

practice chairs

Jeffrey S. Boxer / Partner
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Charles G. Berry / Partner
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Judith Wallace / Partner
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Leonardo Trivigno / Partner
Madelyn K. White / Counsel
Matthew D. Dunn / Partner
Michael H. Bauscher / Partner
Stephen M. Plotnick / Partner
John J. Walsh / Retired Counsel
Aaron R. Cahn / Counsel
Kevin M. Simpson / Associate
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Nicholas W. Tapert / Counsel
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Annelise H. Raymond Alam / Associate
Shaelyn Gambino Morrison / Associate
Sarah H. Ganley / Associate
Melinda C. Church / Associate

Clients turn to our litigators for the strategic and persuasive skills we demonstrate in the courtroom and around the negotiation table, and because we understand their industries and their personal and business interests. While, well-known corporate leaders, celebrities, political figures, and other high-profile clients retain, refer, and recommend our lawyers, we also represent companies of all sizes, non-profit and other organizations, and individuals across the nation and around the world. Our team represents clients who encounter sophisticated legal issues and need lawyers who know how to handle them.

With experience in all phases and aspects of litigation and dispute resolution, our lawyers represent domestic and foreign corporations and individuals. We advocate for clients in federal and state courts located throughout the United States and in mediations and arbitrations in the U.S. and around the world before FINRA, AAA, ICDR, JAMS, ICC and other tribunals. We provide top-quality counsel in internal investigations and agency and administrative proceedings and appeals.

Why our Experience is the Right Fit

The Right Team Matters. We assign the right lawyers and resources to a client's matter. Seeking the greatest efficiency, we quickly build a multidisciplinary team of lawyers across departments who have the skill sets that align with the client's specific needs. Because we reject hierarchical structures, we prioritize information-sharing among team members so that associates know as much about a matter as the partners do and allows us to explore valuable ideas and solutions from everyone.

Our Innovative Approach

No Time to Lose. By combining our collective knowledge across the firm with inventive, creative strategies, we tend to get results quickly. For example, a private equity firm hired us after it discovered that the operating division of an innovative high-tech company it owned had been diverting resources and acting improperly in several other ways. We were hired and immediately launched litigation, sought preliminary injunctions to protect trade secrets, tackled several employment and contract issues, and were in federal court within a few days of being retained. Our efforts led to a quick settlement that was very favorable for our financial industry client.

Around the World. When we need to fly halfway around the world to get key facts to help our clients, we don't hesitate; we book a flight. For example, we represented and fought for a Japanese petrochemical company and its U.S. subsidiary in a series of

patent cases with corresponding litigation in multiple forums involving commercial issues, patent liability, and patent construction. The case against our adversaries based in Inner Mongolia was fraught with complexities that we had to untangle. Because of the utmost importance of this litigation to our client, we flew our legal team to China where they lived for several weeks performing onsite expert reports and testing the manufacturing process. Our strategies and investment in time and resources paid dividends as we attained an optimal outcome for our client. And when there is not enough time to hop on the plane, our memberships in our global alliances provide almost instant access to stellar attorneys around the world.

Breaking New Ground. We encourage our lawyers to embrace difficult challenges and push the proverbial envelope with innovative thinking and actions. As a result, not only do we serve our clients well, we help shape the regulatory framework by gaining legal decisions that set precedent and improve the law. What's more, with a reputation for ground-breaking legal insight yet down-to-earth communications skills, our lawyers frequently accept invitations from print and broadcast media outlets to comment on the most pressing issues of the day.

Anticipating & Analyzing Change. When political, business and financial cycles shift – and sometimes those shifts are seismic – our lawyers are ready to help clients by presenting options and guiding their decision-making. When extraordinary events like a recession or pandemic hit, we understand the serious impact they will have for each client and help them quickly and effectively adapt to large-scale changes in the economy and the world.

Proven Strengths

Bankruptcy: Our lawyers represent indenture trustees and other financial institutions in bankruptcy cases, adversary litigations, and negotiated workouts. In addition, we regularly advise corporate clients who are acquiring assets from financially troubled companies; may be experiencing financial difficulties; or find themselves caught up in the bankruptcy case of a contracting party. We also counsel individual and corporate clients who are equity holders in companies embroiled in bankruptcy proceedings, or whose litigation has been interrupted by a bankruptcy filing. We actively seek and deliver quick and effective responses to a multitude of different circumstances.

Broker/Dealer and Financial Services Industry Disputes: We represent securities and financial services industry firms and professionals in connection with litigation, industry arbitrations, and regulatory inquiries involving a wide variety of claims, including:

- Claims of improper sales or disclosure practices
- Selling away
- Improper trading
- Suitability and negligent asset management or investment advice
- Alleged supervisory and compliance failures

We also frequently counsel clients on employment and compensation issues that are unique to the securities and financial services industry, including form U4 and U5 disclosures, claims related to advanced compensation agreements and promissory notes, and bonus and commission claims.

Capital Markets: With our deep experience in the financial services and securities industry, our litigators draw on a unique breadth of experience in representing domestic and foreign hedge funds, commercial creditors, special purpose vehicles, and other institutional investors involved in all types of capital markets disputes, including those related to:

- Collateralized debt obligations (CDOs) and collateralized loan obligations (CLOs)
- Asset-backed securities and other forms of securitizations
- Structured finance and investment vehicles
- Credit default swaps (CDS) and other derivatives

- Credit facilities
- Syndicated loans
- Other complex financial products and transactions.

Condemnation: We have acted as special condemnation counsel for most of the major public entities in New York City, and many outside of it, which exercise the power of eminent domain. Our services begin during project planning, including planning for public hearings and SEQRA and ULURP compliance, continue through representation of the entities in challenges to the project brought in the New York state and federal courts, through all appellate levels, and extend to relocation of tenants, writs of assistance, and valuation trials of fee and fixture claims. We developed forms and procedures for use by our clients which have avoided federal due process issues that have affected other condemnors in the state.

Contract and Commercial Disputes: We handle all forms of commercial and contractual disputes, including those relating to distribution, sales, acquisitions and franchising, as well as real estate litigation involving commercial landlord/tenant disputes, foreclosure and construction contract disputes.

Employment/Trade Secrets Litigation: Our lawyers represent clients in a wide variety of employment litigation, including claims of breach of employment agreements, wrongful termination, and employment discrimination involving common law claims, as well as violations of various federal, state, and local statutes pertaining to employment. We tackle claims under the FLSA, involving wages and hours. A specialty practice involves counseling and prosecution and defense of litigation involving recruitment and retention of employees, including:

- Claims of raiding
- Theft of trade secrets
- Breach of fiduciary duty
- Breach of non-solicitation and non-competition restraints

We use our extensive litigation experience and deep well of knowledge to assist our clients in crafting state-of-the-art employment agreements and clauses designed to protect trade secrets, client relationships, and good will.

Environmental and Land Use Law: With decades of administrative, trial and negotiation experience, our environmental lawyers litigate cases at the trial and appellate levels, before federal and state courts across the country and before administrative agencies. We represent clients on all forms of environmental and land use litigation, including challenges that involve:

- The Clean Air Act
- Clean Water Act
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, also known as the Superfund Law), and other federal and state laws for cleanup of hazardous waste discharges
- National Environmental Policy Act and the New York counterpart, the State Environmental Quality Review Act
- National Historic Preservation Act and state counterparts
- Local zoning laws.

Fine Arts: We represent a wide variety of clients including art galleries, owners of art works, and non-profit organizations that manage art work portfolios. Disputes often involve authentication, determination of ownership rights and valuation. In addition, our lawyers are commonly called upon to prosecute claims of unauthorized use and to defend claims of photographers claiming superior rights to the images.

Intellectual Property: With an established and sophisticated IP litigation practice, we counsel and advocate for a variety of clients in such industries as entertainment, chemical manufacturing, arts, publishing, electronics, fashion, real estate, computer software, financial services and consumer products, as both plaintiffs and defendants, in patent, copyright, trademark, domain name, and trade secret disputes. We litigate IP issues nationwide, in mediation, arbitration, the Trademark Trial and Appeal Board, and the federal courts.

Internal Investigations and White-Collar Defense: We represent individuals and businesses in all types of federal and state criminal, regulatory and administrative matters. Our lawyers, including former federal and state prosecutors and SEC legal staff, defend and protect our clients' interests in an array of allegations, including:

- Antitrust
- Fraud
- Money laundering
- Tax offenses
- RICO (Racketeer Influenced Corrupt Organization Act) charges.

Our legal teams also conduct discreet, internal investigations for business entities of all types facing potential prosecutorial or regulatory sanctions.

Maritime Litigation: Our maritime litigation team has the experience and depth to fully service the litigation and arbitration needs of the maritime industry. The firm has represented shipping companies, oil companies, container lessors, marine insurance underwriters, P&I and FD&D clubs, and financial institutions throughout the United States and throughout the world. Our wide-ranging capabilities in maritime-related litigation matters include antitrust and competition law, attachments and arrests, bankruptcy and workouts, charter party disputes, cruise shipping, enforcement of maritime liens and ship mortgages, environmental and pollution issues, insurance coverage and claims, management and pooling agreements, ship purchase and repair contracts.

Media and First Amendment Law: We have wide experience in media and First Amendment law counseling and litigation and often represent parties who are subjects of media attention in pre-publication disputes as well as victims of defamatory publications.

Securities Litigation/Corporate Governance: Guided by a historic strength in the defense of corporations and their directors and officers, our lawyers represent them in allegations of a range of violations, including those involving:

- Federal securities laws, particularly the anti-fraud provisions of these laws
- Misleading disclosures
- Mergers and acquisitions
- Public offerings
- Tender offers
- Private placements
- Financing
- Broker/customer relations.

We also represent clients in connection with corporate and shareholder disputes, class action and derivative litigation, and corollary claims involving rights to advancement and indemnification, and claims of breach of fiduciary duty, corporate waste, and other common law claims arising out of management activities.

Trusts & Estates: Our nationally recognized attorneys in this area have established themselves as leaders in the field of fiduciary litigation. We represent executors, trustees, and beneficiaries in courts around the country, litigating will contests as well as disputes over:

- Property
- Fiduciary obligations of executors and trustees
- Proper administration of trusts and estates
- Accountings
- Construction of testamentary instruments
- Tax issues with the IRS.

We are often retained by other law firms who recognize our superior skills in this complex area. Many of the litigations we handle involve trusts or estates with values in excess of \$100 million, although we also handle more modest disputes in an efficient and cost-effective manner.

Unfair Competition and Antitrust: Highly experienced in antitrust and trade regulation matters, we advise clients on matters involving allegations of illegal mergers under the Clayton Act, price discrimination under the Robinson-Patman Act and various associated common law claims, including interference with contractual relations, covenants-not-to-compete and distributor terminations. We also prosecute and defend against antitrust and unclean hands claims relating to intellectual property, including Walker Process claims, tying claims, and claims based on settlements of pharmaceutical patent litigation.

[Learn About Our Fiduciary Litigation Practice >](#)

Representative Experience

- [Summary Judgement Granted to Revenue Purchase Funder in Hotly Contested Litigation](#)
- [Retaliation Claim Against Carter Ledyard's Client Dismissed](#)
- [Carter Ledyard Wins Reargument on Discovery of Post-Employment Damages](#)
- [Carter Ledyard Obtains Dismissal of Aiding and Abetting Breach of Fiduciary Duty Claims Against Firm Client Dengrong Zhou](#)
- [Carter Ledyard Obtains \\$1.5 Million Judgment for Investor Clients Against Property Developer](#)
- [In Significant Appellate Victory, Carter Ledyard Client Radio Drama Network Allowed Broad Discovery in Its Challenge to The Diversion of the \\$100 Million Legacy of Radio Pioneer](#)
- [Carter Ledyard & Milburn LLP Defeats Appeal from Order Dismissing Usury Claim on Statute of Limitations Grounds](#)
- [Commercial Division Enforces On-The-Record Settlement Agreement of Carter Ledyard Merchant Cash Advance Client](#)
- [Carter Ledyard Wins Summary Judgment Enforcing Merchant Cash Advance Agreement, Overruling Usury Defense](#)
- [Complete Litigation Victory on Summary Judgment for Museum of Dream Space LLC and Dahooo American in Copyright Dispute](#)
- [Agreeing with Carter Ledyard, Appellate Division Holds that New York's 'Anti-SLAPP' Statute May Not Be Applied Retroactively](#)
- [Carter Ledyard Achieves Appellate Victory in Delaware Supreme Court in Shareholder Dispute](#)
- [Carter Ledyard Obtains Dismissal of All Claims Asserted Against Its Clients Xueyuan Han and Related Corporate Entities](#)

Client Highlights

- A major investment bank and its affiliates in (i) enforcing post-employment restrictive covenants for departing employees, (ii) analyzing post-employment restrictions in agreements of potential new employees and responding to actual or threatened claims relating to our

client's hiring of those individuals, (iii) analyzing our client's existing post-employment restrictions and advising on potential changes, and (iv) reviewing and advising our client regarding potential new statutes and regulations governing post-employment restrictions.

- Plaintiffs in a case in NY Supreme Court against the owners of record of a legendary jazz club to resolve ownership claims.
- A significant Ireland-based biotech company and its subsidiaries in connection with a PPP loan inquiry from the DOJ involving potential False Claims Act violations.
- Defending an investment fund manager who is a Chinese citizen living in the U.S. in a case brought in New York State court by dozens of investors alleging misuse of funds. The CLM litigation and China Practice teams are handling complexities involving claims relating to events that took place in China and that are governed by Chinese law that the plaintiffs are seeking to litigate in the U.S.
- A Caribbean-based insurance company in a dispute between its two shareholders in New York state court. The CLM team helped negotiate a favorable settlement permanently resolving the shareholder dispute.