

LEGAL & LITIGATION DEPARTMENTS OF THE YEAR



From left to right: Richard H. Epstein (Litigation Department Co-Chair); Joseph L. Buckley (Litigation Department Chair); Beth S. Rose (Litigation Department Co-Chair); Joseph B. Fiorenzo (Litigation Department Co-Chair)

SILLS CUMMIS & GROSS P.C.

WINNER, GENERAL LITIGATION
DEPARTMENT OF THE YEAR

SILLS CUMMIS 'BUILT ON A SINGULAR IDEA,'
LITIGATION GROUP SAYS OF STRONG 2018

BY DAVID GIALANELLA

The litigation department at Newark-based Sills Cummis & Gross in 2018 handled a mix of important cases in a variety of jurisdictions, at the trial and appellate levels. In addition to the matters mentioned below,

the group also represented StarStone Insurance in defense of one of its insureds, inVentiv Health Clinical, in arbitration concerning cancer treatment Multikine that settled; represented Bentley Motors Inc. in a products liability suit in Nassau County, New York, obtaining dismissal based on allegedly threatening correspondence by the plaintiff; and represented a trio of New Jersey municipalities and their residents as class counsel in an action against Ridgewood Water Utility over a water rate increase—a years-long case that last year yielded a judgment in favor of the plaintiffs after a 14-day trial.

*** The responses were provided by Joseph L. Buckley, chair of Sills Cummis' litigation department. ***

What were some of the department's most satisfying successes of 2018, and why?

2018 was an exciting year for the Sills Cummis & Gross Litigation Department, which again operated at full capacity and continued to try, on average, at least one case per month. The department experienced many satisfying successes for clients in 2018; highlights include the widely covered representation of Third Point LLC as part of its proxy contest for the election of directors to the board of Campbell Soup Co. Working with New York counsel, we filed suit on Third Point's behalf in Superior Court in Camden County, and Peter Verniero argued twice in court before the matter settled, with Third Point successfully placing two of its nominees on the Campbell board and gaining a role in selecting a third director and the hiring of Campbell's CEO. In *Montclair State University v. Passaic County et al.*, Peter Verniero argued in favor of Rutgers University, which appeared as amicus

curiae. In its decision, the Supreme Court of New Jersey reaffirmed the qualified immunity from local land use regulations of state universities. The court also specifically recognized the "broadly autonomous" authority of Rutgers in matters of self-governance, including the management of its property. In the U.S. District Court for the Eastern District of Michigan, shortly before trial, the court granted our client M.Z. Berger & Co.'s motion for partial summary judgment, barring plaintiff MY Imagination Inc.'s claim for lost-profits damages of \$4.5 million and limiting MY Imagination to nominal damages of \$1. Sills Cummis also successfully defended on appeal to the U.S. Court of Appeals for the Second Circuit the District Court's decision in *Washington v. Kellwood Co.*, which had set aside a \$4.3 million verdict (more than \$9 million with prejudgment interest) for breach of contract against our client Kellwood and awarded nominal damages of \$1. In May 2018, the U.S. Supreme Court rejected plaintiff's petition for certiorari.

Being a Litigation Department of the Year means more than providing good counsel. How does your group go a step further for clients?

Founded in 1971, Sills Cummis is a regional powerhouse built on a singular idea—putting the firm's clients first. While we stress to all of our litigators the importance of understanding clients' businesses, our 35 litigation partners in particular make it a priority to understand each client's needs and business objectives, including financial needs, in prosecuting and defending lawsuits. While Sills Cummis is a full-service law firm, litigation has been a bedrock since its founding. From Fortune 500 to emerging growth clients, the firm's litigators relentlessly

focus on making a positive impact on the businesses of the firm's clients, not simply winning the case.

Amid a changing market for legal services, what does it mean to be an effective litigator in New Jersey?

Sills Cummis litigators adapt to changing client needs in order to provide the best service possible. To address clients' increasing desire for efficiency and cost certainty, our attorneys have learned to be efficient, and cost-effective, without sacrificing excellence. An effective litigator must also understand e-discovery and the related technology, and we provide ongoing training with respect to this evolving area. Finally, in this Internet age where we are connected 24/7, our litigators understand how frequently and in how much detail each client would like to be kept informed. No two clients—or cases—are alike.

Is it true that clients now more than ever wish to avoid litigation, and if so, how do litigation practices thrive?

No. We have seen a notable increase since the Great Recession in our clients' willingness to prosecute and defend lawsuits and commercial arbitrations.

Litigators are extraordinarily busy people. What does the firm do to ensure that they remain engaged with pro bono work, their communities and their families?

Sills Cummis encourages all attorneys to give back in ways that are meaningful to them. This could entail getting involved with an organization they feel deeply about, mentoring the next generation of litigators, coaching children's sports teams, pro bono legal services, and much more.