

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 not in the avoidance of litigation but in handling it with perseverance, creativity, and a laser 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, or appeal. They include the former head of the U.S. Department of Justice's Civil Division (later acting U.S. Attorney General), as well as former Assistant U.S. Attorneys, state prosecutors, and criminal defense attorneys.

## Immersed in your business

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

## Smart from the start

To be “smart aggressive,” instead of simply “aggressive,” means knowing your unique business goals and working 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. Department of Health and Human Services' Office of Inspector General
- 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
- New York Stock Exchange
- Financial Industry Regulatory Authority

### Service areas

- Antitrust
- Appellate
- Banking Litigation
- Business Torts, Competition & Trade Secrets
- Class Actions
- Commercial and Contract Litigation
- Corporate and Securities Litigation
- Data Breach/Cybersecurity Investigations & Litigation
- Dietary Supplement Litigation
- Drug and Medical Device Litigation
- Employment Litigation
- Environmental / Toxic Tort / Proposition 65 Litigation
- ERISA – Retirement and Benefit Plan Litigation
- Financial Services Litigation
- First Amendment Litigation
- Health Care and Life Sciences Investigations and Enforcement
- Health Care Litigation
- Insurance Coverage and Reinsurance Disputes
- Intellectual Property Litigation
- Real Property, Commercial Tenancy & Construction Litigation
- Whistleblowing and Compliance
- White Collar Defense and Internal Investigations

# 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.

## Disability case settles for less than 10% of demand

Defended a global retailer when a former employee sued it for alleged disability discrimination. Our argument that the plaintiff was not a qualified individual with a disability prompted the plaintiff to settle for less than \$100,000 instead of the original \$1 million demand.

## 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.

## Client secures victory in commercial litigation

Defeated multimillion-dollar claims against a financial services company that included breach of contract and tortious interference. At trial, we showed the case had no merit, compelling the court to issue a directed verdict in favor of our clients on all claims. The plaintiffs received nothing.

Our client service ranks within the Top

# 10%

of the law firms serving the world's largest clients

*BTI Client Service A-Team*

Insightful and practical commentary and analysis on a wide range of timely litigation issues that affect businesses.



[Commercial Litigation Update Blog](#)

Recommended for

## Labor and Employment Disputes (Including Collective Actions): Defense

*The Legal 500 United States*

# 65+

 litigation attorneys

Tier 1 litigation – labor & employment

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

