



## → Robert S. Friedman

### Partner

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Robert Friedman is a partner and Practice Group Leader of the Business Trial Practice Group and is based in the firm's New York office. He is also head of the firm's South Asia team and a member of the White Collar and International Arbitration groups.

### Areas of Practice

Robert focuses on business and corporate litigation matters and internal investigations. He has tried over 70 cases and regularly represents financial institutions, technology companies, media companies and litigation trustees in significant business disputes, including those involving trade secrets, software theft, non-compete, securities and license agreements. He has achieved successful outcomes in the major international arbitral forums and has led numerous internal investigations for clients in all industries.

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

### Honors

Client Choice Award for Litigation in New York, *Lexology*, 2020

New York Super Lawyer, *Super Lawyers*, 2010-2020

2017 Gala Honoree – CITYarts

2017 Commencement Speaker – Martin Luther King High School, NY, NY

"The Burton Award for Legal Achievement," The Burton Foundation, in association with the Library of Congress, 2008

Academic All-American Football Team, 2nd Team

### Experience

#### Trade Secrets, Technology and Intellectual Property Litigation

Won jury trial in New York State Supreme Court Commercial Division for financial management firm in a multi-million dollar trade secret, unfair competition, and corporate raiding case.

Won 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.

Won multimillion dollar jury trial in licensing dispute on behalf of OTC manufacturer.

Won motion to dismiss in the Commercial Division of New York Supreme Court, leading to favorable settlement on behalf of Fortune 100 technology company in connection with allegations of fraud and misrepresentations arising from an asset acquisition.

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

Obtained Temporary Restraining Order in Trade Secrets case in Delaware Chancery Court, leading to Preliminary Injunction and enforcement of extensive restrictions for communications networking company.

Won preliminary injunction trial for textile finishing company accused of counterfeiting by its main competitor. The allegations were based upon DNA markers placed in chemical formulations. During a three-day hearing, discredited the scientific evidence and affirmatively proved the integrity of our client's manufacturing protocol.

Obtained complete dismissal in multimillion dollar ICDR arbitration involving foreign currency adjustments on behalf of international technology company.

Obtained multi-million dollar settlement on the eve of trial and full dismissal of a ten-figure counterclaim for technology company after winning a Daubert motion and other pre-trial rulings in a breach of contract and unfair competition case.

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

Obtained preliminary and permanent injunction for international computer networking company in raiding case.

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 dismissal of tort claims in dispute involving an enterprise resource planning implementation on behalf of an international technology company, leading to a favorable settlement.

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.

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.

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.

## **Securities, Bankruptcy and Real Estate Litigation**

Won trial in bankruptcy court on behalf of a national Special Servicer in connection with enforcement of a CMBS transaction involving nine commercial properties.

Won dismissal of claims against financial advisor in \$60 million RICO and fraud case in Delaware Federal Court and affirmed by the Third Circuit.

Won dismissal of two related \$230 million RICO actions on behalf of financial advisor. Decision was affirmed by the Third Circuit.

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

Won dismissal of all substantive claims against major bank acting as servicer in RMBS deal. Decision was affirmed by the Second Circuit.

Defeated temporary restraining order and preliminary injunction on behalf of a mezzanine lender in connection with a large real estate development project in Brooklyn.

Won injunctive relief on behalf of a large manufacturer in a lease dispute.

Obtained settlement for major bank involving complete dismissal of claims and payment of legal fees after winning pre-trial rulings.

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

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 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.

Obtained control of millions of dollars in art collateral on behalf of a credit opportunity fund after evidentiary hearing and then collected over \$30 million after string of successful motions against several borrowers.

## Articles

- Revisiting the American Rule: Fee-Shifting Strategies for NY Litigators  
*New York Law Journal*, 02.08.2019
- "Setting The Standard For Collaboration With U.S. Firms: India's Tech Sector," *The Metropolitan Corporate Counsel*, November 2014
- "International Arbitration Update: Choosing a Forum In Disputes Arising Out Of India," *The Metropolitan Corporate Counsel*, November 2013
- "Personal Jurisdiction From E-Contacts Remains An Unpredictable Issue," *New York Law Journal*, February 25, 2013
- "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

## **Class Action Defense Strategy Blog Posts**

- "TCPA Class Actions Coming To New York," December 12, 2013

## **Corporate & Securities Law Blog Posts**

- "Second Circuit Holds Forum Selection Clause Supersedes FINRA's Mandatory Arbitration Rule," September 22, 2014
- "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

## **Finance & Bankruptcy Law Blog Posts**

- "Second Circuit Holds RMBS-issued Certificates Are Exempt from the TIA," December 29, 2014

## **New York Commercial Division Round Up Blog Posts**

- "Commercial Division Rules Revamp Encourages International Arbitration Matters In The New York County Commercial Division," January 6, 2016
- "Keeping Up With The Commercial Division(s)," February 24, 2015
- "First Department Refuses to Expand Jurisdiction over Foreign Entities," October 29, 2013
- "Commercial Division Denies Oral Modification and Grants Summary Judgment in Lieu of Complaint," December 17, 2012

## **Trade Secrets Law Blog Posts**

- "The DTSA as a Tool for Foreign Entities' Enforcement of Trade Secrets: A New Legal Frontier," January 29, 2021

## **Media Mentions**

'You Dream of Crosses Like This'

The four attorneys who helped acquit Abacus bank

*2018 New York Metro Super Lawyers*, 10.2018

To Sheppard Mullin Litigators Appearing in Oscar-Nominated Film, Telling 'Great Story' Is a Win

*New York Law Journal*, 03.06.2018

Documentary Featuring Sheppard Mullin Litigators Gets Oscar Nod

01.26.2018

Jury Says Novantas, Execs Owe No Damages In Trade Secrets Dispute

*Law360*, 12.21.2017

Shout-Out: Sheppard Mullin Scores in Unfair Competition Trial

*The American Lawyer*, 12.21.2017

Sheppard Mullin Litigators Make Big Screen Debut

05.15.2017

Samsung, Alcoa Settle \$200M Saudi Metal Plant Dispute  
*Law360*, 08.29.2016

Samsung Slams Alcoa's Bid To Pause Discovery In \$200M Row  
*Law360*, 08.15.2016

Samsung Unit Claims Alcoa Interference Stymied Saudi Project  
*Law360*, 03.30.2016

Scarpulla, Panelists Discuss Efficient Ways to Litigate  
*Commercial Litigation Insider*, 06.09.2014

2nd Circ. Removes Barrier To Flood Of Federal TCPA Suits  
*Law360*, 12.11.2013

Q&A With Sheppard Mullin's Rob Friedman  
*Law360*, 07.07.2011

## Speaking Engagements

"New York State Bar Association Commercial Litigation Academy 2019," November 14-15, 2019

"Winning in the U.S. - Key Legal Topics and Updates for 2018," Indo American Chamber of Commerce, Mumbai, India, February 2018

"New York State Bar Association's Commercial Litigation Academy 2017," May 4-5, 2017

"TechLaw Litigation," TechLaw Institute 2015: The Digital Evolution, Practising Law Institute, San Francisco, CA, May 14-15, 2015

"TechLaw Litigation," TechLaw Institute 2015: The Digital Evolution, Practising Law Institute, New York, NY, April 8-9, 2015

"New York State Bar Association's Commercial Litigation Academy 2014," June 5-6, 2014

"Current Developments in Federal Civil Practice 2013 - Technology and Ethics," Practising Law Institute, January 30, 2013

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

## Events

Timely Topics Facing Indian Lawyers and Chief Legal Officers  
Hosted by Sheppard Mullin and the USIBC Mumbai Program  
12.01.2017

Timely Topics Facing Indian Lawyers and Chief Legal Officers  
Hosted by Sheppard Mullin and the USIBC  
12.14.2015

Timely Topics Facing Indian Lawyers and Chief Legal Officers  
Hosted by Sheppard Mullin and the USIBC  
12.08.2015

Sheppard Mullin Seminar For The New York Korea Trade-Investment Promotion Agency ("KOTRA")  
Protecting Your Business Interests: How to Successfully Operate a Business Under the Laws of the United States  
08.28.2015

Financial Regulation and Enforcement Symposium 2011  
A Conversation With the Agencies  
New York Athletic Club, 180 Central Park South, New York, NY 10019, 03.10.2011

Spring 2010 - Labor & Employment Law Update  
W New York 541 Lexington Avenue (Between 49th and 50th), 05.13.2010

## Memberships

Iron Will Foundation, Board Member  
ABCNY, 9/11 Project  
Oval Club – Tufts University

## Podcasts & Webinars

Nota Bene Episode 110: Mapping U.S. Domestic and Extraterritorial Trade Secret Protection and Enforcement with Robert Friedman  
01.27.2021

## Practices

Litigation  
Securities Enforcement  
White Collar Defense and Corporate Investigations  
Intellectual Property

International Reach

South Asia

International Arbitration

International Arbitration

Korea

Trade Secrets

## 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, Third, Sixth, and Ninth Circuits

U.S. Court of Appeals – Federal Circuit

U.S. District Court – Southern, Eastern, and Northern Districts of New York

U.S. District Court – Eastern District of Wisconsin

U.S. District Court – Western District of Michigan