



# Business Torts

## CONTACT CHAIR

Raymond McGarry  
267.570.0789 Email

Mary Kay Brown  
267.861.5331 Email

## PEOPLE

Mary Kay Brown

Andrew Eckert

Scott Klein

Raymond McGarry

Jami Nimeroff

## INDUSTRIES

Banking and Financial  
Services

Government

Healthcare

Media

Professional Services

Real Estate

Technology

## Overview

### STANDING UP FOR YOU AND YOUR BUSINESS

Business torts are claims that focus on the harm that an individual or business entity suffers as a result of dishonest acts or false statements made in a commercial context. Although not in all cases, these matters tend to arise when a contract does not exist between the parties. Business torts can cause severe damage to a company's finances and reputation, as well as its ability to retain or attract clients.

Business tort claims are not always apparent. Determining their viability requires a thoughtful assessment of the facts and careful research regarding the governing law. We have successfully handled business tort claims throughout the tri-state area, involving:

- Fraudulent misrepresentations (both intentional and negligent)
- Interference with existing or prospective client relationships
- Commercial Disparagement
- Fraudulent conveyance
- Unfair trade practices and competition
- Breach of fiduciary duty
- Theft of intellectual property (such as stealing trade secrets or the unauthorized use of trademarks and patents)

### EXPERIENCE

- Prosecution of fraud, civil conspiracy and aiding and abetting claims against two Am Law 100 law firms and a global appraisal firm in connection with a multi-million dollar investment in real estate.
- Represented major real estate developer in defense of fraudulent transfer litigation seeking recovery of \$20 million arising from the Arthur D. Little bankruptcy case in Massachusetts.
- Successfully defended a former employee against alleged violations of the federal and Pennsylvania Stored Communications Acts.

- Litigated disputes involving consumer protection laws and consumer fraud acts in federal and Pennsylvania courts.
- Prosecuted confession of judgment action and defense of lender liability claim resulting in complete recovery of debt as well as an award of \$500,000 in attorneys' fees.
- Successfully prosecuted claim of financial advisor against former employer for \$1.1 million in commission and capital in the business.
- Successfully represented clients in major copyright cases, securing both monetary settlements and a consent order that client owned and had validly registered its copyright and was the original author of the infringed work.
- Successfully represented national IT staffing company in action against former president who sold his company to the client and then formed and "incubated" directly competitive businesses by stealing key management personnel and utilizing company resources.
- Represented financial institution in borrower lawsuit alleging breach of contract and conversion which concluded with the voluntary withdrawal of the complaint against the bank.
- Achieved favorable settlement for investors in real estate transaction where \$1 million deposit was wrongfully released from escrow and the deal never closed.
- Secured preliminary injunction for client preventing the disposition of proceeds from the sale of property in anticipation of proof of partnership and request for charging order, and successfully negotiated resolution of dispute after a bankruptcy filing by putative partner.
- Successfully represented purchaser of business under stock purchase agreement in private arbitration and related state court litigation involving claims brought by purchaser for breaches of financial representations and warranties made in the agreement and claims brought by seller of business.
- Significant jury verdict on behalf of a client in the health services industry who sought damages for fraud in the inducement in connection with the purchase of a medical practice.
- Successfully defended a former government official from breach of fiduciary duty claims brought by her former employer.
- Obtained favorable arbitration award for founder of financial investment business who was the subject of a majority shareholder freeze out.
- Achieved significant settlement for Maine jewelry artist against national jewelry company for copyright infringement.