

Christopher Walsh

Partner

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One Gateway Center
Newark, NJ 07102

Industries

Manufacturing

Consumable Goods

Life Sciences

Practice Areas

Business & Commercial Litigation

Bar Memberships

New Jersey

New York

Chris represents businesses in complex commercial disputes involving a wide range of issues that can bedevil virtually any successful enterprise. He seeks to achieve his clients' goals as quickly and efficiently as possible, but he is prepared to litigate a client's cause aggressively, through a trial or an arbitration hearing, if the circumstances require it.

His recent and current representations include: (1) prosecuting Lanham Act claims against multiple compounding pharmacies, (2) defending an insulin manufacturer in multiple actions concerning the pricing of its insulins, including two class actions, in the District of New Jersey; (3) defending in two Delaware proceedings a software developer alleged to have breached a software development agreement with a medical device manufacturer; (4) successfully arbitrating a matter for an international food container manufacturer alleged to have breached a software-license agreement and infringed the copyrights of its software vendor; and (5) successfully arbitrating a dispute for a Medicare Advantage organization alleged to have violated Centers for Medicare & Medicaid Services regulations when it terminated its agreement with a cardiology practice and removed the practice from its panel of providers. As the former Chair of the New Jersey State Bar Association's Federal Practice and Procedure Section and the current Co-Chair of the Association's Business and Commercial Litigation Committee, Chris is well versed in the nuances of litigating in New Jersey federal courts and the state's Complex Business Litigation Program. Chris was one of three attorneys who drafted the rules governing practice in the New Jersey Superior Court's Complex Business Litigation Program.

Chris is active in his community and is a trustee and former Chair of the Board of Trustees of New Brunswick Tomorrow and Chair of the Advisory Board for the Raritan Valley Work Center (a service of Easterseals New Jersey). He is also the former Chair of the Board of Trustees for the Ronald McDonald House of Long Branch and New Brunswick.

Other Info About Christopher

Experience

- Chris is representing a pharmaceutical company in multiple Lanham Act lawsuits against compounding pharmacies.
- Chris represented an insulin manufacturer in four actions, including two class actions, alleging violations of the federal RICO Act and state consumer protection laws.
- Chris defended a software developer against claims of breach of a software development agreement.
- Chris obtained, after two months of expedited discovery, an injunction from the Delaware Court of Chancery, granting full enforcement of a restrictive covenant agreement against his client's former employee.
- Chris recently obtained the dismissal of a civil-RICO and §1983 case against a New Jersey municipality arising from a denial of a liquor-license-transfer application.
- Chris won an arbitration proceeding on behalf of a Medicare Advantage organization accused of violating CMS regulations when it removed a cardiology practice from its panel of providers.
- Chris tried a case in the Delaware Chancery Court, representing the officers of an $800 million New Jersey-based real estate company and the officers' affiliated entities. Three minority equity owners alleged that the officers had breached their fiduciary duties to the minority owners when the officers approved a complex reorganization of the company's assets and liabilities. The case raised challenging

legal issues about the scope of the fiduciary duties owed by officers of limited liability companies and equally challenging economic issues about the fairness of the reorganization to the company's various stakeholders. The court found that, although the process for approving the reorganization was flawed, the financial terms offered to the parties involved in the transaction were fair and that the minority equity owners did not suffer any damages.

- Chris represented Montclair State University in litigation against Oracle USA, Inc., in the District of New Jersey, substituting in as the University's s litigation counsel after an initial complaint had been filed. Chris filed an amended complaint against Oracle for breach of contract and fraud, arising out of a failed implementation of a $20 million enterprise resource planning (ERP) system that would have supported the University's financial, human resources, academic, and student services functions. Technology industry press reports characterized the amended complaint as a "textbook example of how to file a legal action against a vendor for failure to deliver." Oracle counterclaimed, seeking more than $5 million. After more than a year of motion practice and substantial discovery, the parties engaged in mediation and achieved a final resolution of their differences, resulting in a dismissal of the litigation.
- Chris represented a former lessee of property at the World Trade Center site in litigation brought by an owner of property near the site against a handful of former owners and lessees of property at the site, as well as certain airlines. The plaintiff is seeking relief under CERCLA to compel the defendants to pay for its costs for remediating environmental contamination allegedly caused by the incineration of the defendants' properties on September 11, 2001. The Southern District of New York originally dismissed the complaint. On appeal, the United States Court of Appeals for the Second Circuit sent the case back to the District Court to consider whether CERCLA's rarely invoked "act of war" defense was also a basis

for dismissing the complaint. The District Court, in a groundbreaking decision, found that the act of war defense applied to the matter and dismissed the complaint pursuant to that defense in addition to the grounds on which it had originally dismissed the case. *In re Sept. 11 Litig., 931 F. Supp. 2d 496 (S.D.N.Y. 2013)*. The matter is currently on appeal before the Second Circuit.

- Chris represented a foreign gun manufacturer in two separate actions brought by two New Jersey municipalities against numerous gun manufacturers. He was able to secure the early dismissal of his client from both matters.
- Chris has prosecuted and defended several preference and fraudulent transfer matters in several bankruptcy courts. He is currently representing the Trustee of a post-bankruptcy estate in an action to recover fraudulent payments made to several of the bankrupt entities' executive employees in what the Trustee contends was part of a Ponzi scheme.
- Chris was an integral part of a team defending a major pharmaceutical company against a Fortune 50 competitor, which sought an injunction under the federal antitrust laws enjoining the client's then-extant discounting program. The competitor's motion for a preliminary injunction was denied.

Education

Law School

Rutgers School of Law – Newark, J.D., with honors

- Bloustein Fellow in Jurisprudence
- Articles Editor, *Rutgers Law Review*
- Order of the Coif

Graduate School

Rutgers Graduate School, M.A.

Undergraduate School

Texas Christian University, B.A., magna cum laude

- Phi Beta Kappa

Clerkships

Law clerk to the Honorable Robert N. Wilentz, Chief Justice, New Jersey Supreme Court, 1993-1994

Courts

United States District Court for the District of New Jersey

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States Court of Appeals for the Third Circuit

United States Court of Appeals for the Second Circuit

Recognition

Included on the *New Jersey Super Lawyers* list, Business Litigation

Included on the *New Jersey Super Lawyers Rising Stars* list, Business Litigation, 2006

Professional Affiliations

New Jersey State Bar Association
Co-Chair, Business and Commercial Litigation Committee
Former Chair, Federal Practice and Procedure Section
Equity Jurisprudence Committee

American Bar Association

The Association of the Federal Bar of the State of New Jersey

New Jersey Supreme Court District XIII Ethics Committee, 2000-2004

Superior Court of New Jersey's Juvenile Conference Committee, 2008-2013

Somerset County Bar Association Mock Trial Competition, 2005
Judge

New Brunswick Tomorrow
Trustee and former Chair, Board of Trustees

Ronald McDonald House, Long Branch & New Brunswick
Former Chair, Board of Trustees

Raritan Valley Work Center (a service of Easterseals New Jersey)
Advisory Board, Chair

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Editor

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