

Litigation

- Representation of businesses, institutions, public entities, and individuals in complex commercial and civil disputes in state and federal courts, administrative proceedings, arbitration, and mediation
- From routine business disputes to high-stakes “bet-the-company” cases across commercial, construction, employment, environmental, healthcare, product liability, real estate, and fiduciary matters
- Breach of contract, shareholder and partnership disputes, fraud and financial misconduct, employment and professional liability claims, environmental cost recovery actions, construction and real estate disputes, and catastrophic personal injury matters

Greenbaum is broadly acknowledged as the home of one of New Jersey’s premier litigation teams, with a longstanding and well-earned reputation for the effective representation of clients across a comprehensive range of practice areas. We represent small businesses, middle market companies, multinational entities and institutional firms operating in a wide variety of industries. We also represent trade associations, public sector entities, and individuals including corporate executives and shareholders.

Our most significant resource is the broad and diversified experience of our litigators. We have litigated virtually every type of business, commercial or personal dispute. Our attorneys appear regularly in New Jersey state and federal courts, before regulatory agencies and other governmental bodies, and in mediation and arbitration proceedings. The matters we handle range from routine disputes and “cost of doing business” cases to complex litigation, including high-profile “bet the company” conflicts. Regardless of the size and nature of the matter, we start with an understanding of the client's specific goals and expectations.

Some litigation cases are best resolved through negotiation, while others must proceed to trial or arbitration and the outcome defended or challenged on appeal. The planning and implementation of an appropriate litigation strategy to meet a client’s goals and objectives involves more than legal and factual analysis – business or personal circumstances, and financial considerations must always be part of the equation. Our objective is to

master the facts of a specific case and the applicable law, analyze the big picture, and move ahead with a winning strategy.

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Experience

Representative Matters

- Representing a nationwide equipment distributor in multi-jurisdictional successor-liability litigation involving alleged exposure exceeding \$150 million, defending claims that the client assumed liabilities of a separate company through intellectual property licensing arrangements. The matters include actions pending in New Jersey and California federal courts, with motions to dismiss pending, as well as representation of a company principal in a related Chapter 11 bankruptcy proceeding in New Jersey.
- Serving as long-standing New Jersey litigation counsel to Massage Envy Franchising, LLC, defending the national franchisor in multiple matters alleging assault by individuals at local franchise locations. Successfully obtained summary judgment dismissing claims against the franchisor on the grounds that it is not liable for alleged misconduct of franchisee employees acting outside the scope of employment; currently defending that ruling on appeal while managing additional matters in discovery.
- Obtained a complete defense verdict following a full trial in Essex County Superior Court, defeating claims for tortious interference and breach of loyalty against a business accused of hiring a salesperson who allegedly misappropriated confidential pricing information.
- Successfully secured summary judgment in New Jersey Superior Court on behalf of an accountant accused of defamation, civil conspiracy, tortious interference, and emotional distress, arising from his audit of an international company that uncovered alleged financial misconduct. The firm's representation resulted in all claims against the accountant being dismissed.
- Represented a former PSE&G project manager in whistleblower and discrimination claims under New Jersey's Conscientious CEPA and LAD, alleging retaliation for reporting environmental violations involving contaminated wastewater. On appeal, the New Jersey Appellate Division reversed the trial court's dismissal and order compelling arbitration and remanded the matter for proper consideration, reviving the client's claims and restoring his right to judicial review.
- Representing a major property company and its affiliates in a series of Consumer Fraud Act and construction-defect lawsuits arising from the development and sale of luxury condominium units along Jersey City's Hudson River "Gold Coast." The matters involve claims under the New Jersey Consumer Fraud Act, Planned Real Estate Development Full Disclosure Act, and related tort and contract theories, including alleged construction defects, loss of New York City views, and unit size disputes. Several cases have been tried to verdict and others

- resolved through settlement; current litigation involves claims by 19 plaintiffs alleging unit size discrepancies.
- Resolved a malpractice action against an accountant asserting over \$1.5 million in damages through a favorable settlement on the first day of trial and separately settled a related fraud action in New York Supreme Court after three days of trial.
 - Represented an individual defendant in a complex civil action in federal court involving allegations of identity theft, wire and mail fraud, and related RICO claims. The firm successfully challenged the claims, several of which were dismissed with prejudice with others dismissed without prejudice.
 - Represented a global investment bank in a FINRA arbitration against a leading global wealth management firm concerning alleged solicitation of clients and misuse of proprietary information by former employees. Achieved a favorable settlement following mediation in a matter involving \$55 million in claimed damages after the firm replaced national counsel in this matter.
 - Represented a coalition of New Jersey hospitals in a \$300 million constitutional challenge to the State of New Jersey's charity care and Medicaid reimbursement regime, defending the hospitals' takings claims through summary judgment, Appellate Division review, and New Jersey Supreme Court proceedings, resulting in published decisions affirming dismissal of the claims. The hospitals filed a petition for certiorari with the Supreme Court of the United States, which was denied.
 - Representing two New Jersey health systems in high-stakes litigation against multiple Medicare Advantage plans seeking recovery of approximately \$5 million in underpaid 340B drug reimbursements, following a U.S. Supreme Court decision invalidating the Center for Medicare and Medicaid Services' reimbursement reductions; matters are proceeding toward mediation and arbitration.
 - Represented the New Jersey Schools Development Authority in long-running condemnation and environmental remediation litigation, securing recovery of more than \$4 million in escrowed funds to reimburse cleanup costs incurred by the client.
 - Secured a complete defense verdict for an attorney client facing an eight-figure legal malpractice claim arising from alleged conflicts of interest tied to a mezzanine financing transaction following the real estate market collapse, eliminating all exposure at trial.
 - Resolved multiple legal malpractice matters for law firm clients after the unexpected collapse of their primary professional liability insurer, navigating coverage gaps created by reinsurance insolvency and adverse New Jersey Guarantee Fund rulings to achieve favorable outcomes despite the absence of statutory coverage protection.
 - Advised a general contractor on emergent insurance coverage strategy following a catastrophic crane accident at a New York City high-rise project, mitigating exposure stemming from an uninsured and insolvent subcontractor and addressing tens of millions of dollars in project delay losses.
 - Resolved a seven-figure contract dispute on behalf of a pharmaceutical manufacturer involving alleged marketing and development obligations tied to a new prescription drug, avoiding protracted litigation and business disruption.
 - Representing an emergency medicine physician practice in a dispute exceeding \$11 million against UnitedHealthcare and affiliated entities arising from post-breach recoupment efforts following the Change

Healthcare cyber incident, advising on recovery of lost revenue and structuring a resolution to preserve the practice's financial viability.

- Obtained a seven-figure jury verdict in a wrongful death action, securing substantial economic and non-economic damages for the decedent's surviving children after prolonged life support and failure-to-assist claims.
- Representing targets and key witnesses in federal and state healthcare fraud and Medicaid fraud investigations , including matters involving potential exposure exceeding \$14 million, restitution risk, and incarceration, before New Jersey and New York authorities and the U.S. Attorney's Office for the Eastern District of New York.
- Representing a clinical director subpoenaed by the New Jersey State Commission of Investigation in a wide-ranging inquiry into addiction treatment facilities involving alleged improper referrals, ownership structures, and quality-of-care concerns, with potential industry-wide reimbursement implications in the hundreds of millions of dollars.
- Representing a physician practice owner in a seven-figure action for diversion of assets against a practice management company, seeking recovery of misappropriated funds and restoration of operational control.
- Defending a large public entity against NJLAD and CEPA, and New Jersey Civil Rights Act claims, successfully narrowing the case at the outset through targeted motion practice while managing sensitive discovery, document production, and e-discovery vendor coordination.
- Assisted in the defense of a large public entity in federal employment litigation asserting constitutional and statutory claims, including alleged violations of the NJLAD, the Equal Protection Clause, and the New Jersey Civil Rights Act. The matter involved multi-forum motion practice, federal discovery and pretrial proceedings, a remand to state court, and dispositive briefing, and ultimately resolved without trial.
- Representation of a major healthcare system in litigation brought by a former physician alleging wrongful termination of privileges and antitrust and Lanham Act violations, resolving the matter through a favorable settlement.
- Represented a New Jersey healthcare system in defense of antitrust and tort claims brought by a pediatric surgeon following revocation of privileges, securing a negotiated resolution.
- Represented Dun & Bradstreet in a contract and collections dispute arising from a customer's alleged data-usage overages and related counterclaims, successfully defeating disqualification and dismissal efforts and securing a favorable settlement following the customer's acquisition.
- Represented a New Jersey healthcare system and its Chair of Surgery in litigation brought by a trauma surgeon challenging a summary suspension of medical staff privileges. Following reinstatement through internal proceedings, the firm continued to defend the client in this \$2.4 million action, which settled before trial.
- Successfully defended an executor against challenges to a complex administration involving the succession and continued operation of privately held businesses within a multi-million-dollar estate.
- Representing 170 hospitals nationwide before the Medicare PRRB in challenges to CMS' historical calculation of IPPS rates dating to federal fiscal year 1986. The matter, valued in the hundreds of millions of dollars, seeks correction of longstanding reimbursement underpayments and remains pending before the PRRB.

- Representing over 300 hospitals nationwide in Medicare PRRB and federal court litigation challenging CMS' application of the rural floor budget neutrality factor affecting federal fiscal year 2024 wage indices. The firm's team secured expedited judicial review and filed suit in the U.S. District Court for the District of Columbia seeking declaratory relief and damages.
- Secured a substantial victory for a New Jersey commercial real estate brokerage firm following an eight-day bench trial involving unpaid commissions under an exclusive leasing agreement for an industrial warehouse. The court awarded commissions on multiple lease tranches totaling approximately 168,000 square feet, plus interest and attorneys' fees, resulting in a recovery of approximately \$2 million.
- Representing a multinational manufacturing and technology company in a multi-party CERCLA cost-recovery and contribution action involving alleged contamination of a Northern New Jersey waterbody and surrounding wetlands.
- Representing a multinational environmental services company in a complex NJDEP matter arising from a decades-old fuel oil discharge, securing site access for remediation and pursuing a technical impracticability determination designed to significantly reduce long-term regulatory obligations and remediation costs.
- Represented a public entity as defense trial counsel in a New Jersey Superior Court NJLAD and CEPA action tried to verdict during a four-week trial, obtaining favorable rulings that narrowed compensatory damages, eliminated punitive damages exposure, and excluded prejudicial evidence prior to verdict, significantly reducing overall risk.
- Successfully defended a public entity and public officials in a high-profile NJLAD challenge to enacted legislation, securing dismissal of all race and gender discrimination claims and eliminating exposure exceeding \$5 million. The court affirmed the legislature's plenary authority and rejected plaintiffs' core legal theory; the decision was not appealed.
- Representing a state law enforcement agency and senior leadership in multiple companion civil rights actions, obtaining partial dismissals across four matters that significantly narrowed statutory claims and limited individual liability, reducing exposure in litigation exceeding \$15 million.
- Obtained summary judgment in the U.S. District Court for the District of New Jersey on behalf of a state judicial agency, defeating federal civil rights and NJLAD disparate treatment and disparate impact claims asserted by employees, resulting in dismissal of all claims without appeal.

Published Cases

- In *Harrington, et al v. Director, Division of Taxation, et al.* (2016), represented the plaintiffs, a group of former co-workers who won a \$216 million jackpot in New Jersey's Mega Millions lottery. When the plaintiffs purchased their ticket and received their winnings, New Jersey law exempted lottery winnings from state income tax. However, months later, the rules were changed to retroactively tax lottery winnings, including plaintiffs' winnings. Plaintiffs prevailed in the Tax Court, which ordered the State to fully refund plaintiffs' state income tax on their winnings, plus interest.
- In *The Geon Company v. Cary Compounds* (2001), successfully defended a multinational corporation against trade secret and formula misappropriation claims in a six-week jury trial, obtaining a complete no-cause

verdict.

- In *G & W Laboratories v. Able Laboratories* (2005), defended a pharmaceutical manufacturer against allegations of trade secret theft and misappropriation, leading to dismissal of all claims after five weeks of trial.
- In *Sgro v. Getty Petroleum Corp.* (1994), successfully represented the defendant before the U.S. District Court for the District of New Jersey in a case involving underground storage tank removal obligations, securing judgment in favor of the client and eliminating environmental remediation liability.

Insights & More

Announcements

Emily A. Kaller Named Fellow of Litigation Counsel of America

4.01.26

36 Greenbaum Attorneys Selected for Inclusion in 2026 Edition of New Jersey Super Lawyers

3.20.26

Alexandra Cavanaugh Joins Greenbaum, Rowe, Smith & Davis as Litigation Associate

11.20.25

Kaitlyn J. Zirrieth Joins Greenbaum, Rowe, Smith & Davis as Litigation Associate

10.09.25

2026 Edition of Best Lawyers Recognizes 54 Attorneys in 41 Practice Areas: Eight Greenbaum Lawyers Recognized on "Ones to Watch" List

8.21.25

Joel Clymer to be Sworn in as President of Garden State Bar Association

6.13.25

Jemi Goulian Lucey Installed as Second Vice President of Association of the Federal Bar of New Jersey

6.10.25

Joseph A. Natale to be Sworn In as Secretary of NJSBA Young Lawyers Division

4.22.25

Robert B. Hille Participates in NJSBA Amici Brief Before U.S. Supreme Court

4.06.25

Mary E. Toscano and Joseph A. Natale Recognized by NJBIZ as 2025 "Leaders in Law" Honorees

2.09.25

Cristian Gomez Joins Greenbaum, Rowe, Smith & Davis as Litigation Associate

10.17.24

Emily Kaller Appointed to Supreme Court Advisory Committee on Judicial Conduct

9.12.24

Joseph A. Natale Selected as Fellow of NJSBA 2024-2025 Leadership Academy

9.10.24

Emily A. Kaller Honored with Prestigious Trial Bar Award

9.08.24

Emmalise Earl Joins Greenbaum, Rowe, Smith & Davis as Litigation Associate

9.02.24

Joel Clymer to be Honored by Garden State Bar Association and New Jersey Commission on Professionalism in the Law

5.28.24

Amory R. Blank Joins Greenbaum, Rowe, Smith & Davis as Litigation Associate

5.21.24

Joseph A. Natale Honored by Morris County Bar Association

5.14.24

Joseph A. Natale Joins Greenbaum, Rowe, Smith & Davis as Litigation Associate

5.14.24

Kersten Kortbawi and David C. Scott Recognized by NJBIZ on 2024 List Called "Leaders in Law"

3.21.24

Greenbaum Partner Robert B. Hille Recognized by New Jersey State Bar Association with Amicus Curiae Award

1.15.24

Client Alerts

Think Before You Prompt: AI Use May Waive Your Attorney-Client Privilege

4.30.26

Published Articles

NJSC Opinion on First-Party Indemnity Provisions in Contracts Carries Message

8.24

Harris inherits Biden's border blaming from Trump, but it's Congress' 'sweeping powers' over immigration that should come under focus

7.25.24

Seminars & Events

The Use of AI in Modern Legal Practice: Tools, Tactics, and Pitfalls

4.29.26

Business Essentials and Strategies for Lawyers – The Insiders' Knowledge that Will Help You Win Your Case

3.16.26

A Day on Evidence 2026

3.06.26

Forensics on the Front Line: Unmasking Fraud in Civil and Criminal Litigation

12.18.25

2025 Trial Bootcamp: Master the Art of Trial Advocacy

11.12.25

Expert Discovery and Trial Testimony in New Jersey Civil Litigation

9.09.25

Jury Selection, AI and Bias

6.04.25

Boardwalk Seminar 2025: Business Torts

4.30.25

Boardwalk Seminar 2025: Federal Practice

4.29.25

A Day on Evidence

3.20.25