

## Complex Litigation

### Overview

Our clients entrust their high-stakes legal matters to the complex federal and commercial litigation practice at Bond because our approach is strategic, effective and efficient.

Bond's litigators have deftly handled class and collective actions, derivative actions, multi-district litigation, and numerous sophisticated cases in federal and state courts and arbitral forums throughout the United States. Our exceptional wealth of experience and diversity ready us to assemble a lean and high-caliber litigation team to meet the specific needs of each particular matter.

With the end-game always in mind, we collaborate closely with our clients to craft and implement creative and successful strategies to reach the best and most cost-effective resolutions as early as possible. And while we strive to reach favorable outcomes well before a case reaches trial, in those instances where it's best to try a case, Bond has a remarkable depth of courtroom experience to see the matter through in both trial and appellate courts.

Our attorneys possess experience with a wide range of complex federal and state litigation, including:

- Class actions, collective actions, derivative actions, and other aggregate and multi-party cases;
- Civil and criminal antitrust litigation and government investigations;
- ERISA fiduciary liability and benefits litigation, including stock drop, plan conversion, prohibited transaction, and anti-inurement cases, as well as U.S. Department of Labor investigations;
- Federal securities law claims involving securities fraud, Investment Advisor Act claims, proxy and corporate takeover disputes, corporate governance claims, and FINRA proceedings;
- False Claims Act (*qui tam*) investigations and litigation;
- Whistleblower litigation before OSHA and in federal court under the Sarbanes-Oxley Act, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act;
- Intellectual property litigation, including patent, trademark and copyright infringement cases;
- FLSA and state law wage-and-hour litigation;
- Racketeer Influenced and Corrupt Organizations Act (RICO) claims;
- Trade secret misappropriation cases;
- Consumer fraud litigation; and
- Major bankruptcy court adversary proceedings.

The litigators in Bond's complex federal and commercial litigation practice have built an extensive record of successful engagements which include:

- Obtained early dismissal of three direct purchaser antitrust class actions against major agricultural cooperative.

### Primary Office Contacts

#### Albany, NY

Stuart F. Klein

#### Buffalo, NY

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#### Saratoga Springs, NY

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Louis Orbach

- Obtained summary judgment on all counts for a large utility, in a 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.
- Defeated a motion for preliminary injunction in a trade secrets case between federal defense contractors in the cybersecurity industry.
- Obtained the dismissal of a putative class action alleging claims of deceptive trade practices and false advertising against one of the country's largest furniture retailers.
- Obtained a preliminary injunction against a multi-national conglomerate on behalf of a local medical products manufacturer in a trademark infringement action the *New York Law Journal* called a case of "David versus Goliath."
- Defended medical technology company against retaliation complaint under the whistleblower provisions of the Sarbanes-Oxley Act, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act, filed first with the Occupational Safety and Health Administration and then in federal district court.
- Successful representation of regional airline company and its officers and directors through trial and appeal against direct and derivative claims by ESOP participants asserting breach of fiduciary duty and prohibited transaction claims under ERISA and state law claims for breach of contract and corporate waste.
- Obtained summary judgment dismissing ERISA class action challenging a manufacturer's distress termination of collectively bargaining pension plan.
- Obtained summary judgment (affirmed on appeal) dismissing an FLSA "off the clock" – donning and doffing collective action.
- Successfully defended solution coating and printing machine manufacturer against claims of trade secret misappropriation, unfair competition, and breach of non-compete agreements.
- Represented regional bank in consumer class action challenging repossessions of motor vehicles in New York and Pennsylvania.
- Represented regional bank in consumer class action challenging the imposition of overdraft fees in New York and Pennsylvania.