



## LITIGATION

Our Commercial Litigation group has been a "top-listed" law firm practice in New Jersey by *Best Lawyers in America*® since 2008. Our Commercial Litigation group is also consistently highly ranked by *Chambers USA: America's Leading Lawyers for Business*, which since 2004 has hailed our attorneys for their "first-rate communication skills," "tenacity and detail-oriented attitude," "ability to bring speed and energy to matters without sacrificing thoroughness and diligence," and "ability to connect well with both juries and the authorities." The 2016 publication describes the General Commercial Litigation group is said to do "a great job of being attuned to clients' needs, work effectively and efficiently, and provide good, solid advice and legal work." Previous *Chambers* editions describe the group as being "very experienced and able to get their arms round an incredibly complex case. Plus they have a great national reputation." More than half of our attorneys are full-time litigators and are distinguished by *Chambers* for keeping clients "on board and up to date at every stage of the process" and for being able to "handle large research-intensive cases, as well as offer a carefully tailored approach." In addition, our Commercial Litigation Practice was recognized nationally among all *U.S. firms in the U.S. News & World Report-Best Lawyers* inaugural "Best Law Firms" rankings in 2010, and has continued to be listed in Tier 1 for New Jersey law firms each year since 2011. See [Awards and Honors Methodology](#).

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

Our litigators are engaged in all types of complex civil litigation in federal and State courts, both at the trial and appellate levels, as well as before federal and State administrative agencies.

Among our areas of concentration:

- [General Corporate, Commercial and Business](#)
- [Fiduciary Liability and Directors' and Officers' Liability](#)
- [Securities](#)
- [Employment](#)
- [Banking](#)

- Products Liability and Toxic Torts Litigation
- Environmental Litigation
- Unfair Competition and Trade Secrets
- Protection of Intellectual Property
- Public Utilities
- Bankruptcy and Creditors' Rights
- Insurance and Reinsurance
- Real Estate
- Probate and Tax Litigation
- Construction
- Arbitration, Mediation and Alternative Dispute Resolution
- Logistics
- School law

We have conducted major litigation for many large corporations, including: American Centennial Insurance Co., AT&T, the former Chase Manhattan Bank, Chubb Group of Insurance Companies, CIGNA Corp., Crum & Forster Corp., the former First Union National Bank, The Harleysville Insurance Co., The Hertz Corp., Hoechst Corporation, International Business Machines Corp., National Starch and Chemical Co., New Jersey Turnpike Authority, The Prudential Insurance Co. of America, R.J. Reynolds Tobacco Co., Schering-Plough and Fleet Bank.

### **General Corporate, Commercial and Business Litigation**

Riker Danzig has the capacity to handle a wide range of complicated and challenging business and commercial matters. We are engaged in all types of complex litigation under the Uniform Commercial Code involving sales of goods, security interests, equipment leasing and financing, and holder in due course status. We are active in litigation concerning distribution contracts, commercial fraud claims (including fraudulent conveyances), replevin actions, maritime leases, and franchise disputes.

Our litigators have extensive experience with antitrust and securities fraud claims arising under both state and federal law in private litigation. We have been involved in both the prosecution and the defense of a wide range of cases involving RICO, and claims of tortious interference, unlawful dealer termination claims, claims under the New Jersey Franchise Practices Act, restraints of trade, commercial fraud and illegal boycotts. We have also represented clients in antitrust defense work involving grand jury investigations and Civil Investigative Demands by the Antitrust Division of the U.S. Department of Justice.

Our New Jersey lawyers obtained a substantial settlement on behalf of a local utility in a lawsuit seeking \$200 million in damages from a manufacturer of defective components for the loss of use of two nuclear power stations

and the cost of replacement power. The case raised complex questions of the scope and enforceability of certain contractual disclaimers of liability.

We represented one of the country's largest owners of commercial real estate in a lawsuit seeking to recover hundreds of millions of dollars of costs involved in abating asbestos building products in some 60 building complexes throughout the United States. Our client was the first known plaintiff to plead a federal racketeering (RICO) claim in such a lawsuit and the claim has survived strenuous efforts by all of the defendants to dismiss.

For many years, we have represented the world's largest manufacturer of computer and electronic equipment in New Jersey suits involving its products, employees, services and licensed programs. We represent various companies in commercial litigation matters involving copyrights, trademarks, post-employment restrictive covenants, trade secret agreements and technology-related matters.

We have represented a major telecommunications company in substantial litigation against several of its major competitors and its agents involving unfair competition and Lanham Act violations arising out of a pattern and practice of misrepresentations in telemarketing and other sales efforts, and related causes of action due to their switching of customers to their networks without authorization.

Our litigators advised a major petrochemical concern in international contract litigation involving the "act of state doctrine" and the enforceability of "force majeure" clauses.

The firm also represents individuals, partnerships and corporations in disputes arising out of the formation and dissolution of businesses.

### **Fiduciary Liability and Directors' and Officers' Liability Litigation**

Attorneys in Riker Danzig's litigation group are renowned nationally for their handling of fiduciary and directors and officers liability litigation. We have extensive experience in all types of professional and directors and officers liability claims, including claims for breach of fiduciary duty, negligence, self-dealing, securities violations and accounting irregularities. Our attorneys regularly assist directors and officers and their companies in evaluating claims and potential exposure, and in litigation defense of corporate directors and officers. As part of our extensive experience, we are well versed in the insurance issues connected with professional liability claims.

Building on the firm's historical banking practice for all major New Jersey banks, money center banks and large regional banks, the firm has established a solid reputation in related banking litigation, such as banker's blanket bond litigation, federal and state RICO claims, shareholders' actions and accountants' liability suits. We handled many of the major directors and officers liability cases that arose out of the failure of a number of financial institutions in the early 1990s. Our New Jersey lawyers served as amici curiae counsel for the American Bankers Association and the

New Jersey Bankers Association in a New Jersey Supreme Court case concerning the extent of a corporate indenture trustee's duties. We also represented the Federal Deposit Insurance Corporation and other governmental agencies in helping them evaluate directors and officers liability claims and other fiduciary claims.

Our litigation group has handled, and is currently handling, some of the most prominent cases involving alleged violations of the Employee Retirement Income Security Act of 1974, including the alleged mismanagement of pension plans. We have litigated fiduciary duty claims involving the demise of one of the largest group insurance trusts in the State. We also regularly defend claims alleging the improper denial of benefits. We have also represented groups of executive retirees who sought reimbursement of hundreds of millions of dollars worth of benefits.

In the securities area, our litigation practice includes a number of substantial securities cases for major brokerage houses, corporations, directors and officers and pension plans. We have repeatedly represented individual officers and directors in response to claims for violations of both federal and state securities laws. We have also established an active securities arbitration practice, representing major brokerage houses in the defense of claims brought by individual investors.

## **Securities Litigation**

Riker Danzig attorneys regularly represent corporations and their officers and directors in a wide variety of securities litigation, including securities fraud class actions. Our New Jersey lawyers also represent New Jersey pension funds in Securities Fraud matters. Our attorneys have a complete understanding of the phases involved in securities litigation and securities enforcement actions brought by the SEC and other regulatory agencies.

We have developed a formidable track record in all aspects of securities litigation, be it in court proceedings, arbitration, administrative actions, or settlement negotiations. For example, we concluded the successful defense of a biotechnology company in a securities fraud action where we obtained a dismissal of the complaint under the "bespeaks caution" doctrine. That dismissal was then affirmed by the Third Circuit Court of Appeals.

In 2008, we obtained a \$73.25 million settlement of securities fraud and RICO claims brought on behalf of New Jersey pension funds against a corporation, certain former directors and a former executive arising from a well-publicized corporate scandal. That settlement was reached after extensive efforts in all pre-trial phases of a complex consolidated Multidistrict Litigation in the District of New Hampshire. The action continues against the company's former auditors and certain former officers and directors.

A significant part of our securities practice involves the representation of registered persons and broker/dealers in disputes and arbitrations before SROs, including FINRA, NASD, NYSE, involving allegations of unsuitability,

churning, unauthorized trading, failure to supervise, fraud and breach of fiduciary duty. We represent a number of the major Wall Street brokerage firms in the defense of such claims, as well as in employment-related disputes that such firms have with their current or former brokers. For example, we represent a major brokerage house in the defense of suitability, churning and unauthorized trading cases.

## **Employment Litigation**

The firm's employment-related litigation practice includes employee relations, labor-management relations, administrative proceedings before state and federal agencies, unlawful discrimination, wrongful termination, employment contracts, unfair competition (including restrictive covenants), duty of loyalty, trade secrets, customer relationships, and recovery under employee fidelity bonds.

Our employee relations litigation practice covers such diverse areas as wage and hour compliance, occupational safety and health, AIDS, employment discrimination, wrongful termination, employee benefits, pension and other deferred compensation matters, affirmative action programs and plans, and workplace substance abuse.

We represent public and private sector employers in the full range of labor-management relations litigation. We represent employers before all state and federal administrative agencies and handle appeals to the state and federal appellate courts. The firm also conducts labor arbitrations and is experienced in handling civil litigation related to the enforcement of, or challenges to, arbitration awards. We have the resources and experience to seek expeditious injunctive relief in the event that any of our employer clients are faced with unlawful secondary activity or presented with illegal conduct by striking employees.

We regularly represent our corporate and business clients in negotiations and court proceedings in all types of discrimination suits, wrongful termination actions, and contract and tort claims relating to employment disputes in both federal and state courts. We regularly prepare responses to claimant charges for submission to the EEOC and the New Jersey Division on Civil Rights, and we appear on behalf of management before such administrative agencies.

We have been involved in several ERISA suits on behalf of management and a group of workers. In one case, we obtained a settlement with a present value of approximately \$100 million on behalf of a nationwide group of retirees of a major can plant where management had attempted to cut medical benefits. We also represent another can manufacturer in a nationwide class action involving pension benefits for 2,500 steel workers in 44 separate plants.

## **Banking Litigation**

Riker Danzig has over 50 years of experience representing commercial banks, savings banks and savings and loan

institutions in connection with virtually every type of bank-related litigation, as well as loan workouts and restructurings. Our cases include lender liability suits, RICO claims, banker's blanket bond litigation, accountant's liability suits, defense of consumer class actions, shareholders' actions, UCC claims, collection matters, letter of credit cases, as well as real estate-related litigation. Our clients include not only major New Jersey banks and thrifts, but also money center banks and large regional banks. We serve as general counsel to the New Jersey Bankers Association. Our caseload is not limited to New Jersey; our banking litigation work extends to lawsuits in New York, Pennsylvania, Florida and other areas of the country as well as England and Latin America.

We were counsel in the New Jersey Supreme Court for the American Bankers Association and the New Jersey Bankers Association as amici curiae in a case having extensive ramifications for the securities industry. The action concerned the extent of a corporate indenture trustee's duties prior to a default under an indenture. The Appellate Court held that, to the extent that the provisions of an indenture are unfair, a trustee must look beyond the requirements of the documents and act in a manner reasonably designed to protect the interests of the holders of the securities.

A significant part of our banking litigation involves consumer class actions brought against banks and other financial institutions by their customers or others. We defended one bank client in a putative class action involving the charging of late fees on automobile leases and other alleged practices. We obtained summary judgment dismissing a class action that had been asserted against one bank client that challenged the bank's "collateral protection insurance program." Among the class actions that we have defended in the past are matters involving New Jersey's Secondary Mortgage Loan Act and the Federal Truth in Lending Act. In addition, Riker Danzig was New Jersey Counsel for the Prudential Insurance Company of America in the In re Sales Practices Litigation, a multi-district class action that was venued in Federal Court in New Jersey.

## **Products Liability and Toxic Tort Litigation**

Riker Danzig is a nationally known products liability defense firm, with an established capacity to handle substantial, novel and complex cases innovatively. Our attorneys are frequently asked to speak at continuing education seminars about product liability and toxic tort cases. One of our partners is currently Vice Chair of the Product Liability and Toxic Tort Section of the New Jersey State Bar Association, and another serves on the Committee charged with the revision of the product liability model jury instructions in New Jersey.

The firm has consistently proven its ability to achieve successful results, working closely with our clients so that their litigation objectives and business goals are achieved effectively and efficiently. In many of our cases, the results we have achieved in product liability defense work are a product of effective coordination with our clients and national and regional counsel. We are experienced and effective in cooperation with clients and coordinating counsel on the investigation of claims, discovery, pretrial preparation, trial and appellate work.

We have extensive experience defending the manufacturers of industrial and commercial machinery, equipment and supplies, as well as recreational products. We have defended cases involving injection molding and press machines, meat processing equipment, multi-piece wheel rims, tractor-trailer trucks, asphalt anti-icing additives, pool chemicals, boats, outboard engines and sauna heaters from personal injury and property damage claims throughout the continental United States and Virgin Islands.

We have defended a lessor of commercial vehicles in auto negligence actions involving its leased vehicles. We further serve as local counsel for a large hotel company in personal injury actions involving its international operations. We continue to represent several local utilities in products liability and negligence actions involving explosions and fires.

We are currently defending an Austrian manufacturer of a funicular train in Multi District litigation in the U.S. District Court for the Southern District of New York involving 155 deaths caused by fire at a ski resort in Kaprun, Austria. We have also defended purported class action lawsuits filed in state courts in New York, Florida, Texas and Pennsylvania against a German manufacturer of dental restorative materials.

Further, as counsel to a major cigarette producer in the defense of smoking and health-related cases, we have been directly involved at the cutting edge of products liability law. We actively participated in the successful argument by tobacco manufacturers in the Third Circuit Court of Appeals and the United States Supreme Court that the Federal Cigarette and Labeling Act preempts certain state common-law claims that consumers were not adequately warned of the risks of smoking.

We were successful in obtaining summary judgment on behalf of one of the nation's largest manufacturers of computer products in a series of lawsuits brought by former employees claiming that the corporation conspired to fraudulently conceal occupationally contracted illnesses. The firm also represented a national chemical supplier in suits brought by industrial workers claiming exposure to noxious substances. We have served on the steering boards of joint defense committees formed by co-defendants in this and other toxic tort cases. We have also represented plaintiffs on a selective basis in toxic tort cases.

The firm has handled the defense of major pharmaceutical products liability cases for more than thirty years. It

serves as New Jersey counsel for several major manufacturers of drugs and medical devices, defending wrongful death and personal injury claims with respect to a variety of prescription pharmaceutical products, in both individual and "mass tort" claims. We have been involved in some of the most significant pharmaceutical product liability appellate decisions in New Jersey. We also represent defendants in chemical and lead paint litigation. We have extensive experience in the defense of class actions, and have successfully argued class certification issues in several federal and state courts.

## **Environmental Litigation**

New Jersey courts have been in the vanguard of fashioning common-law remedies for companies seeking redress as a result of problems related to toxic substances. These cases often raise complex statute of limitations and causation questions.

Riker Danzig has served as trial and appellate counsel in a number of complex environmental litigation matters in New Jersey. In a landmark decision by the New Jersey Supreme Court, we obtained a judgment of absolute liability in favor of a current industrial landowner against a remote prior owner who had contaminated a factory site with radium tailings. The Supreme Court awarded reimbursement for previous remediation costs, indemnification for future remediation costs, as well as recovery of consequential economic damages to the plaintiff's business operations. The case received widespread national publicity. In the Federal Court, we previously obtained a Partial Summary Judgment against the same prior owner in an important CERCLA holding.

We represented over a dozen generators of hazardous waste in a substantial suit brought by residents living near a landfill against the generators, the haulers of the waste and the operators of the dump.

We have also been at the forefront in defending companies involved in solid waste management where state administrative approval of plans to transfer and dispose of refuse has been collaterally attacked in the courts.

## **Unfair Competition and Trade Secrets**



Over the past 25 years, we have achieved unparalleled success and have established new law in the areas of unfair competition and protection of trade secrets, confidential information and customer relationships. We succeeded in having a New Jersey trial court recognize the "inevitability doctrine" with respect to disclosure and use of trade secrets, and then had the decision affirmed by the appellate courts in a published decision. We are well equipped to generate effective court papers quickly to support or oppose an emergency application for injunctive relief and, if necessary, to file emergent appeals. We are equally experienced in following these matters through to a satisfactory conclusion, often through negotiations after the immediate situation is brought under control by emergency court proceedings.

### **Protection of Intellectual Property**

Riker Danzig attorneys have extensive experience in the coordination of U.S. and foreign patent litigation, opposition, licensing, prosecution, interference proceedings, and proprietary technology protection, as well as document tracking for competitive intelligence, foreign filing, annuity review and patent report generation. We advise clients regarding strategic alliances, acquisitions, outsourcing and consultancy engagements. In the course of these activities, we regularly perform audits to determine what a client owns and what properties are protected or need protection. We also assist our clients in building balanced portfolios of their patented technologies and trademarks. We enforce and defend our clients' properties and activities in the federal courts and administrative tribunals.

We are equally well versed in the drafting and negotiation of exclusive supply contracts, licenses, distribution, secrecy and consultant agreements, and other business agreements for the development and exploitation of proprietary properties. Our attorneys have extensive experience conducting studies and drafting opinions concerning patentability, infringement and validity questions.

### **Public Utilities Litigation**

Riker Danzig represents the full spectrum of privately owned utilities, public authorities, and solid waste disposal companies in litigated regulatory proceedings before the New Jersey Board of Public Utilities ("BPU") and other agencies, administrative hearings before the New Jersey Office of Administrative Law ("OAL"), and in both State and Federal Courts. Our litigation clients include a major telecommunications carrier, large electric distribution companies, water and sewer companies, local authorities and three major waste-to-energy companies.

We have represented AT&T Communications of New Jersey since divestiture of the AT&T monopoly in 1983 in major regulatory and litigation proceedings before the BPU, the Appellate Division of the New Jersey Superior Court, and the United States District Court. Past proceedings have concerned implementation of competition in

toll and local telecommunications markets (pursuant to the federal Telecommunications Act of 1996 and New Jersey law), and the incumbent local exchange carriers' efforts to establish an alternative regulation plan and reclassify services as competitive.

As New Jersey regulatory counsel since 1994, Riker Danzig has represented Rockland Electric Company in adjudicatory electric industry restructuring proceedings before the Board and OAL, as well as in various rate proceedings and appellate matters. Riker Danzig also represented FirstEnergy Corp. in the litigated merger proceeding wherein the BPU approved the acquisition of all the common stock of GPU, Inc., the parent company of Jersey Central Power and Light Company, by FirstEnergy.

We represented Environmental Disposal Corp., a sewer utility serving four municipalities, in rate case proceedings and successfully defended the regulatory treatment of an important transaction. Riker Danzig successfully represented United Water New Jersey, Inc. in a proceeding wherein the New Jersey Supreme Court held that a public authority without power to operate a municipal water system could not acquire such power by contracting under the Interlocal Services Act with a municipality that possessed such powers. We represented Atlantic City Electric Company before the BPU and State trial and appellate courts in a condemnation proceeding brought by a municipality against the distribution system of the company within the municipal limits.

The firm has represented the Jersey City Municipal Utilities Authority in varied litigations ranging from billing disputes, contractual disputes with consultants, and proceedings in the United States Bankruptcy Court against customer debtors to litigation against a railroad whose activities potentially threatened a major sewer main.

The firm also has expertise in the economic and environmental regulation of solid waste disposal companies. We have represented such companies in litigation in both State and Federal Courts relating to the constitutionality of New Jersey solid waste flow controls embodied in franchises and contracts, in regulatory proceedings pertaining to alleged violations of solid waste facility and air permits and in securing rate adjustments.

## **Bankruptcy and Creditors' Rights Litigation**

Riker Danzig is unique among prominent New Jersey law firms for its expertise in bankruptcy litigation, corporate reorganization and real estate restructurings. Drawing upon the resources of our bankruptcy expertise, as well as the firm's varied litigation, corporate, real estate, environmental and public finance expertise, the firm has earned a nationwide reputation for its representation of debtors, secured creditors, indenture trustees, creditors' committees, trustees, as well as third party plan proponents (i.e., takeovers) in all aspects of litigation under the Bankruptcy Code.

Riker Danzig's bankruptcy practice began in the early 1970s as a natural outgrowth of its longstanding

representation of banks and commercial trade creditors. Through this practice, we developed a strong expertise in representing debtors, unsecured creditors and creditors' committees in all aspects of the bankruptcy case as well as secured creditors in reclaiming collateral, negotiating strong cash collateral and postpetition financing orders at the outset of any bankruptcy proceeding, litigating motions for relief from the stay, determining the non-dischargeability of debts, negotiating favorable treatment for our secured lenders in plans of reorganization, and rehabilitating debtors through creative and effective plans of reorganization.

Currently, the firm is playing a significant role in several well-known national bankruptcy proceedings, including G-I Holdings Inc. (debtor), Accuride Corporation (indenture trustee), Bayonne Medical Center (master trustee), Capmark Financial Group, Inc. (indenture trustee), EPV Solar, Inc. (indenture trustee), The Newark Group, Inc. (indenture trustee), FPA Medical Management, Inc. (litigation trustee of creditor trust), Las Vegas Monorail Company (indenture trustee), Majestic Star Casino, LLC (indenture trustee), Pascack Valley Hospital Association, Inc. (creditors' committee), St. Mary's Hospital (nurses union), Signature Apparel Group, LLC (debtor), Spheris, Inc. (indenture trustee) and W.R. Grace & Co. (member of property damage creditors' committee).

The firm has handled many manufacturing and retail bankruptcy proceedings including Channel Home Centers, Inc., a \$350 million home improvement retailer, where we represented the debtor, and Plymouth Lamston Stores Inc., where we represented the major secured creditor. In a Chapter 11 proceeding of a telecommunications reseller, the firm negotiated and confirmed a plan in 119 days from the petition date, reducing \$60 million in debt owed to the major carriers down to \$9 million.

### **Insurance and Reinsurance Litigation and Arbitration**

The insurance practice group has developed a substantial litigation practice. We appear regularly before trial and appellate courts, arbitration panels and governmental and regulatory agencies representing our clients in a variety of different insurance-related areas, including: insurance coverage, reinsurance, insurance defense, insolvencies, intermediary and agency disputes and legislative and regulatory matters. In April 2003, we appeared before the United States Supreme Court on behalf of insurers challenging the constitutionality of a California insurance statute. In June 2003, the Court ruled in our clients' favor and found the California statute to be unconstitutional.

A cornerstone of our litigation practice involves representing our insurance clients in a broad array of coverage litigations. This includes almost every conceivable variety of first and third party coverage litigation including: property, environmental, products, completed operations and ERISA. Our litigation practice has also given us in-depth exposure to issues unique to primary, excess and umbrella insurers.

We have extensive litigation experience in defending our insurance clients with respect to bad faith and unfair claims practices violations. We have been at the forefront of the developing category of bad faith litigation

concerning the duties owed by primary to excess insurance carriers. We have also successfully defended our insurance clients in a variety of cases in which bad faith concepts have sought to be expanded. For example, in a case of first impression in New Jersey, we had approximately \$5 million in punitive damages claims dismissed as a matter of law by obtaining a ruling that these damages could not be recovered as part of a bad faith claim.

Another significant aspect of our insurance practice group is Riker Danzig's reinsurance practice, which has developed extensively over the past 20 years. Our diverse representations have given us a thorough familiarity with and understanding of issues peculiar to reinsurance claims. We have arbitrated or litigated many of the coverage issues that typically arise in connection with reinsurance claims, including: "occurrence," "trigger," "follow the fortunes," "extra-contractual loss," "late notice" and "good faith." Finally, we have been involved in successful reinsurance collection efforts throughout the world.

As part of its litigation practice, the insurance practice group also has extensive experience in virtually all types of personal injury defense litigation, including claims arising from premises liability, home owner liability, private passenger automobile liability, workers' compensation and other general liability claims.

## **Real Estate Litigation**

Riker Danzig is engaged in a variety of real estate related litigation. We have a very large and active practice representing commercial banks and thrifts in connection with distressed real estate projects, not only in New Jersey but also in other areas in the country. This practice ties in with our experience in banking and bankruptcy. We are able to represent and advise our clients in virtually every aspect of real estate matters from contract negotiations through restructurings, foreclosures, ancillary litigation and Chapter 11 proceedings, if necessary.

We successfully represented the Borough of Sayreville through the trial and appellate courts, which upheld the validity of the Borough's 1999 amendments to its Municipal Zoning Code, affirming Sayreville's duty to act for the welfare of the community over the profit motives of individual landowners. We continue to represent the Borough of Sayreville in related land use litigation.

Our firm served as New Jersey claims counsel for one of the nation's largest titles insurers and has represented it in many novel real estate and title insurance cases throughout the state, including the successful defense, on behalf of the owner, of an undeveloped island in a suit to quiet title filed by the Board of Proprietors of the Eastern Division of New Jersey, successors in interest to the original grantees of the northern half of the State of New Jersey from the King of England in the 17th century.

We successfully asserted a claim for tortious interference with prospective economic advantage on behalf of a commercial developer against a coalition of local residents opposing a proposed project. In a case of first

impression, we obtained a court order requiring a house to be moved because it blocked the view of a neighbor in violation of a 100-year-old restrictive covenant.

We are often retained by individuals and businesses in suits seeking to specifically enforce or terminate real estate contracts. We represent financial institutions, owners and tenants in disputes over commercial leases. We have an active practice in the areas of contested construction liens, municipal mechanics' liens and mortgage foreclosures, condemnation and zoning litigation, and the securing of governmental approvals for commercial projects. We have represented developers and public bodies in prerogative writ litigation challenging the decisions and approvals of planning and zoning boards.

## **Probate and Tax Litigation**

Riker Danzig enjoys the distinct advantage of attorneys with decades of dual expertise in tax, trusts and estates and probate litigation. This combination of extensive probate litigation experience, a very particular area of litigation requiring specific knowledge, with tax, trusts and estates expertise proves invaluable to achieving a client's objectives, whether in litigation or estate planning.

We represent companies and individuals before state and federal agencies and in state and federal court with respect to a broad variety of contested tax disputes involving income tax, sales tax, franchise tax, real estate tax, estate and gift taxes, inheritance tax and other forms of taxes.

We handle matters that range from simple will and trust construction cases to complex will contests or fiduciary liability matters. One matter of note was our successful resolution of three actions initiated by Chandi Duke Heffner, adopted daughter of tobacco heiress, Doris Duke, involving Doris Duke's will and two trusts created by her late father.

For more information on our Probate Litigation Practice, please go to [Probate Litigation](#).

## **Construction Litigation**

The firm has a long history of successful representation of owners, contractors, subcontractors, suppliers, and architectural and engineering firms in many types of construction litigation in both arbitration and court proceedings. These controversies include bidding contests, contract disputes, delay claims, claims under the Construction Lien Law and the Municipal Mechanics' Lien Law, claims for defective work, warranty claims, Miller Act claims, and disputes against sureties and insurance companies on performance and payment bonds.

In one case, we represented Spectraserv, Inc., a general contractor involved with the construction and rehabilitation of sewage treatment facilities, in a multi-million dollar dispute arising out of the failure of a new and unique sludge

treatment process to function as intended at a sludge processing facility owned by the Middlesex County Utilities Authority. The failure of the process resulted in the spontaneous ignition of sludge and significant damage to the process improvements already made by Spectraserv, Inc. Spectraserv filed suit against the Authority and R3M, the designer of the new process. The Authority counter-claimed, alleging that damages were incurred as a result of delays in the completion of the project. We were successful in securing a \$10 million settlement prior to verdict in a trial that lasted two and a half months. This litigation was significant, not only because it involved a municipal utilities authority which services three New Jersey counties, but because it involved a failed public improvement which was financed by over \$50 million in public funds.

### **Arbitration, Mediation and Alternative Dispute Resolution**

The firm regularly represents claimants and respondents in all manner of arbitration proceedings. The breadth of our practice allows us to offer unique services to those seeking alternative methods of resolving disputes. In providing these services, our attorneys bring expertise in matters pertaining to employment, intellectual property, family law, commercial law, construction, environmental matters, utilities, health care, trusts and estates, insurance, business, real estate, and personal injuries. The attorneys in our ADR group regularly serve as arbitrators, mediators and negotiators. They also provide services in managing complex cases, including serving as special masters and discovery masters.

### **School Law**

Riker Danzig's school law department serves as general counsel to several School Boards throughout the state, and acts as special counsel in several major school board matters. Our experience covers all areas of school law, including: special education matters; the acquisition, financing, construction and disposition of school buildings and property; tenure and student disciplinary proceedings; personnel disputes; superintendent disputes; public bidding disputes; the drafting and enforcement of contracts and collective bargaining agreements; sending district board representation.

### **Logistics**

Our logistics practice recognizes the interdisciplinary nature of the legal issues faced by users and providers of transportation and distribution services. We bring together expertise in the statutes and common law relating to warehousing and goods-in-transit, and extensive experience in the corporate, employment, real estate, equipment leasing and environmental laws that often impact on a company's supply chain. We regularly represent our logistics clients with regard to disputes involving freight claims, freight payment, breach of contract and accident-related matters. We strive to find practical, cost-effective solutions to provide clients with favorable outcomes short of litigation. Dispute resolution projects have included advising and representing:

- A large northeast retailer in a multimillion dollar suit regarding product reclamation and ownership of goods
- A food importer/distributor regarding a possible replevin action
- A distributor in regard to a breach of contract claim by a warehousing company
- A major retailer with regard to a proceeding in bankruptcy over alleged unpaid freight bills
- A building materials manufacturer and supplier regarding a fatal accident involving its private fleet
- A third party logistic provider in regard to unpaid freight claims
- A health and beauty aids manufacturer in regard to unauthorized credits and off-invoice deductions