



## James P. Flynn

Managing Director / Member of the Firm

### Newark

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**JAMES P. FLYNN** is a Member of the Firm in the Litigation and Employment, Labor & Workforce Management practices. He currently serves as the Managing Director of Epstein Becker Green. His practice focuses on civil litigation and corporate counseling, including trial and appellate work in the area of intellectual property, complex commercial matters, and employment law. Mr. Flynn represents businesses in a broad spectrum of industries, including health care, pharmaceuticals, and financial services. His experience is similarly diverse and includes:

- Representing clients in a wide variety of intellectual property matters, including restrictive covenants, trade secrets, copyright, trademark, and patent cases
- Acting as lead trial and appellate counsel for the defendants in *Marshak v. Treadwell* and obtaining a jury verdict that invalidated plaintiff's federal registration for the mark "The Drifters" for a singing group and recognized the clients' ownership of the name
- Counseling clients and litigating disputes concerning copyright infringement, cyber-squatting, trademark infringement and counterfeiting issues, false advertising, substantiation, and consumer fraud
- Providing counsel and drafting advice for clients embarking on new business ventures, and drafts licensing, distribution, confidentiality, employment, and other agreements
- Counseling clients on federal consumer protection laws, such as the Telephone Consumer Protection Act (TCPA)

Mr. Flynn's cases of note include:

- *Communs. Workers of Am. v. Alcatel-Lucent USA, Inc.*, 2018 U.S. Dist. LEXIS 174164 (DNJ 2018) (prevailed in ERISA/LMRA action by union and employees seeking to reverse transfer of \$1.226 billion in pension assets among plans)

- *Ross University School of Medicine v. Amini*, 3:13-CV-06121 (D.N.J. 2014) (secured permanent injunction against disgruntled former student who violated the federal Anticybersquatting Act and breached a nondisparagement agreement through his registration and use of numerous bogus websites)
- *Somerset Orthopedic Assoc., P.A. v. Horizon Blue Cross and Blue Shield of New Jersey*, 345 N.J. Super. 410 (App. Div. 2001) (prevailed in network contract action)
- *A.K. Stamping Co. v. Instrument Specialties Co.*, 106 F. Supp. 2d 627 (D.N.J. 2000) (obtained preliminary and later permanent injunction in patent case)
- *Marshak v. Treadwell*, 58 F. Supp. 2d 551 (D.N.J. 1998), *aff'd*, 240 F.3d 184 (3d Cir. 2001) (prevailed in trademark and fraud action concerning popular music group)
- *BD v. Maniar*, Superior Court Of New Jersey, Chancery Division: Bergen County, Docket No.: Ber-C-159-13 (secured preliminary and later permanent injunction against theft of trade secrets against former employee; criminal referral lead to later conviction)
- *The Community, Hospital Group v. More*, 183 N.J. 36 (2005) (restrictive covenants enforceable regarding physicians)

An accomplished author and speaker, Mr. Flynn has published articles and lectured on developments in employment law, patent and trademark jurisprudence, protection of confidentiality and trade secrets, evidence rules and trial practice, as well as on the ethical rules governing attorneys. He also has written and lectured on the protection of confidential information and the risks and rewards associated with the use of social media in the workplace and in business. In the *Employment Libel and Privacy Law 50-State Survey*, published by the Media Law Resource Center, Mr. Flynn authored the chapter on New Jersey employment libel law, with annual updates. Writing on a variety of intellectual property issues, he also contributes regularly to the *ILN Insider*, published by the International Lawyers Network.

A voracious reader with an inquisitive intellect that enjoys focusing on an eclectic array of subjects, Mr. Flynn brings to his practice the sort of imaginative faculties and linguistic capacity that such endeavors and interests engender. Mr. Flynn further calls upon in the service of clients his legal, life, and educational experiences. These include being a former member of his hometown's Board of Education and of mayoral task forces on city planning and port access issues, Trustee and General Counsel to the Simpson Baber Foundation for the Autistic (2001 to 2014), longtime secretary/registrar for the Bayonne Youth Hockey Association, and a recipient at Wesleyan University of both the Davenport Prize (for excellence shown by a senior in government and politics) and Morningstar Award (to the varsity basketball player who best exemplifies sportsmanship, leadership, determination, and unselfishness). He is also a former law clerk to Associate Justice Marie Garibaldi of the New Jersey Supreme Court.

*Chambers USA: America's Leading Lawyers for Business* has ranked Mr. Flynn among the "Leaders in Their Field" in New Jersey for Labor & Employment (2016 to 2020). He was selected by his peers for inclusion in *The Best Lawyers in America*® (2015 to 2021), in the field of Commercial Litigation, and has been named to the *New Jersey Super Lawyers*

list (2006, 2007, 2009, 2011 to 2020), in the areas of Employment & Labor and Employment Litigation: Defense. Mr. Flynn was also recommended by *The Legal 500 United States*, in the areas of Labor and Employment Disputes (Including Collective Actions): Defense (2018 to 2020) and Workplace and Employment Counseling (2019, 2020).

## **Education**

- Harvard Law School (J.D., cum laude, 1990)
- Wesleyan University (B.A., 1987)

## **Court Admissions**

- Supreme Court of the United States
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of New York

## **Bar Admissions**

- District of Columbia
- New Jersey
- New York

## **Practice Areas**

- Business Litigation
- Data Breach/Cybersecurity Litigation
- Employment Litigation
- Fraud and Abuse Counseling and Defense
- Intellectual Property
- Intellectual Property Litigation
- Labor & Employment Litigation

- Trade Secrets & Employee Mobility
- Product Marketing
- Social Media and the Workplace
- Whistleblowing and Compliance

### **Industries**

- Health Plans and Other Insurers
- Medical Devices and Combination Products
- Pharmaceuticals

### **Memberships**

- American Bar Association
- John C. Lifland American Inn of Court for Federal Litigation & Intellectual Property
- New Jersey State Bar Association

## **News & Publications**

July 22, 2020

**Queen Anne's Revenge, Indeed!: Copyright Conundrums, Sovereign States, and IP Piracy**

*ILN IP Insider*

June 5, 2020

**James Flynn Discusses Epstein Becker Green's Response to the COVID-19 Pandemic and the Firm's Commitments to Communication and Core Values**

*Law Firm ILN-telligence*

April 10, 2020

**First Circuit: Massachusetts Employee Must Abide by a Restrictive Covenant Governed by a Delaware Choice of Law Clause – the More Things Change, the More They Stay the Same, Part II**

*Trade Secrets & Employee Mobility Blog*

April 8, 2020

**Not Only Will We March Again: Committed, Resilient IP Lawyers Marching Still in Time of COVID**

*ILN IP Insider*

April 7, 2020

**James Flynn and Epstein Becker Green Thought Leadership Featured in "Client Care in the Time of Coronavirus"**

*Zen and the Art of Legal Networking*

April 6, 2020

**INSIGHT: The Practice of Law in the Time of Covid-19**

*Bloomberg Law Daily Labor Report*

March 27, 2020

**Epstein Becker Green Leaders Discuss the Impact of COVID-19 on Clients and the Firm**

*The American Lawyer*

March 2020

**Non-Compete Laws: New Jersey**

*Thomson Reuters Practical Law*

January 15, 2020

**Is BURNS NIGHT OFF KILT-ER? Scotch, Trademarks & Distilling American Meanings**

*ILN IP Insider*

January 2, 2020

**James Flynn Quoted in "Epstein Becker Discards Caregiver Status in Parental Leave"**

*Law360*

October 16, 2019

**Th-Inking About the Law: Tattoos Leaving Indelible Marks on Black-Letter Principles & Coloring Our Perspectives**

*ILN IP Insider*

July 30, 2019

**WORLD FAMOUS (By, Say, New Jersey Standards): Expanding the Right of Publicity Nationally and Internationally**

*ILN IP Insider*

2019

**Employment Libel and Privacy Law 50-State Survey: Survey of New Jersey Employment Libel Law**

*Media Law Resource Center*

June 17, 2019

**INSIGHT: The EBG, Deloitte Alliance—Client-Focused Mindset Called for Global Workforce Management Model**

*Bloomberg BNA Daily Labor Report*

June 11, 2019

**The More Things Change, the More They Stay the Same: Court Holds That All Those New Non-Compete Rules Under Massachusetts Act Do Not Supplant Old Public Policies Applicable to Pre-Existing Agreements**

*Trade Secrets & Employee Mobility Blog*

May 22, 2019

**Still Standing?: The Sometimes Rocky World of Public Art**

*ILN IP Insider*

May 8, 2019

**Epstein Becker Green and Deloitte Legal Come Together to Address Global Workforce Management Issues**

*HRTechnologist*

May 7, 2019

**Epstein Becker Green and Deloitte Legal's Alliance to Expand Legal Services Featured in *Reuters***

*Reuters*

May 7, 2019

**Epstein Becker Green and Deloitte Legal's Alliance for Employment Law and Workforce Management Services Featured in *The American Lawyer***

*The American Lawyer*

May 7, 2019

**Epstein Becker Green's Strategic Alliance with Deloitte Legal Featured in *Bloomberg Law***

*Bloomberg Law Big Law Business*

March 28, 2019

**Utah Hopes That Third Time's a Charm for Non-Compete Statute**

*Trade Secrets & Employee Mobility Blog*

March 13, 2019

**"...For me? As what? Tough guy? I don't need tough guys. I need more lawyers...": Intellectual Property Law in Criminal Matters**

*ILN IP Insider*

January 7, 2019

**Employment Law This Week®: A Look Back and the Year Ahead**

*Episode 134: Monthly Rundown*

December 19, 2018

**"...this is my life": Corporate Biography, Moral Rights & Being Slow to Berne**

*ILN IP Insider*

October 10, 2018

**"Liquor Before Beer, You're in the Clear ... Beer Before Wine, You'll Be Fine," and So On: "Confusing" Advice for the Reveling Tippler & Registering Trademarks**

*ILN IP Insider*

September 10, 2018

**Massachusetts Passes New Law Governing Non-Competition Agreements**

*Act Now Advisory*

August 15, 2018

**"Who" Says What's Fair Use?**

*ILN IP Insider*

August 14, 2018

**Massachusetts Establishes Garden-Leave-Type Non-Compete Requirements and Limits**

*Trade Secrets & Employee Mobility Blog*

July 16, 2018

**President Trump Taps Judge Kavanaugh for the Supreme Court: An Interview with Jim Flynn**

*Employment Law This Week®*

July 16, 2018

**Employment Law This Week®: Supreme Court Nominee, NJ Employment Bills, Rounding Employees' Hours, More State Employment Regulations**

*Episode 124: Week of July 16, 2018*

May 23, 2018

**The Catch-22 of Litigating Your Trade Secrets Case Without Revealing the Secrets Themselves**

*ILN IP Insider*

April 16, 2018

**Utah and Idaho Continue Trend of State Legislatures' Focusing on Non-Competes**

*Trade Secrets & Employee Mobility Blog*

March 28, 2018

**Fair Is Foul, and Foul Is Fair: How TV Eyes May Help Us See Through the Blurred Lines & Fog Around Fair Use**

*ILN IP Insider*

March 1, 2018

**Maxine Neuhauser, James Flynn Quoted in "Really! You Can't Do That at Work"**

*New Jersey Jewish Standard*

February 28, 2018

**Defend Trade Secrets Act Developments in 2017**

*Trade Secrets & Employee Mobility Blog*

February 2018

**Keeping Pace in the Fast-Moving World of Trade Secrets and Employee Mobility**

*Take 5 Newsletter*

November 28, 2017

**James Flynn Noted as a 2017 Top Contributing Author on *ILN IP Insider***

*ILN IP Insider*

November 1, 2017

**"Each Day Has a Color, a Smell ...": Searching for New Trademark Worlds**

*ILN IP Insider*

September 19, 2017

**Will It Be Known as "Michelin Star Athletica"?: Why the US Supreme Court May Have Given American Chefs a Reason to Cheer**

*ILN IP Insider*

August 16, 2017

**"... As Best as Your Interests Don't Conflict with Mine": Lawyers Fighting Over Intellectual Property**

*ILN IP Insider*

May 24, 2017

**Picking: A Few IP Collectibles Since My Last Post**

*ILN IP Insider*



April 10, 2017

**Justice Gorsuch's Trade Secret-Protecting Track Record**

*Law360*

April 10, 2017

**Court's Newest Member Has Trade Secret Protecting Track Record**

*Trade Secrets & Noncompete Blog*

March 22, 2017

**Oh, Where Cases Like That Will Go: How A Cease and Desist Letter Stopped the Play But Started the Suit**

*ILN IP Insider (International Lawyers Network)*

January 25, 2017

**Maybe Axonar Could Klingon to Its Fair Use Defense in a Parallel Copyright Universe**

*ILN IP Insider (International Lawyers Network)*

December 8, 2016

**"List of Holiday-Related Trade Secret/Non-Compete Cases"**

*Trade Secrets & Noncompete Blog*

December 7, 2016

**List of Holiday-Related Trade Secret/Non-Compete Cases**

*ILN IP Insider (International Lawyers Network)*

October 19, 2016

**Food Fight and Road TRIPS!!!!: Treaties and Product Names Getting Messy**

*ILN IP Insider (International Lawyers Network)*

September 29, 2016

**James Flynn Quoted in "Federal Judge Weighs Anti-SLAPP 'Burden'"**

*Massachusetts Lawyers Weekly*

September 20, 2016

**James P. Flynn Quoted in "Amid Blasts and Scares, 'Business as Usual' in Newark"**

*New Jersey Law Journal*

August 29, 2016

**James Flynn Showcased in "Appeals Decision Tightens Noose on Trade Secret Theft"**

*Today's General Counsel*

August 4, 2016

**Criminal Enforcement Protects Trade Secrets Taken By Departed Employees**

*Trade Secrets & Noncompete Blog*

August 1, 2016

**Assignment Lessons: 8th Circuit Finds Assigned Non-Competes Enforceable — Under Certain Facts**

*Trade Secrets & Noncompete Blog*

July 29, 2016

**Assignment Lessons: Eighth Circuit Finds Assigned Non-Competes Enforceable-Under Certain Facts**

*Bloomberg BNA Daily Labor Report*

July 20, 2016

**"... if you listen very hard ...": Stairway to Heaven Verdict May Have Unblurred Lines in Music Infringement Cases**

*ILN IP Insider*

July 18, 2016

**Employment Law This Week: Password Sharing, Organizing Mixed Units, Mental Health Accommodations, Privacy Shield**

*Episode 34: Week of July 18, 2016*

July 18, 2016

**Ninth Circuit Affirms Conviction for Unauthorized Password Sharing: An Interview with Jim Flynn**

*Employment Law This Week*

June 15, 2016

**Who Are Fashion Industry and Others Cheering For?**

*ILN IP Insider*

April 6, 2016

**Utah Restricts Post-Employment Restrictions**

*Trade Secrets & Noncompete Blog*

February 24, 2016

**Publicity Exactly What Was Missing from Monkey Selfie Case**

*ILN IP Insider*

February 2016

***Employment Law This Week* Recognized in "What's Hot, What's Not: National and Global Practice Trends 2016"**

*Wisconsin Lawyer*

December 2, 2015

**Trans Pacific Partnership Terms Revealed but Trade Secret Protections Still Uncertain**

*ILN IP Insider*

July 9, 2015

**How TPA May Fast Track TPP Impact on IP**

*ILN IP Insider*

March 11, 2015

**US Federal Government Focusing on Trade Secret Legislation, Enforcement & Policy**

*ILN IP Insider,*

September 4, 2014

**Non-Compete Laws: New Jersey (Published by the Practical Law Company)**

June 19, 2014

**New Jersey Whistleblowers Must Identify A Specific Law Or Public Policy Before CEPA Claims Can Be Submitted To A Jury**

*Health Employment And Labor Blog*

June 10, 2013

**Federal Trade Secret Enforcement Initiative Results in Swift Action, *on the* Trade Secrets & Noncompete Blog**

April 1, 2013

**Epstein Becker Green Recognized in "Litigation Departments of the Year" Competition by the *New Jersey Law Journal***

*New Jersey Law Journal*

May 31, 2012

**"Standing Room Only," or How Professional Associations Are Filling Courts with Suits on Behalf of Members, *as appeared in* AHLA's Healthcare Liability & Litigation**

January 24, 2012

**Take 5: Views You Can Use - January 2012**

October 20, 2011

**Epstein Becker Green Attorneys Featured in "Uniform Trade Secrets Act: A State by State Guide"**

*Practical Law Company*

July 25, 2011

**Supreme Court Holds Government's Response to FOIA Request a "Report" Triggering FCA's Public Disclosure Bar: Relators May Not Use FOIA as Basis for Qui Tam Claims, as appeared in AHLA's Healthcare Liability & Litigation Health Briefs**

July 12, 2011

**Trade Secret Laws: New Jersey (Published by the Practical Law Company)**

June 1, 2010

**Flynn Quoted in Article About Non-Compete Agreements**

*Employment Law360*

April 6, 2010

**NJ Supreme Court Restricts Employer's Ability To Review Employee's Communications With Personal Attorney on Employer's Computers**

March 21, 2010

**Flynn Discusses Suits Against Health Insurers On PBS Program 'Lawline'**

*Lawline*

March 2, 2010

**Take 5: Views You Can Use - March 2010**

December 10, 2009

**Labor & Employment e-Report - Year-End Edition!**

December 9, 2009

**Employment and Immigration Law: Besides The Pudding: Where to Find Proof of What Trade Secrets Left With A Departing Employee, as appeared in the *New Jersey Law Journal***

November 12, 2009

**Epstein Becker Green Giving Back - Fall 2009**

July 2, 2009

**Appellate Court Finds No Legitimate Business Interest Furthered By Employer's Electronic Communication Policy**

May 18, 2009

**Complex Litigation & E-Discovery, as appeared in New Jersey Law Journal**

May 11, 2009

**Going For The Win: Clients Want Star Trial Lawyer Who's A Team Player**

May 5, 2009

**How Employers Can Use CFAA To Get Back Laptops**

April 8, 2009

**What's a UTSA? as appeared in New Jersey Law Journal**

January 26, 2009

**Smart Medicine: Understanding the Role of Intellectual Property in the Business of Modern Healthcare**

December 4, 2008

**Bumps Along The Silk Road: Protecting Trade Secrets**

November 1, 2008

**Patent Law 2009: Top Lawyers on Trends and Key Strategies for the Upcoming Year**

October 13, 2008

**Business Networking Sites: A Question of Chaining Down Your Confidential Consumer List Or Setting It Free, as appeared in New Jersey Law Journal**

September 19, 2008

**James Flynn Quoted on Federal Court Bias Against Plaintiffs in Discrimination Suits**

*New Jersey Law Journal*

May 22, 2008

**Top Story--CAFC Finds Federal Law Governs Employee Invention Agreement**

April 15, 2008

**The Intellectual Property Audit: A Preventative Medicine in Health Care as appeared in New Jersey Law Journal**

April 1, 2008

**Markman: Courts Continue To Differ Over Timing of Claims Construction**

February 26, 2008

**Employee Invention Agreements Governed By Federal Law**

December 5, 2007

**Chapter 7, "Marksmanship: Hitting the Bull's Eye in Your Patent Case" in Conducting Markman Hearings in Patent Infringement Lawsuits: Leading Lawyers on Interpreting Claims, Developing Court Presentations, and Making a Strong Argument**

November 12, 2007

**Restrictive Covenants: More or Less Enforceable: Non-Compete Provisions In Physicians' Employment Contracts, as appeared in *Bloomberg Corporate Law Journal***

July 27, 2007

**New Jersey Supreme Court Affirms Extending Whistleblower Protections To Independent Contractors**

May 31, 2007

**In Ledbetter, Supreme Court Limits Discriminatory Pay Claims**

March 26, 2007

**ALERT: New Jersey Court Requires Plaintiff to Use Employer's Anti-Harassment Complaint Policy as Condition of Recovery**

April 14, 2006

**More Protection for Whistleblowers, as appeared in the *New Jersey Law Journal***

May 31, 2005

**Litigants Face Tax on Legal Fees: Supreme Court, Congress shape tax treatment of settlements, judgments and fee awards, as appeared in the *New Jersey Law Journal***

June 6, 2000

**Trademarks Now Clearly Enforceable on the Web: The Anticybersquatting Consumer Protection Act Becomes Law**

March 16, 2000

**EBG Among First in the Country to Use Successfully New Law Protecting Trademarks on the Internet**

## Case Studies

**EBG Litigators Defeat Preliminary Injunction Application, Substantially Narrow Discovery, and Ultimately Prevail**

Longtime client Magellan Health Services Inc. (“Magellan”) has, once again, looked to Epstein Becker Green litigators for assistance—this time, in an attempt to deflect a significant challenge to a subsidiary’s credentialing program for the reimbursement of diagnostic imaging services.

In an action filed in New Jersey state court against Magellan and its subsidiary, National Imaging Associates, the New Jersey Podiatric Society asserted claims for violations of New Jersey’s unfair insurance claims practices act and unlawful discrimination against the podiatrists in violation of New Jersey’s scope of practice statute. The society also sought preliminary injunctive relief, posing a direct threat to our client’s business operations. If granted, the injunction would have restricted Magellan’s ability during the pendency of the litigation to dictate the necessary qualifications for network providers seeking reimbursement for diagnostic imaging services.

The court denied plaintiff’s application for a preliminary injunction and adopted Epstein Becker Green’s position that plaintiff’s discovery demands should be scaled back substantially. The court ordered discovery to be completed within 60 days and directed that discovery be limited solely to confirming facts that had been already presented by affidavit. After such discovery, on September 19, 2014, the court granted summary judgment in Magellan’s favor.

The litigation team consisted of James P. Flynn and Amy E. Hatcher of the Newark office.

#### **EBG Shuts Down Cybersquatter, Protects Trademarks with TRO and, Later, Judgment**

Epstein Becker Green’s civil action on behalf of a medical school client led to a temporary restraining order (TRO) and, later, a preliminary injunction issued against a disgruntled former student. That former student set up websites with infringing domain names that would emerge in standard Internet search engines and divert those seeking actual client websites to land on the former student’s webpages filled with vitriolic anti-client rhetoric; statements disparaging the client, its educational services and its officers; and factually false information concerning the client, its graduation rates, and certain financial matters.

The facts and legal arguments developed by Epstein Becker Green led to the court enjoining such conduct and disabling the websites, which occurred in less than 12 hours from the issuance of the first order. The court found a likelihood of success on the merits on the contract claims, trademark infringement claims, and cybersquatting claims, concluding that the client had demonstrated defendant’s “bad faith” under Title 15 of the United States Code and rejecting the former student’s claims of non-commercial speech entitled to protection.

In early 2014, federal Judge Anne E. Thompson, sitting in New Jersey, found that the rogue former student had breached his non-disparagement obligations under a prior settlement agreement and had wrongfully infringed upon our client’s trademark rights in violation of the federal Anticybersquatting Act. Judge Thompson permanently enjoined defendant and all those acting in concert with him, including all Internet registrars and hosting entities, from publishing or disseminating any statements intended to disparage the medical school and its administrators.

The Epstein Becker Green team included attorneys James P. Flynn and Robert M. Travisano of the Newark office.

### **New Jersey Appellate Court Dismisses Suit Against Medical Claims Administrators**

Epstein Becker Green recently achieved a significant appellate victory for Horizon Healthcare Services Inc. ("Horizon") and Magellan Health Services Inc. ("Magellan"). On June 11, 2013, the Superior Court of New Jersey, Appellate Division, reversed a decision by the Chancery Division, Essex County, and dismissed a lawsuit brought by the New Jersey Psychological Association ("NJPA") and two patients. The complaint alleged that Horizon and Magellan had breached their agreement under the State Health Benefit Program ("SHBP"), which insures New Jersey workers, and violated the New Jersey Practicing Psychology Licensing Act ("PPLA") by requiring psychologists to disclose confidential patient treatment information before paying for the patients' mental health services.

The NJPA previously sued Horizon and Magellan in the Chancery Division, Mercer County, for violating the SHBP agreement and the PPLA. In January 2011, the Mercer judge dismissed the suit, claiming that the NJPA lacked standing to bring its claims against Horizon and Magellan because it couldn't prove that the association had suffered any harm. The NJPA filed an appeal, but then withdrew it. In July 2011, the NJPA and two patients, who were covered under SHBP plans and claimed that they were denied treatment by Horizon and Magellan because they refused to disclose confidential information, filed a second lawsuit, but, this time, in the Chancery Division, Essex County. The Essex judge declined to dismiss the suit, and Horizon and Magellan appealed.

In its decision, the Appellate Division pointed out that the plaintiffs in the Essex County suit "raise no new issues and present no new material facts that should change the decision made by the Mercer judge." Accordingly, the Appellate Division dismissed the suit, adding that the Essex judge should not have not considered the case and that the two patient-plaintiffs were required to exhaust their administrative remedies under the SHBP before seeking judicial action.

The Epstein Becker Green team included attorneys [James P. Flynn](#) and [Amy E. Hatcher](#).

### **EBG, BD Collaborate in Trade Secret Enforcement**

Epstein Becker Green's timely filed civil action on behalf of Becton, Dickinson & Company ("BD") led to a May 31, 2013, restraining order against Ketankumar Maniar, a former BD employee planning to leave the country in days with BD trade secrets in his possession. The facts developed by BD and EBG, along with the civil court filings, were provided to federal law enforcement officials. Realizing that the material Maniar had taken amounted to a "tool kit" for manufacturing a soon-to-be-released disposable pre-filled pen injector in which BD had invested substantial time and money, federal agents opened an investigation. They later executed a search warrant to retrieve from Maniar a number of storage devices and, on June 5, 2013, arrested him for [criminal violation of 18 U.S.C. Section 1832](#). The arrest was widely reported [locally](#), [nationally](#), and [internationally](#) after it was announced by the [U.S. Attorney for District of New Jersey](#) and the [FBI](#). Later, EBG attorneys obtained a permanent injunction in the civil matter, and Maniar was convicted, sentenced, imprisoned, and deported on criminal charges concerning his crimes against BD as well as on an additional count concerning a former employer, which was uncovered as a direct result of EBG's investigation. The conviction was also [widely reported](#).



The EBG team included attorneys [James P. Flynn](#), [Daniel R. Levy](#), and [Amy E. Hatcher](#).

### **Epstein Becker Green Obtains Dismissal of Claims Seeking to Limit Health Plan Access to Information**

On January 31, 2011, Epstein Becker Green obtained a dismissal of a case brought by two plaintiffs—a state psychological association and an individual psychologist—seeking broad limitations, through the application of the patient-psychologist privilege, on the information that a health benefits plan could seek from or concerning insureds to establish the medical necessity of initial or continued mental health treatment. The New Jersey court found that neither plaintiff had a direct injury or associational or third-party standing and questions of privilege needed to be determined in the sort of case-by-case approach that precluded the granting of broad, general relief against the health benefits plan or those providing administrative or utilization management review services to the plan.

The Epstein Becker Green team representing those providing administrative or utilization management review services to the plan included New Jersey Litigation attorney **James P. Flynn**.

### **Epstein Becker Green Advises on First-Ever Affiliation Between Hospital Systems in Philadelphia and New Jersey**

Epstein Becker Green advised Kennedy Health System, an integrated health care delivery system serving the residents of Camden, Burlington, and Gloucester counties in southern New Jersey, in connection with an affiliation transaction with Thomas Jefferson University (branded as “Jefferson Health”), a regional health system that recently also acquired Abington Health System, Aria Health, and Philadelphia University. This partnership builds on Jefferson Health’s innovative “hub and hub” model, whereby Kennedy Health will serve as the southern New Jersey hub of Jefferson Health. The affiliation, which took almost two years to complete, will bring enhanced clinical services to South Jersey residents, who will not only be able to receive care from the same trusted physicians, nurses, and staff, but also have access to advanced clinical services and promising clinical trials available at Jefferson Health.

This affiliation marks the first time that a Philadelphia and New Jersey hospital system joined together. Officials said that they hope the affiliation will bring better, more convenient health care services to patients in both areas.

The Epstein Becker Green team included Anjana Patel, Gary Herschman, Laurajane Kastner, Patricia Wagner, Victoria Sheridan, Diana Fratto, James Flynn, Sheila Woolson, and Andrew Kaplan.

## Events

### **AI and Avoiding Ethical Jeopardy**

October 29, 2020 at 12:00pm – 1:00pm

Webinar (ET) - Annual Workforce Management Briefing

**PLI's Noncompetes and Restrictive Covenants 2020: Managing a Key Employee Departure and Avoiding Trade Secret Theft**

January 31, 2020 at 10:15am – 11:15am

San Francisco, CA

**Culture + Compliance + Innovation = HR and Legal's Formula for Tomorrow's Workforce: Epstein Becker Green's 38th Annual Workforce Management Briefing**

October 7, 2019 at 8:00am – 4:30pm

New York, NY

**Boardrooms on Edge: HR's Role in Protecting Your Brand's Reputation - Epstein Becker Green's 37th Annual Workforce Management Briefing**

October 25, 2018 at 8:00am – 4:15pm

New York, NY

**AIPLA 2018 Spring Meeting: A Litigator's Guide to Protecting Trade Secrets During Litigation**

May 16, 2018 at 10:15am – 10:45am

Seattle, WA

**JFCS Northern New Jersey: Understanding, Identifying and Preventing Sexual Harassment**

March 8, 2018 at 7:30pm – 9:00pm

Teaneck, NJ

**Managing Workforce Compliance in an Unpredictable World: Epstein Becker Green's 36th Annual Workforce Management Briefing**

September 14, 2017 at 8:00am – 4:30pm

New York, NY

**Employers Under the Microscope: Is Change on the Horizon? Epstein Becker Green's 35th Annual Workforce Management Briefing**

October 18, 2016 at 8:00am – 4:00pm

New York, NY

**High Stakes and High Priorities: Epstein Becker Green's 34th Annual Workforce Management Briefing**

October 15, 2015 at 8:00am – 3:00pm

New York, NY

**The Government Is Calling: Are You Prepared? - 33rd Annual Labor & Employment Client Briefing**

October 2, 2014 at 8:30am – 3:00pm

New York Hilton Midtown

**Workplace Compliance: Prepare Today, Protect Your Company Tomorrow - the Epstein Becker Green 32nd Annual Labor and Employment Client Briefing**

October 30, 2013 at 8:00am – 3:00pm

The Roosevelt Hotel

**Employee Benefits in the Cloud and on Social Media**

May 16, 2013 at 12:00pm – 2:00pm

Alston & Bird LLP

**2013 Seton Hall Circuit Review Symposium: Building or Defending a Case - Social Media as a Catalyst for Tangible Employment Decisions and the Ethical Conundrum It Presents**

February 5, 2013 at 9:00am – 6:30pm

Seton Hall Law School

**Med Tech Webcast Series: Regulatory and IP Issues in M&A**

December 5, 2012 at 12:00pm – 6:00pm

Webcast

**New York Annual Labor and Employment Client Briefing: Election 2012 and Beyond: What's Next for Employers**

October 25, 2012 at 8:00am – 3:00pm

The Roosevelt Hotel

**Epstein Becker Green 30th Annual Client Briefing: Labor and Employment Law in the Digital Age**

November 2, 2011 at 8:30am – 4:45pm

The Waldorf=Astoria

**How Social Media Affects HR: Legal Implications of Social Media Use in Various Business and Employment Settings**

March 18, 2011 at 7:45am – 9:30am

Elebash Recital Hall

**Epstein Becker Green's 29th Annual Labor & Employment Client Briefing**

October 28, 2010 at 8:00am – 3:30pm

The Waldorf=Astoria, New York City

**Second Annual CLE and Networking Reception: Corporate Compliance: An Ever Greater Focus for In-House Counsel**

April 20, 2010 at 5:30pm – 8:30pm

**The Cyber-Water Cooler: Your Employees Are Gathering at Social Media Sites, and What It Means for You**

December 2, 2009 at 8:15am – 10:30am

The Yale Club of New York

**Epstein Becker Green 28th Annual Client Briefing - Employees Under Siege: Managing Your Workforce in Unprecedented Times**

September 24, 2009 at 7:30am – 4:15pm

Millennium Broadway Hotel New York

**NY: 27th Annual Labor and Employment Briefing: Decision 2008: What's at Stake for Employers**

September 25, 2008 at 7:30am – 3:30pm

Millennium Broadway Hotel

**26th Annual Client Briefing: The 21st Century Workplace: High Stakes, Hi-Tech and High Priority Employment Law Issues: Understanding and Avoiding Family Responsibilities Discrimination Claims**

October 25, 2007 at 7:30am – 4:30pm

The Millennium Broadway Hotel

## Firm Announcements

August 20, 2020

**Fifty-Five Epstein Becker Green Attorneys Recognized for Professional Excellence—Two Attorneys Distinguished as “Lawyer of the Year”—by *The Best Lawyers in America* 2021**

August 11, 2020

**Epstein Becker Green Receives Coveted 2020 Mid-Size Company Turnaround of the Year Award**

July 21, 2020

**Epstein Becker Green Receives 2020 Beacon of Justice Award for "Exemplary" Pro Bono Commitment**

July 15, 2020

**Epstein Becker Green Recognized as a "Best Place to Work for Disability Inclusion"**

June 16, 2020

***The Legal 500 United States* Recognizes Epstein Becker Green as Top-Tier Law Firm in Health Care and Workforce Management**

April 23, 2020

**Epstein Becker Green's Focused Excellence in Health Care and Workforce Management Recognized in 2020 Edition of *Chambers USA***

March 26, 2020

**Twelve Epstein Becker Green Attorneys Named to 2020 *New Jersey Super Lawyers* and *Rising Stars* Lists**

January 1, 2020

**Epstein Becker Green Opens New Year with New Parental Leave Policy**

November 14, 2019

**Epstein Becker Green Awards Three 2019 Core Values Champions**

August 15, 2019

**Forty-Seven Epstein Becker Green Attorneys Named by *The Best Lawyers in America* 2020, One Attorney Distinguished as "Lawyer of the Year"**

June 3, 2019

**Epstein Becker Green Recognized as Top-Tier Law Firm by *The Legal 500 United States*, Receives Additional High Rankings**

May 7, 2019

**Epstein Becker Green and Deloitte Legal Launch Strategic Alliance to Address Global Workforce Management Issues**

April 25, 2019

**Epstein Becker Green Recognized Among Leading Law Firms and Attorneys in 2019 Edition of *Chambers USA***

March 19, 2019

**Fifteen Epstein Becker Green Attorneys in New Jersey Named to 2019 *Super Lawyers* and *Rising Stars* Lists**

November 30, 2018

**Epstein Becker Green Awards Three 2018 Core Values Champions**

August 15, 2018

**Epstein Becker Green Attorneys Selected for *The Best Lawyers in America* 2019 and Four Attorneys Named "Lawyer of the Year"**

July 2, 2018

***Legal 500 United States* Recognizes Epstein Becker Green as Top-Tier Recommended Law Firm, Awards Additional High Rankings**

May 3, 2018

**Epstein Becker Green Recognized Among Leading Law Firms in 2018 Edition of *Chambers USA***

March 19, 2018

**Fifteen Epstein Becker Green Attorneys Named to 2018 New Jersey *Super Lawyers* and *Rising Stars* Lists**

August 15, 2017

**38 Epstein Becker Green Attorneys Selected for *The Best Lawyers in America 2018*, One Honored as "Lawyer of the Year"**

May 26, 2017

**Epstein Becker Green Recognized Among Leading Law Firms in 2017 Edition of *Chambers USA***

March 14, 2017

**Fifteen Epstein Becker Green Attorneys Named to 2017 New Jersey *Super Lawyers* and *Rising Stars* Lists**

October 18, 2016

**Five Epstein Becker Green Attorneys in Boston and Stamford Named to 2016 *Super Lawyers* and *Rising Stars* Lists**

August 15, 2016

**35 Epstein Becker Green Attorneys Selected for *The Best Lawyers in America 2017*, One Honored as "Lawyer of the Year"**

May 27, 2016

**Epstein Becker Green Recognized Among Leading Law Firms in 2016 Edition of *Chambers USA***

October 21, 2015

**58 Epstein Becker Green Attorneys Named to 2015 *Super Lawyers* and *Rising Stars* Lists**

August 17, 2015

**32 Epstein Becker Green Attorneys Selected for *The Best Lawyers in America 2016***

October 17, 2014

**54 Epstein Becker Green Attorneys Named to 2014 *Super Lawyers* and *Rising Stars* Lists**

August 18, 2014

**24 Epstein Becker Green Attorneys Selected for *The Best Lawyers in America 2015***

May 10, 2013

***Super Lawyers 2013* Recognizes Epstein Becker Green Attorneys**

April 8, 2013

**Epstein Becker Green Recognized in *New Jersey Law Journal's* "Litigation Departments of the Year" Competition**

October 7, 2011

**Epstein Becker Green, in Conjunction with Practical Law Company, Wrote and Published Statewide Guides on Non-Compete and Trade Secret Laws**

## Videos

*Click above or watch via [YouTube](#), [Vimeo](#), [MP4](#), or [WMV](#).*

**President Trump Taps Judge Kavanaugh for the Supreme Court:** In this extended interview from *Employment Law This Week*® (Episode 124: Week of July 16, 2018), **Jim Flynn**, Member of the Firm, looks at what Judge Brett Kavanaugh's record on several labor and employment cases might indicate if his nomination to the Supreme Court of the United States is confirmed.

**Guiding Excellence in Others: James P. Flynn** - part of the *Career Pathways at Epstein Becker Green* video series, which features attorneys discussing their personal perspectives.

*Click above or watch via [YouTube](#), [Vimeo](#), [MP4](#), or [WMV](#).*

**Ninth Circuit Affirms Conviction for Unauthorized Password Sharing:** In this extended interview from *Employment Law This Week* (Episode 34: Week of July 18, 2016), **James P. Flynn**, Member of the Firm, discusses the Ninth Circuit's ruling that unapproved use of a former co-worker's password can be criminal. An ex-recruiting firm employee used a current worker's credentials to gain unauthorized access to a company database. The Ninth Circuit held that this act violated the "without authorization" prong of the Computer Fraud and Abuse Act, noting that permission for legal

access must be given by a computer system's owner. This decision could have wide-reaching implications in an area of law that has become increasingly criminalized over the past few years.