

FOCUS ON

Litigation & Business  
Disputes Issues

# Turning conflict into conquest

All progress involves the risk of conflict—which makes litigation a fact of life for any competitive, innovative business. Success comes from handling litigation with perseverance, creativity, and a focus on your critical business goals.

## A courtroom-ready mindset

Epstein Becker Green excels in aggressive, high-stakes litigation. Our litigators are seasoned advocates who know how to marshal evidence and present your strongest arguments during negotiations, motion practice, discovery, trial, and appeal. They include the former head of the U.S. Department of Justice's Civil Division, Assistant U.S. Attorneys, state prosecutors, and criminal defense attorneys.

## Immersed in your business

As a super-boutique—focused on financial services, health care and life sciences, hospitality, media and technology, retail, and telecom—we are deeply engaged with sophisticated, industry-specific issues. Our acute insight into client businesses, cultures, and practices forms the basis for focused and imaginative evidence-gathering and litigation tactics.

## Smart from the start

We are “smart aggressive” instead of simply “aggressive.” We know your unique business goals and work toward them even before a summons is served. We understand how claims arise in your industry and can review your contracts, business organization, and relationships so that, if disputes occur, you begin with a superior negotiation and litigation position. In addition, we will work with you to develop document retention programs, discovery response plans, and guidelines for efficient e-discovery.

## Civil, regulatory, and criminal experience before

- Supreme Court of the United States
- U.S. Circuit Courts of Appeal
- U.S. Court of Federal Claims
- U.S. District Courts
- U.S. Tax Court
- U.S. Court of International Trade
- U.S. Securities and Exchange Commission
- U.S. Boards of Contract Appeals
- U.S. State Courts
- Federal Trade Commission
- Federal Communications Commission
- Trademark Trial and Appeal Board
- National Labor Relations Board
- General Accounting Office
- General Services Administration
- American Arbitration Association
- Financial Industry Regulatory Authority
- Private Arbitration Services

### Service areas

- Antitrust
- Appellate
- Class Actions
- Corporate and Securities
- Data Breach/Cybersecurity
- Drugs and Medical Devices
- ERISA and Benefit Plans
- Federal and State False Claims Act
- Government Contracts
- Government Investigations/  
Civil & Criminal
- Insurance
- Intellectual Property
- Labor & Employment
- Privacy and Security
- Trade Secrets and Employee Mobility
- White Collar Criminal Defense

# Strategies that support business goals

## Wage-hour verdict saves employer millions

Won a verdict in a wage and hour class action alleging that employees had been misclassified as independent contractors and deprived of overtime pay and meal and rest breaks, protecting the client from potential liability of more than \$150 million.

## Evidence defeats post-merger claim

Prevailed in arbitration on behalf of a medical technology manufacturer accused of suppressing post-merger sales to avoid paying a \$20 million equity kicker. Following extensive discovery and a multi-day hearing, the panel found for our client.

## Appellate decision protects crucial health communications

Convinced a federal appeals court to uphold a district court decision allowing a health care provider to send phone and text messages to patients who voluntarily provide their phone numbers. The decision put an end to a potential class action against our client based on the Telephone Consumer Protection Act.

## Class action quashed in health care data breach case

Defeated class action certification and then prevailed on a merits defense in a cybersecurity lawsuit involving the breach of electronic protected health information. The provider was saved from both years of litigation and potential damages exceeding \$100 million.

## Whistleblower defeated in arbitration

Persuaded an AAA panel that a European insurer had not fired its former employee in retaliation for whistleblowing, in violation of the Dodd-Frank Wall Street Reform and Consumer Protection Act. After eight days of testimony, the panel dismissed the plaintiff's claim.

## Manufacturer seeks relief from FDA seizure

Representing a major dietary supplement manufacturer in appealing the Food and Drug Administration's challenge to the source and safety of a key ingredient in its products, and in seeking the return of confiscated supplies of the ingredient.

Recognized for

“Client Experience”  
“Premium Work”  
“Innovation”

BTI Brand Elite



# 14

offices across the country

Recommended for

## Labor and Employment Disputes: Defense

*The Legal 500 United States*

# 150+

 federal court cases  
in 5 years

Tier 1 litigation –  
labor & employment

*U.S. News – Best Lawyers* “Best Law Firms”

