



Peter L. Altieri

Board of Directors / Member of the Firm

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PETER L. ALTIERI is a Member of the Firm at Epstein Becker Green, in the Litigation and Employment, Labor & Workforce Management practices. Based in the firm's New York office, where he serves as the Managing Shareholder, he concentrates on complex commercial litigation, antitrust/trade regulation, trade secrets, and employment-related litigation. Mr. Altieri represents clients in myriad industries, including financial services, managed care, trucking, and insurance. Routinely appearing before arbitrators, federal and state courts, and administrative agencies, he has handled mediations, arbitrations, injunctions, trials, and appeals covering a wide range of complex legal issues, including:

- alternative dispute resolution (ADR)
- antitrust
- breach of contract
- brokerage commissions
- business valuation
- corporate/partnership dissolution
- corporate governance
- employment discrimination
- ERISA
- fiduciary duty

Mr. Altieri's reported decisions include:

- *Metz v. Davis Polk & Wardwell*, 133 A.D. 3d 501 (1st Dep't 2016) appellate court affirmed dismissal of headhunter's complaint for placement fees of DPW Hong Kong leader based on forum non conveniens doctrine.

- *Pope v. City of Providence*, 2014 R.I. Super. Lexis 68, obtained dismissal of class action complaint alleging breach of fiduciary duty against our insurance company client that provided administrative services to municipal retirement plans.
- *Susman v. Commerzbank Capital Mkts. Corp.*, 95 A.D. 3d 589 (1st Dep't 2012) appellate court affirmed dismissal of multi-count complaint alleging wrongful termination and failure to pay bonus.
- *Quantlab Financial, LLC v. Tower Research Capital, LLC*, 715 F.Supp. 2d 542 (S.D.N.Y. 2010), where the court addressed jurisdictional, necessary party, and related issues in a trade secret non-compete case involving the high-frequency automated trading industry.
- *Deloitte & Touche, USA, LLP v. Jose Lamela*, 2007 WL 111 4075 (Delaware Chancery Court, 2007), where on summary judgment following injunction proceedings and full discovery, he successfully challenged in many respects the enforcement of Deloitte's partnership agreement restrictive covenants.
- *Ulico Casualty Company v. Wilson, Elser, Moskowitz, Edelman & Dicker LLP*, 16 Misc. 3d 1051 (Supreme, New York, 2007), where he obtained partial summary judgment for his insurance company client against its former lawyers on a claim of breach of fiduciary duty requiring forfeiture of fees paid to the lawyers in excess of \$3 million.
- *New York Life Insurance Co. v. Media Communications Partners Limited Partnership*, 204 A.D.2d 235, 612 N.Y.S.2d 144 (1st Dep't 1994), where he won a judgment of \$16.3 million on behalf of a client who had provided debt financing for a wireless cable television company that subsequently defaulted. This judgment was affirmed and fully paid in less than 16 months, despite the other side's multiple assertions of fraud.
- *International Distribution Centers, Inc. v. Walsh Trucking Co.*, 618 F. Supp. 98 (S.D.N.Y. 1985), where, following a six-week jury trial in federal court as second chair, Mr. Altieri obtained a \$38.2 million verdict for his clients in a predatory pricing, monopolization, and unfair competition case involving the trucking industry.

In addition to his general commercial litigation practice, Mr. Altieri regularly advises clients and litigates on change-of-employment matters. In the past ten years, Mr. Altieri has both brought and defended numerous actions on behalf of employers, including several injunctive proceedings annually, on such issues as misappropriation of trade secrets, non-compete agreements, and breach of fiduciary duty.

Since 1984, Mr. Altieri has served as an arbitrator on the American Arbitration Association Panel of Arbitrators. He is also a member of the International Center for Dispute Resolution arbitration panel and is a certified mediator in the U.S. District Court for the Southern District of New York mediation program.

Mr. Altieri is Chairman of the [International Lawyers Network](#) (ILN), an association of over 90 select law firms with more than 5,000 lawyers in 67 countries. He also currently serves on the Executive Committee, Antitrust Section, of the Connecticut Bar Association. He is a member of The Union League Club in New York City and of The Patterson Club, Inc., where he is the past president of the Board of Directors. Mr. Altieri has served as Secretary for the Uniform State

Laws Committee and on the InterAmerican Affairs Committee of the Association of the Bar of the City of New York and as a member of the Benefit Committee of the Urban Justice Center.

Besides writing articles in various publications and coauthoring the [Trade Secrets & Noncompete Blog](#), Mr. Altieri is a frequent guest speaker at business and professional group conferences and participates in Epstein Becker Green's Continuing Legal Education Program. He also serves on the firm's Quality Assurance Committee and Board of Directors. A graduate of Fordham Law School, Mr. Altieri clerked for the Honorable Juan Torruella of the U.S. District Court for the District of Puerto Rico and interned in the United States Attorney's Office for the Southern District of New York.

Mr. Altieri has been recognized in *Avenue's* "Legal Elite" list of New York litigation attorneys; in *Who's Who in America*; and in *Who's Who in American Law*. He has also been selected by his peers for inclusion in [The Best Lawyers in America](#)®(2016 to 2018) in the field of Litigation - Labor and Employment.

Education

- Fordham University (J.D., 1980)
 - Jessup International Moot Court Team
- Georgetown University (B.A., 1977)

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court, District of Connecticut
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of New York

Bar Admissions

- Connecticut
- New York

Practice Areas

- Antitrust Counseling and Defense

- Appellate
- Employment Litigation
- ERISA and Benefit Plan Litigation
- Labor & Employment Litigation
- Non-Competes, Unfair Competition, and Trade Secrets

Industries

- Financial Services

Memberships

- Connecticut Bar Association, Executive Committee, Antitrust and Trade Regulation Section
- International Council for Commercial Arbitrators

News & Publications

September 19, 2017

Referral Sources Held to Be Protectable Legitimate Business Interests

Trade Secrets & Noncompete Blog

July 19, 2017

New York Federal Judge Declines to Enforce Employee Non-Solicit Clause

Trade Secrets & Noncompete Blog

November 16, 2016

Peter Altieri and the *Trade Secrets & Noncompete Blog* Featured in *ILN Today*

ILN Today

November 4, 2016

Peter Altieri Quoted in "No-Poaching Pacts Could Land HR Professionals in Jail"

Bloomberg BNA Daily Labor Report

October 31, 2016

DOJ and FTC Release Antitrust Guidance for Human Resource Professionals: An Interview with Peter Altieri

Employment Law This Week

October 31, 2016

Peter Altieri Quoted in "Federal Guidance Warns Against 'No Poaching' and 'Wage Fixing' Pacts"

Corporate Counsel

October 31, 2016

Employment Law This Week®: Antitrust Guidance for HR, EEOC Strategic Enforcement Plan, New I-9 Form, Wage Statement Challenge

Episode 48: Week of October 31, 2016

September 14, 2016

Non-Solicit Violation: \$4.5 Million Punitive Damage Award Upheld

Trade Secrets & Noncompete Blog

May 1, 2015

Peter Altieri Quoted in "What New Associates Need to Do to Launch a Great Career"

Law360

September 11, 2013

Peter Altieri Quoted in Article, "5 Tips for Employers Using 'Inevitable Disclosure' Doctrine"

Law360

Videos

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

*Employment Law This Week (Episode 48: Week of October 31, 2016) has released bonus footage of its interview with **Peter Altieri**, a Member of the Firm at Epstein Becker Green.*

As Mr. Altieri discusses, the DOJ intends to investigate anti-competitive trade practices. The Department of Justice and the Federal Trade Commission released joint guidance for HR professionals on how antitrust laws apply to employment. The guidance explains that agreements among employers not to recruit certain employees—or not to compete on terms of compensation—are illegal. Notably, the DOJ announced that they plan to criminally investigate “naked no-poaching or wage fixing agreements” that are unrelated to legitimate collaboration between businesses. In the past, both agencies have pursued civil enforcement.

Events

Trade Secrets Institute Symposium: Working Knowledge - Managing Employee Trade Secrets

February 15, 2017 at 5:40pm – 6:40pm

Brooklyn, NY

Getting Real About Trade Secrets, Non-Competes, and Raiding Issues in the Financial Services Industry: Non-Competition Agreements, Unfair Competition, and Trade Secrets 2013 Webcast Series

March 14, 2013 at 12:00pm – 1:00pm

Webcast

Getting Real About Trade Secrets, Non-Competes, and Raiding Issues in the Financial Services Industry

February 28, 2013 at 8:00am – 10:30am

The Yale Club of New York

Med Tech Webcast Series: Managing Regulatory Intelligence

November 7, 2012 at 12:00pm – 6:00pm

Webcast

Handling Major Employment Law Challenges Sparked by the Economic Downturn, Japan Society Briefing

April 21, 2009 at 8:00am – 10:00am

Japan Society

Protecting Trade Secrets, Stafford Publications Webinar

March 31, 2009

NY: Economic Reality Bites: Handling Major Employment Law Challenges Sparked by the Economic Downturn

December 3, 2008 at 7:45am – 10:30am

The Yale Club of New York City

Noncompete Agreements Under Fire: Crafting Contracts to Protect Your Business Assets

November 18, 2008 at 1:00pm – 2:30pm

Teleconference

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

Stafford Publications sponsored webinar

April 24, 2008 at 1:00pm – 2:30pm

Teleconference

ALI-ABA National Teleseminar, Covenants Not to Compete: Controlling the Movement of Employees and Information

February 27, 2008

Live Webcast and Teleseminar, to register click [here](#), or call 800-CLE-NEWS (800-253-6397) (Reference Course Code: TSNU13)

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

Case Studies

Epstein Becker Green Obtains Dismissal of Action Against Health Insurance Plan

On February 5, 2016, Epstein Becker Green litigators obtained summary judgment dismissing an Amended Complaint in its entirety on behalf of client The New York State Catholic Health Plan, Inc., d/b/a Fidelis Care New York (“Fidelis Care”), one of the largest government programs-based health insurance plans in New York State. The case was brought by Ahmed Elkoulily, M.D., P.C., a medical provider, challenging Fidelis Care’s decision to terminate the provider’s health services contract on the basis of a finding that the provider presented a danger of imminent harm to patient care.

After extensive discovery, the New York State Supreme Court (Nassau County) reviewed the submissions of the parties and found that “Fidelis made a searching inquiry of a sample of Dr. Elkoulily’s files, and that its conclusion to terminate him was far from arbitrary,” the standard of review for a determination under New York Public Health Law § 4406-d. On an earlier motion to dismiss, the court had dismissed the provider’s three other claims for breach of contract, intentional infliction of economic harm, and violation of New York Public Health Law § 230(11)(b).

This case is one of the few reported decisions in which a health plan has invoked the right to terminate a provider’s contract without a hearing. The court’s two decisions on the subject present a sound analysis of the proper use of such extreme measures.

The Epstein Becker Green litigators representing Fidelis Care included **Peter L. Altieri** and **Jennifer M. Horowitz**.

Firm Announcements

August 15, 2017

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

August 15, 2016

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

August 17, 2015

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

April 3, 2012

Epstein Becker Green Launches Blog to Aid Financial Services Industry with Labor and Employment Issues

June 17, 2009

International Lawyers Network Elects New Chairman

February 26, 2009

Epstein Becker Green Launches Blog on Trade Secrets and Non-Compete Agreements

International Lawyers Network

Mr. Altieri is Chairman of the

International Lawyers Network (ILN), an association of over 91 select law firms with more than 5,000 lawyers in 66 countries. This affiliation of law firms provides mid-sized law firms worldwide with the ability to share knowledge and skills to foster collaboration in order to better serve clients. Clients' increasing need for reliable foreign counsel in our global economy is well met by the personalized, high-quality and cost-effective legal services provided by ILN member firms.

