



Mark A. Berman

Mark A. Berman is a partner in the Litigation Practice of Ganfer & Shore, LLP. He is a seasoned litigator whose practice focuses on representing corporations, partnerships and individuals in complex commercial civil litigation on both the plaintiff and defendant's side with an emphasis on real estate and securities matters. Prior to joining Ganfer & Shore, he was an associate in the litigation department at Skadden, Arps, Slate, Meagher & Flom LLP and clerked for United States Magistrate Judge Michael L. Orenstein for the Eastern District of New York.

Mr. Berman counsels clients in a variety of litigation matters, including having represented real estate developers in connection with construction and demolition of buildings and air rights disputes; a concierge company in an antitrust dispute and in a class action defense; a major New York City hotel in connection with its tenant's breach of its lease; plaintiffs and defendants in Rule 105-b disputes under the securities laws; condominiums and cooperatives relating to shareholder disputes and construction defects; individuals and entities relating to disputes with their current and former business partners; companies on indemnification and contribution claims; sponsors in connection with disputes with cooperative board of directors; an assignee for the benefit of creditors; individuals and companies in connection with accounting and legal malpractice claims; title insurance companies in connection with complex title insurance-related disputes; trademark owners in connection with intellectual property disputes; individuals and companies in connection with wrongful termination of employment and consulting agreements; and a Fortune 500 company in a malicious prosecution case. He has been recognized as a "New York Super Lawyer" for 2008-2011.

Mr. Berman has written and spoken on electronic discovery issues before the American Bar Association, the New York State Bar Association and the New York State Judicial Institute. He has been appointed by Chief Administrative Judge Ann Pfau as a member of New York State E-Discovery Working Group advising the New York State Unified Court System. Since 2005, Mr. Berman has had a column in *The New York Law Journal* addressing electronic discovery under New York State law. He is also the Secretary of the E-Discovery Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. Mr. Berman has lectured in this area at various bar and judicial programs, as well as at Brooklyn Law School.

Mr. Berman is a 1986 graduate of Columbia College and a 1990 *magna cum laude* graduate of Benjamin N. Cardozo School of Law, where he was a member of the Moot Court Board and was awarded the Order of the Barrister.

Mr. Berman is a member of the Litigation Section of the American Bar Association, Association of the Bar of the City of New York, the Federal Bar Council Second Circuit Courts Committee, the Commercial Division Law Reporter Committee of the New York State Bar Association and the In House/Outside Litigation Counsel Committee of the Association of the Bar of the City of New York.



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Attorneys

Andre A. Brochetelli Associate

ANDRE A. BROCHETELLI is an attorney at the firm's Manhattan office. He handles a variety of civil litigation matters for the firm.

Prior to joining the firm, he was employed as a Trial Attorney for the Manhattan Staff Legal Office of Zurich North America where he defended major corporate clients with regard to a variety of civil litigation matters including construction site and premises liability matters as well as property damage, subrogation, professional liability, surety bond litigation and appellate practice.

Andre received his Bachelor of Arts in Political Science from the State University of New York at Stony Brook in 1996 specializing in public policy and government studies. At the State University of New York at Stony Brook, he was a member of the National Political Science Honor Society and he was employed with the theater at the Staller Center for the Arts and as a part-time SUNY employed mathematics tutor. He attended the Touro College Jacob D. Fuchsberg Law Center and obtained his Juris Doctorate in 2001.

He is a member of the New York State Bar Association, New York American Inn of Court, and the Defense Association of New York. He is admitted to practice in the United States Supreme Court, the United States Court of Appeals for the Federal Circuit, the United States Court of Federal Claims, the United States Court of Appeals for the Armed Forces and the United States District Court for the Southern and Eastern Districts of New York.

His reported cases include: Martinez v. National Amusements, Inc., 50 A.D.3d 302, 855 N.Y.S.2d 82 (1st Dep't 2008); and Alfonseca v. Van-Tag Construction Corp., 39 A.D.3d 266, 833 N.Y.S.2d 458 (1st Dep't 2007).

Education

State University of New York at Stony Brook
B.A. Political Science, 1996

Touro College Jacob D. Fuchsberg Law Center, Huntington, New York
J.D., 2000.

Lisa C. Cohen

Ms. Cohen is a founder of Schindler Cohen & Hochman LLP. Her experience includes trials, arbitrations and appellate work in a wide variety of complex commercial areas, including: banking, credit and default swap issues, commercial fraud, contracts, insurance, intellectual property, patents, securities, subprime issues, suretyship, and RICO. She also has extensive experience in disputes involving issues of foreign law, particularly Japanese, Brazilian and Russian law, and she routinely counsels foreign clients who have U.S.-based litigation.

After graduating from Brandeis University (*summa cum laude, Phi Beta Kappa*), Ms. Cohen earned her J.D. from Columbia University School of Law, where she was a Harlan Fiske Stone Scholar. She subsequently clerked for the Hon. Irving R. Kaufman on the U.S. Court of Appeals for the Second Circuit. She has written several articles on litigation and arbitration, and she has been invited to speak at a number of conferences, including at the Second Circuit Judicial Conference. As a member of the Association of the Bar of the City of New York, she has served on the Litigation Committee and on the Trademark Committee. She has also served on the Subcommittee on Cyberspace for the American Bar Association. Ms. Cohen belongs to the Federal Bar Council, the New York State Bar Association, and the New York chapter of the American Inns of Court. Before forming Schindler Cohen & Hochman LLP, she practiced with Patterson Belknap Webb & Tyler LLP.

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Areas of Practice

Litigation
Insurance Coverage

Bar Admissions

New York
New Jersey
U.S. District Court
Eastern District of New York
Southern District of New York
District of New Jersey

Education

Seton Hall University School of Law,
J.D., 2004
The Pennsylvania State University,
B.A., 2001

Professional Affiliations

American Bar Association
New York Bar Association
DRI - the Voice of the Defense Bar

Danielle M. DeFilippis

dmdefilippis@nmmlaw.com



Danielle M. DeFilippis, an associate with the firm, focuses her practice on complex commercial and insurance coverage litigation. Danielle has appeared on behalf of international and domestic insurers and corporate clients in disputes in federal and state courts throughout New York and New Jersey, as well as in alternative resolution forums. She is based in the firm's New York City office.

Danielle has extensive experience representing entities in litigation involving business torts, breach of contract, environmental claims, construction defects, professional negligence, labor law, and various other general liability matters. Danielle has acted as coverage counsel and represented clients in insurance coverage litigation involving commercial general liability, excess and umbrella, professional liability, and aviation policies. Danielle has experience in reinsurance matters involving coverage under errors and omissions, directors and officers liability, fidelity bond, and other insurance policies for class action securities litigation.

While in law school, Danielle was Editor and Director of Staffing & Symposia for the *Legislative Journal*. She also completed a judicial internship with the Honorable Ronald J. Hedges, District Court of New Jersey. After law school, Danielle served as a judicial clerk with the Honorable Stephen J. Bernstein, Superior Court of New Jersey, Essex County.

Danielle is a member of the Newark Reentry Legal Services (ReLeSe), a legal services program of the Volunteer Lawyers for Justice.

Richard H. Dolan is a Senior Partner in the Firm of Schlam Stone & Dolan LLP. Mr. Dolan received his B.A. from Yale University in 1972, and graduated from the University of Pennsylvania Law School with a J.D. in 1975.

Following graduation from law school, he practiced law as an associate with Simpson Thacher & Bartlett in New York until May 1979, when he became an Assistant United States Attorney, Civil Division, for the Eastern District of New York. As an Assistant U.S. Attorney, Mr. Dolan tried many major civil actions in which the Government was a party, including medical malpractice, aviation, forfeiture, government contracting and other matters. In May 1982, he resigned that position to resume the private practice of law.

Since returning to private practice, Mr. Dolan has concentrated on complex commercial litigation, and also has represented such clients as Verizon, GE, Alcatel and Extell Development Co. in connection with corporate governance, antitrust, securities, telecommunications, bankruptcy and sports and entertainment litigation and appeals. He also represented the Governor, the State Senate and the State Assembly in litigation over the salaries of New York state judges. In addition to litigation, Mr. Dolan has represented clients in negotiating and drafting agreements in a wide variety of commercial contexts. He is admitted to the bars of New York, Massachusetts and Hawaii and a number of federal courts around the country.

Mr. Dolan co-authors the monthly **Eastern District Roundup** column in the New York Law Journal.

EISENBERG & SCHNELL LLP

ATTORNEYS AT LAW

HERBERT EISENBERG
LAURA S. SCHNELL

BIOGRAPHY OF HERBERT EISENBERG

Herbert Eisenberg is a member of the firm of Eisenberg & Schnell, LLP. His practice is devoted to representation of employees in all aspects of employment law with a focus on litigation involving employment discrimination, equal pay, sexual harassment, employment contracts, and ERISA.

Mr. Eisenberg is a frequent speaker on various aspects of employment law, litigation, mediation and appellate advocacy. He serves on the Employment Protocols Committee convened by the Judicial Conference Advisory Committee on Civil Rules. He has taught employment law as an adjunct professor at New York Law School. He has been on the Executive Board of the National Employment Lawyers Association ("NELA.") for nine years and formerly was NELA's Vice President for Public Policy. He is a past President of the National Employment Lawyers Association, New York Chapter, ("NELANY") and was a member of its Executive Board for seventeen years. He is a former co-chair of the Labor and Employment Law Committee of the New York County Lawyer's Association. He is a Fellow in the College of Labor and Employment Lawyers. Mr. Eisenberg has been listed in Best Lawyers in America for over a decade and has been listed in Superlawyer for many years.

Mr. Eisenberg is a graduate of the State University of New York at Buffalo Law School (1983) and the State University of New York at Binghamton (1979).

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MAURA R. GROSSMAN

Maura R. Grossman joined Wachtell, Lipton, Rosen & Katz as an associate in the Litigation Department in 1999, and was appointed as Counsel in 2007. Ms. Grossman has represented Fortune 100 companies and major financial services institutions in corporate and securities litigation, including civil actions and white collar criminal and regulatory investigations. Her practice presently focuses on advising lawyers and clients on legal, technical, and strategic issues involving electronic discovery and information management, both domestically and abroad, as well as on matters of legal ethics.

Ms. Grossman was appointed by Chief Administrative Judge Ann Pfau to serve as co-chair of the E-Discovery Working Group advising the New York State Unified Court System, and by District Judge Shira A. Scheindlin to serve as a member of the Discovery Subcommittee of the Attorney Advisory Group to the Judicial Improvements Committee of the United States District Court for the Southern District of New York. Ms. Grossman is involved in various initiatives to provide training on e-discovery to federal and state court judges, and has served as a court-appointed e-discovery expert and mediator. Ms. Grossman is a member of the Steering Committee of The Sedona Conference[®] Working Group 1 on Best Practices for Electronic Document Retention and Production, and a member of Working Group 6 on International Electronic Information Management, Discovery, and Disclosure. Since 2010, Ms. Grossman has served as a coordinator of the Legal Track of the National Institute of Standards and Technology's Text Retrieval Conference ("TREC"), a joint government/industry/academic research project studying the application of automated information retrieval technologies to e-discovery. She also is an adjunct faculty member at Columbia Law School and Rutgers School of Law–Newark, where she teaches courses on e-discovery.

Ms. Grossman speaks and writes frequently on e-discovery and legal ethics. She serves on the Advisory Boards of BNA's *Digital Discovery & e-Evidence Report*, as well as the Georgetown University Law Center's Advanced E-Discovery Institute.

Ms. Grossman graduated with an A.B., *magna cum laude*, from Brown University. She received an M.A. and Ph.D. in Clinical/School Psychology from Adelphi University, and a J.D., *magna cum laude*, Order of the Coif, from the Georgetown University Law Center. While at Georgetown, Ms. Grossman served as Executive Notes and Comments Editor of the *Georgetown Law Journal*.

Ms. Grossman is a member of the Association of the Bar of the City of New York, and has served on its Committee on Professional and Judicial Ethics; a member of the New York State Bar Association, where she presently serves on the E-Discovery Committee; and also a member of the American Bar Association.

Eugene D. Kublanovsky

Partner at Fensterstock & Partners LLP

ekublanovsky@fensterstock.com

Practice Experience

Mr. Kublanovsky is a Partner in the Firm's litigation practice. He has represented clients throughout all phases of litigation and arbitration, from discovery through trial and appeal. He works with a variety of clients across a range of industries including insurance, finance, entertainment, clean energy technologies, broadband communications technologies, computer software, and digital media.

Mr. Kublanovsky's practice involves extensive day-to-day counseling on a variety of matters such as restrictive covenants and non-competes, employment contracts, complex commercial contract disputes, partnership disputes, intellectual property disputes (including copyright, trademark and patent infringement), and other general litigation matters. Mr. Kublanovsky also has experience conducting internal investigations on behalf of boards of directors, special committees, and assisting companies in responding to SEC and State Attorney General inquiries.

Mr. Kublanovsky has also developed a successful practice in all aspects of mediation and arbitration and has successfully represented clients in a wide variety of arbitrations, including those governed by the rules of the American Arbitration Association, the International Chamber of Commerce, the London Court of International Arbitration, and the American Arbitration Association's International Center for Dispute Resolution.

Representative Matters

Securities

- Representing clients in state action against major investment bank alleging breach of contract and other causes of action relating to certain mortgage-backed securities
- Successfully represented a private investment fund in a breach of contract and declaratory judgment action over the purchase and sale of certain stock warrants
- Representing a publicly-traded clean energy technologies company in state and federal court litigations concerning a NASDAQ delisting dispute
- Successfully defended a financial services firm in a FINRA arbitration involving claims brought by a former registered representative

Financial

- Successfully defended a financial services firm and parent company in a state court action against claims for tortious interference with prospective economic advantage, unfair

- competition and unjust enrichment
- Defending a publically listed company in a state court litigation brought by hedge funds alleging breach of contract concerning complex financial instruments

Corporate Governance

- Representing an executive in a breach of fiduciary duty action, and in a third party action for contribution, indemnification, and fraudulent representation

Non-Competes and Restrictive Covenants

- Successfully represented clients in defeating a request for a temporary restraining order and preliminary injunction alleging breach of restrictive covenants
- Successfully represented a client in limiting a temporary restraining order in an action alleging a breach of restrictive covenants

Intellectual Property

- Successfully represented a broadband communications technology company in a patent infringement litigation
- Representing a plaintiff charitable organization in a federal trademark infringement and unfair competition action

Performance-Rights

- Representing a filmmaker and musician in a breach of contract action against performance-rights organization

Partnership Disputes

- Represented clients in a dispute regarding a dental partnership in arbitration and state court proceedings
- Represented a group of retired partners a major accounting firm in class arbitration proceedings before the American Arbitration Association and in related proceedings before the International Chamber of Commerce

Tax Shelters

- Successfully represented a plaintiff in a state court action against multiple defendants for breach of contract, fraud and professional malpractice, as related to their marketing and promotion of a certain tax-shelter product
- Successfully represented a plaintiff in arbitration proceedings against an investment bank for misconduct related to its involvement in the marketing and promotion of a certain tax-shelter product

Investigations

- Representing a financial services firm in a SEC investigation
- Representing a client in an investigation by the New York Attorney General's Office
- Conducting an internal investigation for the Special Committee of a Board of Directors of a publicly-traded company

Admissions

- State Bar of New York
- State Bar of New Jersey
- United States Federal District Court for the Southern District of New York
- United States Federal District Court for the Eastern District of New York
- United States Court of Appeals for the Second Circuit

Professional Associations

- New York American Inn of Court (Executive Vice President, Secretary and Treasurer)
- American Bar Association
- New York City Bar Association
- New York County Lawyer's Association
- New York State Bar Association

Education

J.D., Brooklyn Law School, 2005

- Moot Court Honor Society Executive Board, Member of the National Moot Court Team
- Clerk for the Honorable John C. Lifland, United States District Judge for the District of New Jersey
- Recipient of the CALI Excellence for the Future Award for excellent achievement in Intellectual Property Law

B.A., Bard College, with honors, 1998

- Majored in Economics and Social Psychology
- Amicus Foundation Scholarship Recipient for Excellence in Economics
- Bard College Junior Fellowship Recipient
- Associate Editor, the Hudson Valley Regional Review
- Varsity Tennis (Co-Captain) and Squash

Publications and Presentations

- Presenter, “The First Amendment Meets the Internet: Struggle Trying to Distinguish Wide-Open, Often Vitriolic, Commentary on the Internet” – March 2012 (forthcoming), the New York American Inn of Court
- Presenter, “Grey Goods, Sonny Bono, and Stravinsky: SCOTUS on Copyright” – September 2011, the New York American Inn of Court
- Presenter, “Pumpkins, Panic and Perjury: The Trial of Alger Hiss” – November 2010, the New York American Inn of Court
- Presenter, “Winds of Change - Changes in the Legal Profession” – February 2009, the New York American Inn of Court
- Co-Author, “The Complaint,” *Commercial Litigation in New York State Courts, Second Edition* (West, 2007 Update)
- Author, “Contingent Whitewater: Staying Afloat in the Rough Waters of Temporary Work,” *Bard Journal of Social Sciences*, 1998

Honors and Awards

- 2011 Leadership Award, the New York American Inn of Court, January 2011

Languages

- Russian



Jack P. Levin

Arbitrator and Mediator

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For nearly forty years, Jack Levin litigated in courts and arbitral forums throughout the United States, beginning his career with a federal clerkship and then with Davis Polk & Wardwell. In 1983 he was a founding partner of Howard, Darby & Levin and its successor firm, Howard, Smith & Levin LLP, which in 1999 merged with Covington & Burling LLP. Beginning in the late 1990's, he began to acquire training and experience in mediation and other alternatives to litigation, as clients increasingly sought conflict solutions with reduced cost and risk. For several months in 2001, while a Covington partner, he served as acting head of litigation (North America) for UBS Warburg. He took Retired Partner status from Covington in 2011 to work full-time as an independent, domestic and international mediator, arbitrator and creator of conflict solutions.

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Experience/Credentials

Experience

Accounting	Art/Auction	Aviation
Banking	Civil rights	Commercial
Contracts	Copyright	Corporate Raiding
Defense Contracting	Discrimination	Distributorships
Domestic Relationships	Employment	Entertainment
Family Business /Succession	Financial Institutions	Financial Instruments
High Conflict Disputes	ICC Arbitration Tribunal	Insider Trading
Insurance	Immigration	Information Technology
International Trade	Intellectual Property	Licensing
Mergers & Acquisitions	Investment Banking	Non-Competition
Non-Solicitation	Multi-Party Disputes	Professional Firms
Professional Malpractice	Partnership Disputes	Securities
Securities Clearing	Real Estate	Unfair Competition
	Trademark	

Panels

Commercial and Mediator Panels of the American Arbitration Association

Banking, Accounting and Financial Services, International, Employment and New York Panels of CPR: The International Institute for Conflict Prevention and Resolution

Roster of the New York Academy of Mediators & Arbitrators, a chapter of the National Academy of Distinguished Neutrals

Mediator Roster of FINRA DR (Financial Industry Regulatory Authority Dispute Resolution)

Special Master of the Appellate Division, First Judicial Department (New York)

Mediation Panel of the Commercial Division of Supreme Court New York County

Mediation Panel of the United States District Court for the Southern District of New York

Licenses/Credentials/Affiliations

Admitted to the Bar: New York, 1972; New Jersey 1972 (inactive); U.S. District Court, Southern and Eastern Districts of New York, 1972; U.S. Court of Appeals, Second Circuit, 1972; U.S. Supreme Court, 1992; Fellow, Chartered Institute of Arbitrators (Executive Committee of New York Chapter); CPR: The International Institute for Conflict Prevention and Resolution (Executive Advisory Committee); New York City Bar Association (International Commercial Disputes Committee); International Arbitration Club of New York; American Bar Association (Dispute Resolution Section); New York County Lawyers Association; New York State Bar Association (Dispute Resolution Section); The New York Inn of Court.

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Publications/Awards

"New York Super Lawyers" 2007 - 2011, (2009 - 2011 for Alternative Dispute Resolution)

New York State Bar Association, Dispute Resolution Section, Crisis in the Courts, Panel on How Can Advocates, Neutrals and Service Providers Help Break the Gridlock? October 2011

New York State Bar Association, Commercial Arbitration Training, Panel on Perspectives on Practice Development in the Arbitration World, June 2011

"[Mistakes Mediators Make](#)," *New Jersey Lawyer Magazine* (a publication of the New Jersey State Bar Association, reprinted here with permission) April 2011, Co-Author with Hon. William G. Bassler

"[Podcast: Jack Levin - Using Mediation Skills Both in the Workplace and at Home](#):" Jane Gunn - "*The Corporate Peacemaker*" <http://www.corpeace.com>, September 2010

Tutor, Fast Track Program to Fellowship in International Arbitration, Chartered Institute of Arbitrators, New York 2010

New York City Bar Association, December 2010, Bridging the Gap: Ethics, Skills and More, "Conflict Resolution Skills All Lawyers Should Have"

"Settlement Counsel," New York American Inns of Court, May 2009

"Mediation - Finding the Way Out," New York American Inns of Court, October 2008

Congress Moderator, CPR European Congress, Vienna, Austria, May 2008

"Crafting Dispute Management Clauses as a Matter of Organizational Practice & Policy," CPR Institute Annual Meeting, January 2008

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Education and Training

Education

Rutgers College (BA, English, cum laude, honors in American Studies, 1968); University of Pennsylvania (JD, 1971)

Training

AAA/ICDR Neutrals Conference, 2010, 2011

AAA Advanced Mediator Training, 2010

AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2009

AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2008

Ackerman Institute for the Family, Basic and Advanced Mediation Training, 2008 - 2009

CPR Institute/Chartered Institute of Arbitrators, Advanced Arbitrator Training, 2007

Chartered Institute of Arbitrators, Fast Track Program to Fellowship in International Arbitration, 2006

CPR Institute, Excellence in Ethics, 2006

CPR Institute, Mediator Training, 2004

U.S. District Court for the Southern District of New York, Mediator Training, 1997

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Joshua Lipsman, MD, JD, MPH, is the principal of JBL Health Systems, LLC, a health care systems policy and operations consulting company. In addition to being an attorney, Dr. Lipsman is a board-certified medical doctor in public health and general preventive medicine. In 2009, Dr. Lipsman completed nearly 10 years as Commissioner of Health for Westchester County, New York.

Dr. Lipsman received his BA with General Honors in Biology and an MS in Biochemistry from the University of Chicago. The MD is from the Albert Einstein College of Medicine. He has an MPH from the University of North Carolina at Chapel Hill, School of Public Health. While serving as Westchester County Health Commissioner, he attended Pace University School of Law part time, where he was graduated Magna Cum Laude in 2006.

Dr. Lipsman is Of Counsel at the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Einiger, LLP. He has been active in organized medicine and Bar Association committee and pro bono work, including holding leadership positions in local, state and national professional and specialty societies and organizations. He is a member of the Association of the Bar of the City of New York and its Science and the Law Committee, and of the Public Health Law Association.

Justice Karla Moskowitz is a 1966 graduate of Columbia Law School. She received a Bachelor of Arts degree, cum laude, from Alfred University in 1963. Justice Moskowitz has served as a judge since 1982 when she was elected Judge of the Civil Court of the City of New York. In 1987 she was appointed Acting Supreme Court Justice, was elected to the Supreme Court in 1991 and re-elected in 2005. During that time, she served as a trial judge in Supreme Court Civil Branch sitting in a Medical Malpractice Part from 1992 until 2001 and in the Commercial Division from 2001 until her appointment in January 2008 to the Appellate Division, First Department where she sits today.

She is a Past President of the New York Women's Bar Association, the New York State Association of Women Judges and National Association of Women Judges. She is also a Founder and Past President of the Judges and Lawyers Breast Cancer Alert. She was Co-chair of the Summary Jury Trials Committee of the Jury Trial Project of the New York State Courts from 2003 to 2005. She is a Charter Member of the American College of Business Court Judges and sits on the Executive Committee of the Commercial and Federal Litigation Section of the New York State Bar Association.

Edward (Ted) O'Toole is an associate with Biedermann Hoenig Semprevivo. Ted's practice focuses on the defense of foreign and domestic manufacturers in products liability actions, as well as defending clients in contractual disputes, trademark infringement cases, employment litigation, and civil rights claims in both state and federal courts. Mr. O'Toole represents clients from a broad array of industries, including aviation, motor vehicles, medical devices, construction equipment, and consumer products. Mr. O'Toole's substantial international experience and language skills have made him a valuable asset to numerous international companies involved in litigation in the United States. Prior to attending law school, Mr. O'Toole resided in Switzerland, and spent several years working throughout Europe as the Regional Director for an international travel company. Ted speaks fluent German and French.

SUSMAN GODFREY L.L.P.



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Shawn J. Rabin

Partner, New York

Overview

Shawn Rabin tries cases for plaintiffs and defendants in state and federal courts across the country. His past experience includes handling antitrust, patent, class action, breach of contract, securities, personal injury, dram shop, fraud, and other complex business disputes. Rabin handles all aspects of a case--from evaluating claims before a complaint is filed to selecting juries, examining witnesses at trial, and seeing cases through verdict.

Rabin is a strong believer in litigating efficiently and cost effectively no matter whether he is working by the hour, on a fixed fee, or contingency fee. Unlike lawyers who follow the same model and structure for pursuing every type of case, Rabin's creativity and strategic thinking provides him with the extra margin needed to succeed. In recognition of that success, *Super Lawyers* named Rabin a "Rising Star" in 2007, 2008, 2009, 2010, and 2011. Rabin was elected to membership in the Fellows of the Texas Bar Foundation.

As Judge Robert King, Dakota County, Minnesota commented after a more than two-month bench trial:

"It's the finest lawyering I've ever seen[.] I'm sure it's the finest I'll ever see . . ."

Notable Representation

In 2011, Rabin won a defense verdict on behalf of The Rawlings Company in a class action challenging the company's classification of its employees as exempt from the overtime laws. During the three-week jury trial in Kentucky state court, Rabin picked the jury, handled the direct examinations of many of the company's witnesses--including the company's top executive--and cross-examined Plaintiffs' witnesses. This complete victory for Rabin's client was achieved in one of the first wage and hour class actions to go to trial in Kentucky. The verdict was featured in the *American Lawyer* here and *Law360* here.

In 2010, Shawn Rabin was hired by a family to represent them in a shareholder oppression case. Rabin engineered a strategy that placed the family in the best litigation position without harming the company in which they owned substantial shares. Rabin's outside-the-box approach led to an arbitration and then a confidential settlement.

In 2009, Shawn Rabin represented an international company against a subsidiary of a large New York bank in a contract dispute regarding the failed purchase of a company. Rabin briefed the crucial motion to dismiss and handled preparing the case for expedited discovery and trial. Shortly after Rabin filed the response to the Motion to Dismiss, the defendants chose to settle the case--a substantial victory for Rabin's client.

In 2008, Shawn Rabin tried a patent infringement case before the Honorable Judge T. John Ward and a jury in the Eastern District of Texas for their client

C2 Communications. The case involved whether the nation's largest telecommunication carriers infringed a voice over internet protocol (VoIP) patent. The case settled after the third day of trial, following the close of C2's case-in-chief and Rabin's direct examination of the patent's owner and C2's damages expert. For more information about this case, please see this article.

In 2008, Bill Carmody and Shawn Rabin settled a lawsuit involving a horrific drunk driving collision. In 2005, a drunk driver struck a hotel van transporting a family to the airport. A young girl was killed and members of the family were severely injured. Rabin performed an extensive investigation before filing suit to determine exactly how and where the drunk driver became intoxicated. This pre-complaint investigation resulted in confidential settlements with some of the wrong-doers. Rabin then filed a complaint against the two bars where the drunk driver had consumed alcohol. All of the defendants chose to settle after Rabin took damaging depositions of the key witnesses. The value of these significant settlements are confidential.

In 2008, Brian Melton and Shawn Rabin represented a defendant against claims that it wrongfully terminated its former CEO. After several rounds of discovery and several victories before the trial court judge, the opposing party agreed to settle the case for a minimal amount.

In 2007, Shawn Rabin spent almost one-quarter of the year in trial defending a large company against a wage and hour class action. Rabin performed the direct and cross examination of more than a dozen fact and expert witnesses. A description of Rabin's cross-examination of the first trial witness was published by news services across the world (the article can be accessed by clicking here).

In 2005 and 2006, Shawn Rabin represented a Fortune 100 company in a highly confidential accounting dispute against a major accounting firm. The allegations in the case included breach of fiduciary duty, breach of contract, and accounting malpractice. Before filing a lawsuit, both parties agreed to brief the issues before a former Texas Supreme Court Justice. Rabin took the lead for Susman Godfrey's client and, after several months of negotiation, the parties reached a favorable settlement.

In 2004, Shawn Rabin achieved a key victory in a case representing a class of residential and business customers against the major telecommunications companies, including Sprint and AT&T by writing the winning briefs in an appeal before the United States Court of Appeals for the Tenth Circuit. The court's unanimous opinion can be accessed here. The claims against AT&T eventually proceeded to a jury trial in which Susman Godfrey successfully obtained a favorable jury verdict (news article can be accessed here).

Education

Shawn Rabin graduated with Honors from Georgetown University's School of Foreign Service with a major in International Politics and Security. At Georgetown, he was awarded the Dean's Citation given to a graduate who displays high academic achievement and service to the community. Rabin obtained his J.D. from the University of Texas, where he received the distinctions of Chancellor and Order of the Coif. Rabin also served as an Associate Editor of the *Texas Law Review*.

Judicial Clerkship

After law school, Shawn Rabin clerked for the Honorable Juan R. Torruella of the United States Court of Appeals for the First Circuit.

Honors and Distinction

Super Lawyers named Rabin a "Rising Star" in 2007, 2008, 2009, 2010, and 2011. Rabin was also elected to membership in the Fellows of the Texas Bar Foundation.

In 2011, the Governor of Kentucky appointed Shawn Rabin to the Honorable Order of Kentucky Colonials and bestowed upon him the title of "Colonial Shawn Rabin."

Professional Associations and Memberships

Shawn Rabin is admitted to the state courts of New York and Texas and the United States Court of Appeals for the 1st, 5th and 10th Circuits and the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas.

Rabin works with a variety of legal organizations in their efforts to help the public. Most recently, Rabin has been assisting Mothers Against Drunk Driving (MADD) by training volunteers on civil litigation. Rabin was also quoted extensively in the Winter 2009 issue of the MADDvocate, which can be accessed [here](#).

Rabin is also an active member of the Litigation Committee of the New York City Bar and is a Barrister in the New York American Inn of Court.

Recent Wins

Johnston et al v. The Rawlings Company, L.L.C — Neal Manne, Shawn Rabin and Kalpana Srinivasan win a full defense verdict after a three-week jury trial on behalf of The Rawlings Company in wage and hour class action.