

Appellate

Clients rely on our appellate lawyers to present the best-possible case by choosing the right issues and arguments in this challenging phase of litigation at the state and federal level. Involved throughout every step of the litigation process, we provide clients with the opportunity to work with a single, cohesive litigation team for both trial and appellate work.

Our appellate team delivers outstanding results by applying the most strategic and effective litigation tactics. Several of our appellate lawyers have served as law clerks for state or federal appellate judges and justices, bringing an intimate knowledge of the particulars of judicial decision-making. Clients also seek our outstanding oral and written advocacy skills for a wide range of appellate services, including full briefings and oral arguments, advice on appellate matters and emergency matters, interlocutory appeals, and significant motions in major litigation. Cases are often referred by other lawyers who recognize the specialized skillset that our experienced advocates bring to the table. We handle appeals for other firms in matters being litigated in lower courts, and we appear as *amicus curiae* on behalf of organization to bring a voice to the issues that may significantly impact their industries.

Representative Matters

Global Insurance Broker—Third circuit appellate win

Represented a global insurance broker in a multi-million dollar lender-placed insurance class action in federal court. The United States District Court for the District of New Jersey dismissed the action on the grounds that the filed-rate doctrine barred the plaintiffs' claims. On appeal, the United States Court of Appeals for the Third Circuit, addressing an issue of first impression in that court, affirmed the trial court's ruling by a unanimous published decision.

New Jersey Supreme Court—Amicus curiae

Represented an industry organization appearing as *amicus curiae* before the New Jersey Supreme Court in an appeal of a mortgage foreclosure action where the borrower argued that, under a provision of New Jersey's Uniform Commercial Code, the assignee of the mortgage could not foreclose because the original note had been lost prior to the assignment. Addressing an issue that had divided courts in other jurisdictions, the New Jersey Supreme Court unanimously adopted the position advanced in the amicus brief, holding that, notwithstanding the loss of the note, the assignee could bring the foreclosure action consistent with New Jersey statutes and common-law principles governing the assignment of mortgages.

Overstock.com—Major Appellate Victory Reversing a \$7.3 Million Judgment

Secured an appellate victory on behalf of Overstock.com in the Delaware Supreme Court in a unique case involving Delaware escheat law and a *qui tam* action. The Court, sitting en banc, unanimously reversed a multi-million dollar false claim judgment entered against Overstock.com.

Mail-order retailer—Appellate victory

Affirming the Appellate Division of New Jersey Superior Court's complete dismissal of a \$25 million lawsuit brought by an asset-based lender against our client, a mail-order retailer.

Speaking Engagements

Oral Advocacy with NJ Supreme Court Justice Barry Albin, Judge Michael Chagares, Judge Jack Sabatino, and Judge Mary Jacobson, New Jersey State Bar Annual Meeting and Convention, 5.17.2018

