internal HR for many clients, and effectively outsourced HR for others.

- **RCCB Defends One of the Largest Third Party Logistics Companies on Several Matters**
RCCB continues to defend a Fortune 500 publicly-traded third-party logistics company, involving serious personal injury matters and contractual disputes and has routinely resolved challenging and complex claims through dispositive motion and strategic discovery practice.
- **RCCB Reaches Settlement on Eve of Trial, Exceeding Client and Board of Director's Goal**
A public company and its executives were sued in Federal Court by one of its founders and former CEO for conspiracy, breach of contract, defamation and wrongful use of civil proceedings, all related to a prior lawsuit against the Plaintiff stemming from issues related to the formation of the company through its reverse merger into a publicly-traded company. RCCB took the case over after the initial pleading from another well-respected Philadelphia law firm to the eve of trial where we were able to reach a settlement that exceeded the goals of the client and its Board of Directors.
- **RCCB Obtains Court Order Holding Fund Manager in Contempt**
RCCB's client was an investor in a fund whose manager mismanaged and misappropriated the fund's assets and made misrepresentations regarding his qualifications with regard to private equity funds. After the manager failed to reply to both an informal demand for inspection and a formal books and records complaint, RCCB successfully obtained a court order holding the manager in contempt and securing the appointment of a receiver, both of which are seldom granted remedies.
- **RCCB Manages Portfolio of Cases for Fortune 500 Insurer**
RCCB continues to defend its institutional client, an international Fortune 500 insurer, in claims litigation throughout the region and in multiple forums, defending and successfully resolving litigation involving claims handling and interpretation of insurance policy provisions. These matters often arise in the wake of catastrophic losses and require detailed fact investigation and complex discovery.
- **RCCB Finds Agreeable Solution in Intellectual Property Misappropriation Matter**
RCCB found a business solution for a private equity client that was locked in a bitter dispute with former employees accused of misappropriating the company's intellectual property by facilitating a sale of the company and settlement of all claims.
- **RCCB Succeeds in Significant Victory for Restaurateur**
RCCB represented a Plaintiff in a breach of lease suit against an international food chain for a faulty fit out of their restaurant space. RCCB succeeded in obtaining a large settlement amounting to a significant and unexpected victory for our small business client.
- **RCCB Defends Leading Manufacturer's Trademark Against Ongoing Counterfeiters**
RCCB continues to tenaciously represent a leading manufacturer of consumer products in the enforcement of its long-established trademark rights against counterfeiters by employing our arsenal of tailored enforcement protocols.
- **RCCB Represented a Family Office Investment Firm in a Dispute Regarding a Redemption of a Limited Partner Out of a Fund**

This matter involved a dispute regarding the redemption of a limited partner out of a fund. The limited partner claimed it was defrauded initially and later was forced out improperly and, in any event, owed over \$1,000,000 in additional compensation above and beyond the redemption amount already paid. The matter was important because it involved several complicated and detailed valuation issues and the overlay of an intricate partnership agreement. Our adversary was a large international company that hired an Am Law 100 firm. We proceeded to win on nearly all of the limited partner's claims after a week-long arbitration in front of an AAA panel, and their claims for attorney's fees and interest were also defeated.

■ **RCCB Represented a Communications and IT Solutions Provider in a Matter That Involved Breach of Restrictive Covenant Claims**

This matter involved defending against breach of restrictive covenant claims made by a national audio-visual systems firm against our clients, a smaller competitor in the space and their individual employees who previously worked at the national company. The matter was important because, if successful, would have hampered the competitor's ability to operate in a crucial market and would have also caused significant financial hardship to the individual employees who would both be forced to sit out of work for an extended period of time. The national firm moved aggressively by filing a motion for a temporary restraining order and other preliminary relief. After convincingly briefing and arguing the issues before a judge, the plaintiff dismissed all claims against our clients without any payment or settlement; simply because they realized that we had pointed out fatal deficiencies in the restrictive covenants and that a decision by the Court would negatively impact their business operations on a national basis.

■ **RCCB Represented a Biotech Company and Its Executives who were Sued in Federal Court by One of Its Founders and Prior CEO for Conspiracy, Breach of Contract, Defamation and Wrongful Use of Civil Proceedings**

The biotech company and its executives were sued in Federal Court in Pennsylvania by one of its founders and prior CEO for Conspiracy, Breach of Contract, Defamation and Wrongful Use of Civil Proceedings, all related to a prior lawsuit against the Plaintiff – all of which stemmed from issues related to the formation of the company through its reverse merger into a publically traded company. This case was important because the client is a public company, and we took it over after the initial pleading from another well-respected Philadelphia law firm. We took the case through completion of discovery, multiple depositions, multiple expert reports, summary judgment, multiple motions in limine, to the eve of trial where we were able to reach a settlement that exceeded the goal of the client and its Board of Directors.

NEWS

Former Chancellor of the Philadelphia Bar Association, Andrew A. Chirls, Joins Royer Cooper Cohen Braunfeld

RCCB, March 1, 2024

Royer Cooper Cohen Braunfeld Proudly Welcomes Distinguished New Partners
RCCB, October 2, 2023

Twenty-three RCCB Attorneys Recognized in 2024 Edition of the Best Lawyers in America
Best Lawyers, August 17, 2023

ROYER COOPER COHEN BRAUNFELD (RCCB) ANNOUNCES FOURTEEN 2023 PENNSYLVANIA SUPER
LAWYERS® AND RISING STARS®
Super Lawyers, June 5, 2023

RCCB Partner Matthew Faranda-Diedrich Represents Individuals Suing the New Jersey Turnpike Authority
January 12, 2023

PUBLICATIONS

2022 Litigation Year In Review
RCCB Litigation Alert, March 2, 2023