

# WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

## Business and Commercial Litigation

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

The Business and Commercial Litigation Team at Wilentz, Goldman & Spitzer, P.A. handles complex business and commercial litigation. Our approach to litigation is to always protect the clients' overall business interests. There are occasions when litigation is necessary and others when it may make better business sense to settle a claim rather than run the risk of litigation.

We represent businesses of all sizes across a broad spectrum of industries as well as boards of directors and officers, nonprofit entities and governmental agencies. We understand that a skilled litigator must be able to adapt a knowledge of the law and procedure to each clients' particular business interests — and we make understanding your goals and your case our top priority.

Each case is carefully considered on its merits by an experienced litigator. The resulting advice reflects our considerable experience in the field of litigation.

Some of the major areas in which we provide services include:

- All types of emergent relief (temporary restraining orders, preliminary injunctions) in state court, chancery division and federal court
- Breach of contract and fraud, misrepresentation cases
- Representing defendants in professional malpractice cases
- Directors' and officers' liability claims and shareholder derivative actions
- Banking and insurance disputes
- Shareholder, partnership disputes
- Restrictive covenant litigation and counseling
- Trade secret litigation
- Real estate and land use litigation
- ERISA matters
- Class actions
- Employment disputes
- Franchise disputes

### Representative Matters

- Obtained a verdict of over \$10 million on behalf of a biotech company in a trade secret case involving claims that its former employee conspired with a competitor to steal a proprietary method to synthesize artificial DNA.
- Secured an injunction on behalf of the food industry (affirmed on appeal by the Third Circuit) against the implementation of a state statute involving the imposition of escheat as to gift cards on the grounds that such a statute would violate the Commerce Clause of the U.S. Constitution and was preempted by U.S. Supreme Court precedent.
- Obtained a complete defense verdict after a three week trial on behalf of a defendant in an action in which the plaintiff sought severance payment and other relief with respect to a golden parachute agreement based on the allegation that a change and control of the company had taken place.

- Successfully settled a securities class action in federal court alleging violations of Section 10(b)(5), an ERISA class action in federal court, and a class action derivative suit in Middlesex County alleging, among other things, breach of fiduciary duty for actions arising of Section 10(b)(5) claims against a major oil company and its directors.
- Favorably settled claims raised in a class action brought by a shareholder against the directors, officers and shareholders of a purchaser group in a going private transaction of a public company that operates 30 supermarkets, alleging, among other things, that the purchase price was too low and that the transaction would violate state law.
- Prevailed on summary judgment in a ten-count complaint by the industry leader against a provider of prepaid calling cards alleging, pursuant to federal law and various state false advertising laws, that our client was deceiving the public and engaging in unfair competition.
- Obtained an injunction against a well-known rental car company from defendants seeking, among other things, to enjoin terminating 24 franchises.
- Obtained a judgment on behalf of the beneficiaries of an Estate, enjoining the Estate from entering into an agreement with the decedent's brother, providing him with a 20% interest in the decedent's considerable business holdings.
- Prevailed in an action against a former executive of a major food wholesaler alleging negligent advice regarding the potential withdrawal liability as to the termination of a multi-employer union pension plan and a frozen employee plan in connection with the sale of that wholesaler for \$70 million.