



ROBERT S. FRIEDMAN

Partner

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PRACTICE AREAS

- Litigation
- White Collar Defense and Corporate Investigations
- Intellectual Property

INDUSTRIES

- Art
- Digital Business
- Financial Services
- Maritime
- Outsourcing

OVERVIEW

Mr. Friedman is a partner in the Business Trial and White Collar Practice Groups in the firm's New York office. He heads the Business Trial Practice Group in New York.

Areas of Practice

Mr. Friedman focuses his practice on business and corporate litigation matters. He has particular experience in the areas of securities litigation, internal investigations, corporate trust litigation, real estate litigation, director and officer liability, bankruptcy litigation, restrictive covenants and intellectual property. He has tried cases involving and counseled clients concerning the protection of trade secrets, computer software theft allegations, false advertising and alleged securities law violations. He has also handled maritime disputes on behalf of shipping companies and creditor's committees.

Mr. Friedman has tried over sixty cases and regularly represents financial institutions, technology companies, internet marketers and litigation trustees in significant business disputes.

He speaks and writes extensively on various litigation topics and is widely quoted in the legal and mainstream press.

Prior to entering private practice, Mr. Friedman was a Senior Trial Attorney in the Homicide Bureau of the Kings County District Attorney's Office.

EDUCATION

- J.D., Boston University School of Law, 1989, *cum laude*
- B.A., Tufts University, 1986, *cum laude*

ADMISSIONS

- New York
- U.S. Supreme Court
- U.S. Court of Appeals – Second Circuit
- U.S. District Court – Southern and Eastern Districts of New York

EXPERIENCE

Representative Experience:

Won a four week jury trial for one of the largest manufacturers of OTC pharmaceuticals in a false advertising case arising out of comparative statements. Also prevailed on counterclaims.

Defended Fortune 500 company in a federal jury trial involving copyright infringement and unfair competition claims. Case settled favorably during cross-examination of plaintiff's second witness.

Won complete dismissal of nationwide consumer class action against financial services companies arising of marketing practices.

Represented major publisher and direct marketer in a \$20 million jury trial in New York State Supreme Court arising out of breach of contract allegations. Obtained favorable settlement while the jury was deliberating.

Won an 18-day trial on behalf of a toy manufacturer in a dispute over license fees with an inventor of a famous toy product.

Won a trial in bankruptcy court on behalf of a regional retailer in a challenge to the purchase of leases.

Defeated \$50 million attachment motion after an evidentiary hearing and won complete pre-answer dismissal on behalf of international shipping company.

Obtained dismissal of fraud and tortious interference claims against a large computer software company.

Obtained dismissal, with prejudice and with no payments to plaintiff, of a non-solicitation and breach of fiduciary duty lawsuit against former employees of a computer networking company.

Representing several creditor's committees, post-effective committees and individual creditors in actions against officers and directors of debtor entities and affiliates.

Served as special litigation counsel to a post-effective date committee and obtained a pre-complaint settlement after an investigation, increasing the creditor recovery ten-fold.

Won summary judgment for an indenture trustee in a \$90 million lawsuit brought by bondholders.

Won summary judgment for a major international bank, as indenture trustee, in a \$21 million lawsuit brought by bondholders.

Representing a large international bank in several actions by bondholders in connection with collateral debt obligation structured transactions.

Won summary judgment for a real estate marketing firm in a multimillion-dollar lawsuit against a developer for breach of contract.

Obtained a temporary restraining order, preliminary injunction and damages against a rival toy company that attempted to copy our client's products for display at the most important industry trade show.

Obtained a favorable settlement on behalf of a foreign investment company in a securities fraud case against a major investment bank involving multiple parties arising out of complex currency derivative transactions.

Defeated a temporary restraining order and won a motion to dismiss on behalf of a large retailer in a lawsuit brought by a commercial landlord in connection with an asset purchase agreement for commercial leases across the country.

Negotiated the settlement of an unfair competition lawsuit on behalf of a national

telecommunications company, including the creation of mechanisms for doing business going forward.

Obtained control of millions of dollars in art collateral on behalf of a credit opportunity fund after evidentiary hearing.

HONORS

- *New York Super Lawyers*, 2010, 2011
- "The Burton Award for Legal Achievement," The Burton Foundation, in association with the Library of Congress, 2008
- 1985 Academic All-American Football Team, 2nd Team

MEMBERSHIPS

- Children's Victory Project, Inc., Founder and Chairman
- Inwood House, Corporate Advisory Board
- Iron Will Foundation, Board Member
- ABCNY, 9/11 Project
- Network for Women's Services

ARTICLES

- "Understanding Counsel's Obligations and Challenges In The E-Discovery Process," *The Role of Technology in Evidence Collection: Leading Lawyers on Preserving Electronic Evidence, Developing New Collection Strategies, and Understanding the Implications of Social Media (Inside the Minds)*, Aspatore Books, 2011.
- "Virtual Contacts and Personal Jurisdiction: The Next Frontier," *The New York Law Journal*, June 2009.
- "Search Functions and Marketing: Be Careful Where You Click," *SES Magazine*, May 2009.
- "Using State Department Country Reports To Prevent Recognition of Negative Foreign Decisions: The Bridgeway and Koplak Cases," *GLOBALitigation: USA*, May 2009.
- "Court Reform Right Under Our Nose," *The Metropolitan Corporate Counsel*, December 2008.
- "E-Contacts and New York's Long-Arm Statue," *The New York Law Journal*, April 7, 2008.
- "Think Remote, Electronic Contacts Will Keep Jurisdiction Away?," *New York Law Journal*, June 18, 2007.
- "The Legal Fallout From the Subprime Crisis," *The Banking Law Journal*, Vol. 124, No. 5, May 2007.

Notable Quotes

- "Q&A with Sheppard Mullin's Rob Friedman," *Law360*, July 7, 2011

Corporate & Securities Law Blog Articles

- "Second Circuit Vacates Dismissal Of Securities Fraud Claims Holding That Mutual Funds' Alleged Misrepresentations Regarding Payment Of Transfer Agent Fees Were Material," March 1, 2010

SPEECHES

- Guest Lecturer, Georgetown University Law Center, "Law of Advertising," November 2010
- "Ethical and Strategic Considerations When Representing Corporate Clients and Their Individual Employees in Litigation," *Labor & Employment Law Update*, New York, NY, May 13, 2010

- "Personal Jurisdiction Based on Internet Presence," CLE Webinar, National Constitution Center, Wednesday, May 5, 2010
- "Personal Jurisdiction Based on Internet Presence, E-mail, Instant Messaging and Other E-Contacts—Leveraging the Evolving Minimum Contact Standards in Commercial Litigation," CLE Webinar, Strafford Publishing Wednesday, January 27, 2010.
- "Electronic Contacts and the Long Arm of the Law," San Jose Search Engine Strategies Conference (SES), August 13, 2009.
- "Electronic Contacts and the Long Arm of the Law," First Annual Cloud Slam 09, world's premier cloud computing event, April 22, 2009.
- "Navigating the Capital Markets in the New Economy: The Indenture Trustee In The Middle Of A Changing Landscape," Kelley Drye & Warren LLP CLE Series, June 5, 2008.
- "Indenture Covenants and Investors Advocating Strict Compliance," American Banker's Association Capital Markets Forum, April 13-15, 2008.
- "Beyond the Bankruptcy Courts: State Law Lender Liability Issues for Secondary Debt Investors," Dealflow Media presentation, January 30, 2008.
- "Strategic & Ethical Issues in Director & Officer Liability Litigation," ACC Corporate Counsel Community Forum, University Club, New York, November 3, 2005.
- "False Advertising Under the Lanham Act and State Law," Kelley Drye & Warren LLP CLE Series, January 29, 2004.

EVENTS

- Financial Regulation and Enforcement Symposium 2011