



JONATHAN C. SULLIVAN / PARTNER

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EDUCATION

- St. Johns University School of Law (J.D., cum laude, 2001)
- Wesleyan University (B.A., 1996)

PRACTICE AREAS

- Commercial Litigation
- Crisis Management
- Employment
- Intellectual Property and Technology
- Cybersecurity and Data Privacy
- Insurance & Reinsurance Litigation, Dispute Resolution, Transactions, and Regulatory Problem Solving
- International Law
- Zoning and Land Use

Jonathan C. Sullivan is a Partner and Co-Chair of the Litigation Department at Ruskin Moscou Faltischek, P.C. Jon is an accomplished litigator and trial attorney who represents public and privately held businesses, financial institutions, real estate developers, manufacturers, importers, distributors, healthcare providers, municipalities, not-for-profit organizations, law partners, accountants, doctors, and other professionals in a broad variety of commercial and business disputes. He is a member of the Firm's Crisis Management, Employment, Cybersecurity and Data Privacy, Intellectual Property and Technology, Insurance, International Law, and Zoning and Land Use practice groups.

Jon handles virtually every type of commercial litigation including claims based on complex contractual matters, shareholder and partnership disputes, breach of fiduciary duty, unfair competition, fraud, restrictive covenants, trade secrets, business valuations, real estate transactions, intellectual property, products liability, healthcare, civil rights, employment discrimination, anti-trust, RICO, land use, zoning, condemnation, professional liability, and insurance coverage. Jon is often called upon to personally handle high stakes and complex litigations for the Firm's clients.

Jon's business clients view him as their outside General Counsel and look to him for practical advice on all manner of business and legal issues. He provides guidance on day-to-day operations and long-range strategic planning. Jon has broad experience across multiple disciplines and regularly helps his clients craft critical business communications and policies. He also drafts and comments on commercial agreements, employment agreements, licensing agreements, software as services agreements, and pre- and post-litigation settlement agreements.

Jon's litigation background gives him a unique perspective on the challenges his clients face and he is committed to tailoring a plan of action to meet their business needs.

Jon works closely with his clients and corporate colleagues on complex mergers and acquisitions, particularly where there are potential litigation or regulatory complications. Jon provides advice and guidance concerning letters of intent, non-disclosure agreements, due diligence, valuation issues, asset and membership interest purchase agreements, merger agreements, and pre- and post-closing obligations. Jon's litigation experience allows him to help his business clients understand their fiduciary obligations and manage partnership and shareholder disputes. Jon emphasizes best practices and good corporate governance to help insulate his clients from litigation and is prepared to see any dispute through to trial should litigation become necessary.

Jon works directly with C-suite executives to address their most pressing employment law needs. He regularly provides advice on employment law issues including hiring, training, retention, employee privacy, workplace investigations and terminations. Jon also defends employers facing wage and hour claims, breach of restrictive covenant claims, and discrimination claims in both state and federal court. Jon understands that his clients' employees are often among their most valuable assets and must be managed accordingly.

Jon helps his business clients adapt to technological changes and protect their intellectual property assets in increasingly competitive global markets. He litigates disputes based on trademark and copyright infringement, licensing, privacy, unfair competition, restrictive covenants and trade secrets. Jon has secured both preliminary and permanent injunctions protecting his client's intellectual property rights. He also pursues trademark applications in the U.S. Patent and Trademark Office on behalf of both foreign and domestic clients and represents his clients in proceedings before the Trademark Trial and Appeal Board.

Jon represents residential and commercial developers as they pursue new projects or seek changes in use for existing properties. He helps his clients maximize the value of their investments by working with them to navigate complex zoning and land use regulations often across multiple jurisdictions. Jon regularly provides advice and guidance concerning land use applications, environmental review, zoning and planning board hearings and administrative appeals. He handles land use litigation on behalf of both developers and municipalities including Article 78 challenges, adverse possession cases, condemnation proceedings, SEQRA disputes, CERCLA cases, due process and equal protection claims, RLIUPA claims, FHA claims, and Section 1983 discrimination claims.

Jon is also a member of the Firm's Crisis Management practice group. He helps his clients develop and execute comprehensive business and litigation plans under the most challenging circumstances including data breaches, cyber-attacks, product recalls, misconduct by high level executives, and regulatory and criminal investigations. Jon understands the importance of controlling both internal and external messaging during a crisis and drafts company-wide communications and media response plans.

Jon graduated from Wesleyan University in Middletown Connecticut where he majored in Comparative Politics. Jon's interest in commercial litigation began during his first job after college working for a business here on Long Island that imported agricultural products from China including tea, honey, and goose feathers and down. Jon traveled extensively throughout China to negotiate contracts and inspect products and factories to monitor quality and working conditions. Jon attended St. John's University School of Law graduating cum laude and was Associate Managing Editor of the St. John's Law Review. Jon is proud to say that he has spent his entire legal career at RMF. He joined the Firm straight out of law school as an associate and rose through the ranks becoming a Partner and Co-Chair of the Firm's Litigation Department.

Jon volunteers his time as the Chairman of the Lattingtown Zoning Board of Appeals. He is also the Treasurer of the Friends of Bailey Arboretum which manages a 42-acre arboretum and Gold Coast mansion in Lattingtown known as Munneysunk

Representative Engagements

- Defended healthcare company in class action lawsuit based on data breach affecting the personal financial information and personal health information of several hundred thousand patients and employees across multiple jurisdictions. Secured favorable settlement following initial motion practice and mediation. Supervised regulatory responses and separate settlement with New York State Attorney General's Office. (Lead Counsel) (Eastern District of New York)
- Defended regional orthopedic practice in insurance coverage dispute where insurance carrier sought declaratory judgment that multiple malpractice policies issued by carrier were void based on purported false statements made by practice during application process. Successfully secured dismissal of all claims on motion to dismiss. (Lead Counsel) (Northern District of New York)
- Lead litigation counsel for regional healthcare company in stock sale to Fortune 25 healthcare company. Provided advice and guidance to client and corporate colleagues concerning pending litigations and all aspects of transaction. (Lead Litigation Counsel)
- Defended corporate client in series of disputes with a principal of the company who was also a major stockholder. Secured multi-million dollar verdict in favor of the company following full trial on the merits based on breach of fiduciary duty and diversion of corporate opportunity. Also obtained a declaratory judgment that the company's termination of principal was justified. (Lead Counsel) (Delaware Chancery Court)
- Lead litigation counsel for owner and operator of regional railroad terminal in connection with the sale of terminal to national developer. Provided advice and guidance to client and corporate colleagues concerning pending litigations and all aspects of transaction. (Lead Litigation Counsel)

- Lead litigation counsel for national distributor of wireless devices and accessories facing existential litigation threats due to market changes caused by COVID-19 epidemic. Successfully negotiated standstill, tolling and debt settlement agreement with multiple international telecommunication companies. (Lead Counsel) (Eastern District of New York) (Suffolk County Supreme Court) (California Superior Court, Santa Clara) (Northern District of Illinois)
- Represented major importer of frozen foods in breach of contract and breach of warranty dispute with international refrigeration company based in Seattle, Washington. Negotiated successful resolution. (Lead Counsel) (Western District of Seattle)
- Defended corporate client in stockholder derivative suit asserted by stockholder against the company's Board of Directors based on claims that the Board improperly terminated the President of company. Secured dismissal of all claims asserted by stockholder against the Board of Directors on summary judgment. (Lead Counsel) (Queens County Supreme Court)
- Represented iconic New York City pizza chain in multiple trademark infringement cases commenced in the Southern District of New York. Obtained multiple permanent injunctions prohibiting infringing conduct by knock-off restaurants. (Lead Counsel) (Southern District of New York)
- Defended paving contractor in Article 78 proceeding challenging the award of a major paving contract to contractor. Petitioner withdrew its claims in response to motion to dismiss filed on behalf of contractor. (Lead Counsel) (Nassau County Supreme Court)
- Defended accountant in breach of covenant not to compete and non-solicitation case based on purported breaches of shareholder's agreement. Secured dismissal of disgorgement and reliance damage claims seeking over \$15,000,000 in damages following full trial on the merits. (Trial Counsel) (Nassau County Supreme Court)
- Represented national big box store in Article 78 proceeding challenging the denial of the client's application to the New York State Liquor Authority requesting permission to open liquor store adjacent to one of its premier locations in New York. Secured order directing the Liquor Authority to issue license despite significant opposition from local competitors and prevailed on subsequent appeal. (Lead Counsel) (Nassau County Supreme Court) (Lead Appellate Counsel) (Appellate Division, Second Department)
- Defended national manufacturer of medical devices and its Board of Directors in stockholder derivative suit commenced by stockholder in Delaware Chancery Court alleging breaches of fiduciary duty, unjust enrichment and related claims based on purported misleading statements and material omissions. Plaintiff filed a voluntary dismissal of all claims in response to comprehensive motion to dismiss based on the relevant statute of limitations and other grounds. (Lead Counsel) (Delaware Chancery Court)

- Defended Long Island based law firm in federal action seeking millions of dollars in damages based on purported fraudulent scheme involving prior New York State litigations. Plaintiff asserted fraud and RICO claims. Secured immediate stay of discovery and dismissal of all claims. (Lead Counsel) (Eastern District of New York)
- Represented Captain of volunteer fire department who claimed he was improperly expelled from fire department based on alleged racial animus. Successfully negotiated reinstatement following the commencement of Article 78 proceeding. (Lead Counsel) (Nassau County Supreme Court)
- Represented owner of family-owned specialty restaurants in connection with trademark cancellation proceeding before the Trademark Trial and Appeal Board. Negotiated successful resolution. (Lead Counsel) (Trademark Trial and Appeal Board)
- Defended homeowners in dispute concerning the enforcement of historic restrictive covenant burdening their property in Centerport, New York. Secured dismissal of all claims following motion for summary judgment. (Lead Counsel) (Suffolk County Supreme Court)
- Defended Long Island based entrepreneur who was sued by his former business partner. Successfully moved to dismiss claims seeking damages in excess of \$8,000,000 based on breach of contract, fraud, unjust enrichment, fraudulent concealment, fraudulent inducement, and breach of fiduciary duty. (Lead Counsel) (Suffolk County Supreme Court)
- Defended telecommunications provider in connection with claims alleging misappropriation of trade secrets, tortious interference with business, breach of fiduciary duty, civil conspiracy and unfair competition. Secured favorable settlement following mediation.
- Defended North American energy retailer in breach of contract and fraud case arising out of brokerage agreement executed in Texas. Secured dismissal of all claims on summary judgment. (Lead Counsel) (New York County Supreme Court)
- Defended Long Island municipality in Section 1983 due process and equal protection case where developer claimed that Village improperly delayed application to construct complex of townhomes. Plaintiff asserted Section 1983 equal protection and due process claims and RICO violations. Secured recommendation of dismissal from Magistrate Judge and negotiated resolution that permitted development to move forward on terms acceptable to the municipality. (Lead Counsel) (Eastern District of New York)
- Member of trial team that won \$8.5 million trial verdict in eminent domain trial against City of Long Beach arising from condemnation of prized ocean-front Super Block including successful defense of appeal before New York Appellate Division. (Trial Team) (Nassau County Supreme Court)

- Member of trial team that won jury verdict dismissing all claims and awarding approximately \$1,000,000 in damages on counterclaims following two-week federal trial between pharmaceutical competitors. (Member of Trial team) (Eastern District of New York)
- Member of trial team that won jury verdict dismissing all claims in civil rights case against Long Island municipality. Secured \$900,000 attorney's fee award in favor of defendant municipality which was sustained on appeal by the Second Circuit Court of Appeals. (Member of Trial Team) (Eastern District of New York) (Lead Appellate Counsel) (Second Circuit Court of Appeals)

Publications

- RMF Attorney Jonathan C. Sullivan Honored By Long Island Business News As A "Leadership In Law" Award Honoree (Press Releases)