



Royer Cooper
Cohen Braunfeld LLC

**Resolving challenging and complex
disputes with pragmatic solutions.**

Dear Colleagues and Friends,

It is with immense gratitude that we share with you RCCB's inaugural Litigation Year in Review, highlighting some of our most noteworthy achievements in 2020 on behalf of our clients during a year of wide-spread challenges. Our group innovated to support our clients comprised of well-known public companies, established private entities, as well as start-ups and investors in a broad array of sectors including financial services, health-care and life sciences, manufacturing, technology, telecommunications, food and beverage, and transportation.

Our litigation team, now 16 members strong, has attracted exceptional talent over the past few years and broadened our capabilities to handle sophisticated local, regional and global matters. Despite the unforgettable challenges of the past year, our experienced team carefully tailored our approach and strategy to help our clients achieve their goals. Extensively trained as commercial and specialized litigators at premier firms, our litigation team has been top-ranked and recognized by prestigious publishers such as Chambers USA, Martindale-Hubbell, Best Lawyers, Super Lawyers, World Trademark Review, The Legal Intelligencer, and the Philadelphia Business Journal, among others. And, as we prevailed against some of the largest law firms in America, we represented local and national companies in matters involving breach of contract, partnership disputes, shareholder and fiduciary duty claims, unfair trade practices, intellectual property/unfair competition, and real estate and technology disputes.

It remains our privilege and pleasure to serve each of our clients, and we wish you all a safe and healthy 2021.

Barry L. Cohen
Partner

Matthew Faranda-Diedrich
Partner

RCCB Successfully Defends Client Against Trade Secret Allegations Over Holiday Weekend

The Plaintiffs, initially granted a TRO, asserted that they had a substantial likelihood of success on their claims of trade secret misappropriation and tortious interference, and sought an appointment of a receiver. With a team effort, RCCB responded to the motion for a preliminary injunction just before the Thanksgiving holiday, which was followed by a five-hour evidentiary hearing before the Court. The Court agreed with our client's position, rejected the Plaintiffs' trade secret allegations (among others), denied the preliminary injunction, and dissolved the TRO.

RCCB Prevails Against International Company Represented by Am Law 100 Firm in Partnership Dispute

This matter involved our client, a limited partner, and its dispute regarding its redemption out of a fund. The limited partner claimed it was defrauded initially and later was forced out improperly while still being owed more than \$1,000,000 in additional compensation above and beyond the redemption amount already paid. The matter involved several complicated and detailed valuation issues and the overlay of an intricate partnership agreement. Our adversary was a large international company that

hired an Am Law 100 firm. Our client won on nearly all of the limited partner's claims after a week-long arbitration, and the other side's claims for attorney's fees and interest were also defeated.

RCCB Finds Fatal Deficiencies in Restrictive Covenants, Leading to a No-pay, Walk-away Victory

This matter involved breach of restrictive covenant claims made by a national audio-visual systems firm against our clients, a smaller competitor in the space, and their employees who previously worked at the national company. If successful, the claims would have hampered our clients' ability to operate in a crucial market and caused significant financial hardship to the employees who would be forced to sit out of work for an extended period of time. The national company moved aggressively by filing for a TRO and other preliminary relief. After RCCB convincingly briefed and argued the issues, the Plaintiff dismissed all claims against our clients without any payment or settlement because we had pointed out fatal deficiencies in the restrictive covenants that, if ruled upon by the Court, could have negatively impacted business operations on a national scale.

RCCB Manages Massive Forensic Collection in Chapter 11 Proceedings

In response to a subpoena pro-pounded by the Official Committee of Unsecured Creditors in Chapter 11 proceedings, RCCB managed a forensic collection, including processing, review and production of ESI on behalf of 146 client entities situated across 56 different international jurisdictions, with an initial data scope in excess of 850,000 documents (3TB of total data) in 96 different languages. RCCB managed a 160 person document review team based in Chennai, India, and a 40 person tier two review team located in the United States.

RCCB Successfully Navigates Entertainment Client Lawsuits From State to Federal Court in Texas Resulting in All Matters Voluntarily Dismissed

RCCB's entertainment-based client was sued multiple times on claims of copyright infringement and breach of contract. We were successful in transferring all cases from State Court to Federal Court in Texas and winning voluntary dismissal of all claims, and then having all matters dismissed without our client paying any monies whatsoever.

RCCB Successfully Defends Real Estate Holding Co. and Its Investors in a 2.2 Million Dollar Judgment Enforcement Action

RCCB nimbly defended a multi-state real estate holding company and its foreign investor principals against a \$2,200,000 judgment enforcement action prosecuted simultaneously in several state and federal courts. RCCB created offensive leverage, where there otherwise was none, by filing a class action lawsuit in Federal District Court alleging violations of the 8th Amendment prohibition on excessive fines, ultimately leading to a favorable settlement outcome for our clients.

Software Company Accusations of Infringement, Unfair Competition and Cybersquatting Dismissed With Zero Dollars Paid

Our client, a leading provider of software solutions to pharmaceutical clinical trials, was accused of trademark infringement, unfair competition, cybersquatting, and dilution in Federal Court. After filing a motion to dismiss, RCCB was successful in forcing the Plaintiff to dismiss its claims with zero dollars being paid by our client.

RCCB Assists Global Social Media Company with Motion to Dismiss a Claim of Breach of Rights

In Federal District Court, RCCB assisted a global social media company in obtaining an order dismissing a claim brought by a reporter. The dismissal, in a case of first impression in the Third Circuit, was based on Section 230 of the Communications Decency Act.

Settlement of Long-standing Dispute and Break-up of Multi-family Partnerships Results in Continuation of Business

RCCB assumed the representation of an owner in a long-standing dispute and break-up of several multi-family member partnerships, and was able to guide the parties to an amicable settlement agreement allowing for the business to continue operating.

RCCB Finds Agreeable Solution in Intellectual Property Misappropriation Matter

RCCB found a business solution for a private equity client that was locked in a bitter dispute with former employees accused of misappropriating the company's intellectual property by facilitating a sale of the company and settlement of all claims.

RCCB Provides Guidance to Businesses with Employment Law Compliance and Litigation Avoidance During Pandemic

In the midst of the pandemic, RCCB navigated its clients through an ever-evolving landscape of workplace laws, rules, and regulations that challenged employers as never before. RCCB advised employers on COVID-19-related compliance, administration of government paid leave programs, workplace safety, reductions in force, furloughs, wage and hour issues, and countless other areas of the law implicated by the catastrophic impact of COVID-19. And, RCCB continued to provide a full suite of employment law-related services in addition to the defense of employers in litigation, acting as substantial support to internal HR for many clients, and effectively outsourced HR for others.

RCCB Defends One of the Largest Third Party Logistics Companies on Several Matters

RCCB continues to defend a Fortune 500 publicly traded third-party logistics company, in cases involving serious personal injury matters and contractual disputes, and has routinely resolved challenging and complex claims through dispositive motion and strategic discovery practice.

RCCB Reaches Settlement on Eve of Trial, Exceeding Client and Board of Directors' Goal

A public company and its executives were sued in Federal Court by one of its founders and former CEO for conspiracy, breach of contract, defamation and wrongful use of civil proceedings, all related to a prior lawsuit against the Plaintiff stemming from issues related to the formation of the company through its reverse merger into a publicly traded company. RCCB took the case over after the initial pleading from another well-respected Philadelphia law firm to the eve of trial when we were able to reach a settlement that exceeded the goals of the client and its Board of Directors.

RCCB Obtains Court Order Holding Fund Manager in Contempt

RCCB's client was an investor in a fund whose manager mismanaged and misappropriated the fund's assets, and made misrepresentations regarding his qualifications with regard to private equity funds. After the manager failed to reply to both an informal demand for inspection and a formal books and records complaint, RCCB successfully obtained a court order holding the manager in contempt and securing the appointment of a receiver, both of which are seldom granted remedies.

RCCB Manages Portfolio of Cases for Fortune 500 Insurer

RCCB continues to defend its institutional client, an international Fortune 500 insurer, in claims litigation throughout the region and in multiple forums, defending and successfully resolving litigation involving claims handling and interpretation of insurance policy provisions. These matters often arise in the wake of catastrophic losses and require detailed fact investigation and complex discovery.

RCCB Succeeds in Significant Victory for Restaurateur

RCCB represented a Plaintiff in a breach of lease suit against an international food chain for a faulty fit out of their restaurant space. RCCB succeeded in obtaining a large settlement amounting to a significant and unexpected victory for our small business client.

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