



Practice

Litigation

Experience that sets precedent

Every law practice has its cornerstone. At Jaspan Schlesinger LLP, that cornerstone is our litigation practice group. Our team includes more than a dozen skilled litigators whose experience spans a wide range of disputed matters brought before state and federal courts and administrative tribunals. Our attorneys have impressive professional records, and included among them are:

- Retired judges
- Former law secretaries and judicial clerks
- A former assistant attorney general and assistant corporation counsel
- Arbitrators and mediators
- Lawyers with decades of experience in private practice

We are proud to have been involved in a number of precedent-setting cases that have received attention from both the bar and the media.

Commercial and Business Litigation Is at Our Firm's Core

At the heart of what we do is commercial and business litigation, a multifaceted focus in which we have taken countless cases from inception through a jury verdict or bench decision. These cases include:

- Derivative actions
- Corporate dissolution proceedings
- Partnership and shareholder disputes
- Franchise litigation
- Insurance coverage disputes
- Securities litigation
- Proceedings involving restrictive covenants, unfair competition, misappropriation of trade secrets and antitrust violations
- Contract and quasi-contract actions
- Business tort litigation including claims of breach of fiduciary duty, fraud and misrepresentation and tortious

interference

Because Jaspan Schlesinger LLP is a full-service law firm, our litigators routinely call upon the expertise of attorneys in other departments who are subject matter specialists. This allows us to provide a more robust, holistic approach to representing clients in a variety of industries, including:

- [Real estate](#) developers, investors, financiers and brokers
- Physicians and medical practices
- Attorneys and law firms
- Manufacturers, wholesalers, and distributors
- Restaurants and hotels
- Salespeople
- [Banking and financial institutions](#)
- [Estate and trust fiduciaries](#)
- Corporations and shareholders, limited liability companies and members, partnerships, and joint ventures
- Insurers and insureds
- Insurance brokers and agents

We Know That Each Client's Definition of Success Is Different

Jaspan Schlesinger LLP has concentrated on litigated matters throughout our firm's 70-year history. The litigation attorneys in our Garden City and Suffern, NY, offices are dedicated to learning the needs and goals of each client, and are success-driven strategists who understand wins don't just come in court. We'll carefully examine your case to determine if it might be better resolved through [alternative dispute resolution](#), like private judging or private settlement, mediation, or if other non-litigation courses of action might make more sense for your unique circumstance.

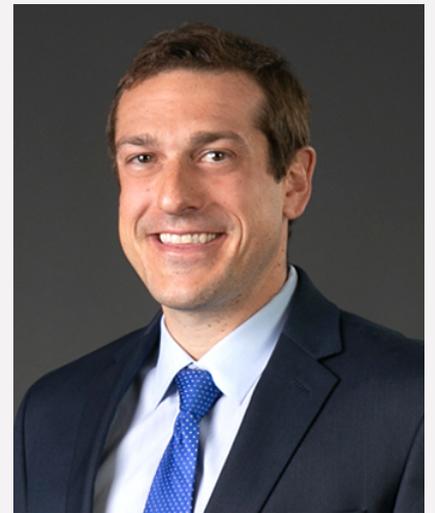
Attorneys



Marci S. Zinn
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Case studies

Herman v. Herman

Successful Defense of Employee Theft and Unfair Competition Claims

In this hotly contested matter, we represented a trust beneficiary in litigation against her brother, who allegedly induced a trustee to assist him in stealing the trust's interests in six prime Manhattan properties. The scheme was elaborate and unknown to the trust beneficiary for many years prior to our retention. Her brother vigorously contested the litigation, even going so far as to destroy and withhold evidence despite repeated orders of the court directing him to provide the trust beneficiary with information. Through persistence and vigorous advocacy, we persuaded the court to dismiss all of the beneficiary's brother's defenses and hold him liable without further proceedings based upon his misconduct in the discovery process. Then, based upon additional misconduct, we successfully argued that the beneficiary's brother should be barred from participating in a hearing to determine the amount owed to his sister. This litigation "death penalty" sanction is extremely rare and resulted in an appeal to both New York's intermediate appellate court and its highest court. Jaspan Schlesinger LLP prevailed at every level.

After the subsequent damages hearing, the trust beneficiary was awarded a one-half interest in 952 Fifth Avenue, New York, New York, and a money judgment of more than \$100 million. The judgment was also affirmed on appeal.

Dual Purpose v. Hadjandreas

In this case, Jaspan Schlesinger LLP represented two former employees of the plaintiff corporation, and the business that they founded after leaving the plaintiff's employ. The plaintiff claimed that the former employees had stolen from the company by paying for personal expenses with corporate checks, and that they had tortiously interfered with the company's relationships with its clients. Having an intimate knowledge of corporate tax reporting, we believed that we could disprove the theft claim by obtaining the company's tax returns and showing that the very same expenses the corporation claimed were personal and unauthorized had been deducted from its taxable income as legitimate business expenses. Though the corporation resisted our attempts to obtain their tax returns during discovery, we successfully argued to the Court that they should be produced.

In the end, our intuition proved correct and all of the allegedly unauthorized expenditures had been taken as deductions on the corporation's returns. This enabled us to obtain a summary dismissal of the case before any party even sat for a deposition, saving our clients significant time and expense.

Matter of Koepfel

Obtained Verdict Exceeding \$7 Million in Breach of Contract Trial

Jaspan Schlesinger LLP represented two law firms in this proceeding against their former client for breach of contract. The firms had entered into a retainer agreement with their client under which they would be paid a percentage of any settlement of the client's litigation with his family members concerning their interests in certain trusts and estates worth hundreds of millions of dollars. However, when a settlement was reached, the client refused to pay, spawning a decade-long litigation over, among other things, what the settlement had been worth to the firm's client.

Our attorneys acted as lead counsel in a 10-day breach of contract trial, during which the law firms' client attempted to show that, because of estate taxes, the underlying settlement was not actually worth anything to him and the law firms were not entitled to a fee. Adopting a multipart strategy, we were able to disprove this argument. We first showed that the parties' contract clearly prohibited estate taxes from being considered in calculating the firms' fee. We further showed through cross-examination of the firms' client and his expert witnesses that estate taxes could not be considered, because such taxes could not be calculated accurately until an unknown future date. As a result, the court concluded that the settlement was worth tens of millions of dollars and awarded our clients a fee of more than seven million dollars including interest.

Simultaneously, because the client had violated numerous court orders during the time the lawsuit was pending, we proved during a separate trial that the firms' client was guilty of criminal contempt of court. The court imposed a fine against him and sentenced him to incarceration as a result.