



**HAL NEIER, ESQ.**

*Commercial Specialist*

Hal Neier is a longtime advocate of Alternative Dispute Resolution and has extensive experience handling complex commercial matters in both mediations and arbitrations. He is also a litigator with broad experience in the areas of Commercial, Employment, Securities, Intellectual Property, Entertainment and Professional Malpractice. Mr. Neier has represented clients in cases pending in both state and federal courts and FINRA, and has been an advocate in numerous arbitrations and mediations. These matters have involved a wide variety of legal claims including breach of contract, breach of fiduciary duty, violation of restrictive covenants, wrongful termination, fraud and securities fraud, fraudulent conveyance, and trademark/copyright infringement.

As a New York Super Lawyer, Mr. Neier is well respected by his peers and colleagues, and can draw on his more than 25 years of experience as a commercial litigator when mediating and arbitrating in private ADR forums. He also has the ability to evaluate cases from all sides, having represented both plaintiffs and defendants, and having negotiated settlements of multi-party disputes involving complex issues of law and legal relationships.

**REPRESENTATIVE MATTERS**

- Represented a litigation trust formed under the bankruptcy reorganization plan for Tribune Company for the prosecution of fraudulent conveyance and breach of fiduciary duty claims, amongst others, against Tribune's former shareholders, officers, directors, and financial advisors. In re Tribune Company Fraudulent Conveyance Litigation, No. 11 MD 2296 (S.D.N.Y.) (Sullivan, J.).
- Represented a large clinical testing laboratory in a contract dispute with the largest medical insurer in New Jersey. BioReference Laboratories, Inc. v. Horizon Healthcare Services, Inc. d/b/a Horizon Blue Cross Blue Shield of New Jersey, No. L-9738-13 (N.J. Super. Ct. Bergen County).
- Represented a pharmaceutical company in a multimillion dollar advisory fee dispute with a major investment bank. The Blackstone Group L.P. v. Taro Pharmaceutical Industries Ltd., No. 650581/11 (Sup. Ct. N.Y. County) (Sherwood, J.).
- Represented a hedge fund in its capacity as a major shareholder of a digital media company in an action it filed derivatively in Delaware Chancery Court against various officers and directors of the company alleging self-dealing and other breaches of fiduciary duty. Quadrangle Capital Partners II LP v. Penske, No. 8891-CS (Del. Ch.) (Strine, Ch.).
- Represented a Michigan-based advertising company in a dispute with its former CEO.
- Represented a major motion picture studio and production company defending against copyright infringement claims brought by another production company in the U.S. District Court for the Central District of California. StudioCanal Image S.A. v. Reason Pictures, L.L.C. and Paramount Pictures Corp., No. CV 07-2527 (C.D. Cal.).
- Represented a Broadway producer in an action brought by a well known stage, screen, and television actor who claimed that the producer had breached an oral agreement to cast the actor in the national touring production of a successful Broadway play. Anna Pearce, professionally known as Patty Duke v. Manhattan Ensemble Theater, Inc., No. 06-cv-01535 (S.D.N.Y.) (Wood, J.).
- Represented a Texas law firm in connection with the bankruptcy of Quigley Company, Inc., a wholly-owned subsidiary of Pfizer Inc., in matters involving the disposition of asbestos-related claims held by thousands of clients of the Texas firm against Quigley and Pfizer. In re Quigley Company, Inc., No. 04-15739 (Bankr. S.D.N.Y.) (Bernstein, Bankr. J.).

- Represented an affiliate of Guggenheim Partners, LLC in an action against UBS Securities LLC pending in Delaware Chancery Court involving a claim for breach of a \$400 million credit agreement. GPFT Holdco, LLC. v. UBS Securities LLC, No. 4180-CC (Del. Ch.) (Chandler, Ch.).
- Represented IAC/InterActiveCorp, as the purchaser of Ask Jeeves, Inc., in a multi-million dollar investment-banking fee dispute with Credit Suisse Securities (USA) LLC. Credit Suisse Securities (USA) LLC v. Ask Jeeves, Inc., No. 600401/06 (Sup. Ct. N.Y. County) (Bransten, J.).
- Represented an international steel manufacturing company in federal court litigation arising out of a failed \$3.5 billion merger transaction. DBO Holdings, Inc. v. OJSC Novolipetsk Steel, 08 Civ. 8845 (S.D.N.Y.) (Buchwald, J.).
- Represented the liquidating trustee of a bankrupt telecommunications company in a federal action for fraud and breach of fiduciary duty against, among others, the company's former financial advisor and investment banker. Goldin Associates, LLC v. Donaldson, Lufkin & Jenrette Securities Corp., No. 00-Civ-8688 (S.D.N.Y.) (Pauley, J.).
- Represented the seller of a food service company in an action for fraud and breach of contract filed by the purchaser. JP Foodservice Distributors, Inc. v. Sorrento Inc., No. 604112/00 (Sup. Ct. N.Y. County) (Moskowitz, J.).
- Represented the trustees of an inter vivos trust created by the widow of Thomas Carvel in multiple federal and state litigations arising out of the hotly contested Carvel estate. In re: Carvel, No. 98-2165 (Surr. Ct. Westch. County) (Scarpino, Surr.).
- Represented the lessor of zinc manufacturing equipment in a trial in Bankruptcy Court for the Southern District of New York involving the question of whether the equipment was the subject of a true lease held by the debtor as lessee or else a disguised financed sale transaction thereby rendering the equipment property of the debtor. In re: Horsehead Industries, Inc., No. 02-14024 (Bankr. S.D.N.Y.) (Bernstein, Bankr. J.).

## **AREAS of EXPERIENCE**

- Accounting & Professional Malpractice
- Bankruptcy Litigation
- Business/Commercial/Corporate
- Communications/Media
- E-discovery
- Employment Disputes
- Entertainment & the Arts
- Food & Drugs/Pharmaceutical
- Intellectual Property/Copyright Infringement
- International Commercial Law/Contracts
- Mergers & Acquisitions
- Partnership Law
- Securities/Financial
- Trade Secrets

**LECTURES and PUBLICATIONS**

- Speaker/Panel Member, *Reasonable Accommodation in the Workplace Under the ADA / Recent Trends and Practical Tips When Dealing with Restrictive Covenants and Trade Secrets*, 2016
- Speaker/Panel Member, *Recent Trends and Practical Tips When Dealing With Restrictive Covenants and Trade Secrets*, sponsored by NAM and the New York Law Journal, 2015
- Author, *The Commercial Division's Pilot Project For Mandatory Mediation: When Mandatory Is Not Mandatory*, *New York Law Journal*, 2015

**HONORS and AWARDS**

- New York Metro Super Lawyer
- New York City Bar Association's Thurgood Marshall Award for pro bono counsel work

**LEGAL EXPERIENCE**

- Partner, Friedman Kaplan Seiler & Adelman LLP
- Associate, Paul, Weiss, Rifkind, Wharton & Garrison LLP
- Law Clerk, Hon. Charles E. Stewart, Jr., USDC, SDNY

**PROFESSIONAL LICENSES and ADMISSIONS**

- New York State Bar

**PROFESSIONAL AFFILIATIONS and ASSOCIATIONS**

- New York City Bar Association

**MEDIATION TRAINING/CERTIFICATION**

- New York State Bar Association, Dispute Resolution Section, Commercial Mediation Training
- New York Center for Interpersonal Development, 30-Hour Mediation Training

**EDUCATION**

- New York University School of Law, J.D., 1986
  - Elected to the Order of the Coif
  - Note Editor, New York University Law Review
  - Recipient, John Norton Pomeroy Prize for Academic Excellence
  - Recipient, Edmond Cahn Award for Outstanding Contribution to the Law Review
- Yale College, B.A. with Honors, *cum laude*, 1982