



## Louis Orbach

### Member

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## Profile

**Lou is co-chair of the class and collective action litigation practice. He has tried cases to jury and bench, argued appeals, arbitrated and mediated disputes, and counseled clients in high-stakes matters of contention across New York State and around the country for more than 30 years.**

Lou has defended clients in collective and class action lawsuits under the FLSA, the New York Labor Law, ERISA, the ADEA, and consumer protection statutes.

In one recent case, Lou led the defense team that obtained the early dismissal of a putative class action alleging claims of deceptive trade practices and false advertising against one of the country's largest furniture retailers.

In another case, Lou led the team that successfully pursued a pre-discovery challenge to a putative FLSA collective action brought against a major hospitality client. The strategy was based on a little-used exemption defense and resulted in a voluntary dismissal of the federal court action by plaintiffs' counsel.

Lou has defended clients facing benefits-related class action lawsuits under ERISA and the ADEA, including stock drop and cash balance plan conversion cases. The Second Circuit affirmed summary judgment on all counts for one of Lou's clients, a large energy-industry employer with operations across New York State, in an ERISA case brought by a group of employees asserting claims of contractual vesting, promissory estoppel, breach of fiduciary duties, anti-inurement violations, and prohibited transactions allegedly arising out of an amendment to the company's retiree welfare benefits platform.

## Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*®, Commercial Litigation; Litigation - ERISA, 2012-2026 (listed for more than 10 years)
  - *New York Super Lawyers*®, Business Litigation, 2024-2025
- New York State Bar Association
- Massachusetts Bar Association
- Onondaga County Bar Association
- District of Columbia Bar Association
- Federal Practice Committee, NDNY Federal Court Bar Association

## Education

- University of Michigan Law School (J.D., *magna cum laude*, 1993)
- University of Illinois (B.S. 1990)

## Bar/Court Admissions

- New York
- Massachusetts
- District of Columbia
- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

## Practices

- Higher Education
- Litigation
- Intellectual Property
- Employee Benefits and Executive Compensation
- Business Restructuring, Creditors' Rights and Bankruptcy
- Class and Collective Action Litigation

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- Mediator, ADR Mandatory Mediation Program, Northern District of New York

### Representative Publications

- "Don't Overlook CPLR § 901(b): New York's Protection Against Class Actions for Statutory Penalties," *Bond Complex Litigation Quarterly*, Spring 2015

### Representative Presentations

- An Interview with Louis Orbach, Trademark Litigation, Legally Bond Podcast, May 8, 2023

### Other Activities

- Board of Trustees, Cazenovia Public Library
- Campaign Cabinet, Jewish Federation of Central New York, 2019 & 2020
- Past Member, Board of Education, Cazenovia Central School District
- Past Member, Board of Trustees, Temple Society of Concord
- Past Vice Chair, Town of Cazenovia Zoning Board of Appeals
- Past Executive Board Member, Syracuse Jewish Federation
- Past Board Member, Cazenovia Lake Association
- Past Board Member, Hiscock Legal Aid Society
- Past Board Member, Menorah Park
- Past Board Member, WJPZ, Inc.
- 2008 Syracuse 40 Under 40 Honoree