

Joshua R. Elias

Partner

jelias@fbtgibbons.com | 973.596.4517

One Gateway Center
Newark, NJ 07102

Industries

Manufacturing

Industrials

Practice Areas

Business & Commercial Litigation

Bar Memberships

New Jersey

Florida

New York

Josh's broad-based commercial litigation practice provides problem solving, strategic advice, and counseling to some of the largest financial institutions and insurance companies involved in disputes and litigation in federal and states courts throughout the United States. As a true commercial litigator, Josh doesn't limit himself to matters within a particular area of law and has had significant experience in complex tort, commercial litigation, insurance coverage, legal malpractice, and bankruptcy litigation. He possesses the ability to quickly develop in-depth understanding of the matters and legal issues in dispute – no matter what the issue or industry. Clients recognize his capacity to quickly synthesize complex issues and present them to a judge or jury in a clear, precise, and convincing manner, regardless of how convoluted the factual issues or complex the legal issues may be. Josh's clients benefit from his years of experience on both sides of the courtroom, including his clerkships in both the federal and state court systems, as well as his deep-rooted commitment to his clients' needs in each matter he handles.

Josh's first priority is always to understand his client's business inside and out, since the matter in dispute is part of the client's business, and the outcome will shape its course. His keen understanding of his client's business objectives drives his litigation strategy, always with the end goal in mind. His approach is to work closely with his client to thoroughly understand the issues and create a customized approach to the defense of the case, balancing the need for a vigorous defense with the practical considerations of cost and impact on his client's business. Josh prides himself on aggressive representation without over-reliance on litigation, which can be expensive and time-consuming.

Other Info About Josh

Experience

Representative Matters

- *In re Synchronoss Secs. Litig.*, 705 F. Supp. 2d 367 (D.N.J. 2010). The court granted defendants' motion to dismiss all claims asserted against the company, and its CEO and CFO in a federal securities fraud class action where plaintiffs based their claims on the facts that the company had failed to achieve its earnings guidance and that the individual defendants had sold millions of dollars in company stock during the class period, which triggered the voluntary dismissal of two related derivative actions.
- *Wilmington Sav. Fund Soc'y v. Stewart Guar. Co.*, 2012 Del. Super. LEXIS 524 (Del. Super. Ct. Aug. 31, 2012). In a case of first impression in Delaware, the court was confronted with a title insurance company's decision to deny coverage due to the insured's violation of the consent-to-settle provision, which the insured claimed could not be invoked on account of the title insurer's decision to defend the insured under a reservation of rights. The court gave full force and effect to the "consent-to-settle" clause contained in the title policy, notwithstanding the defense provided under a reservation of rights, granted the defendant title insurance company's motion to dismiss, and dismissed the plaintiff bank's contract and tort claims.
- *Gaelick v. Conn. Gen. Life Ins. Co.*, 2011 U.S. Dist. LEXIS 95254 (D.N.J. Aug. 25, 2011). The court dismissed the insurance broker plaintiff's complaint – consisting of claims of tortious interference with prospective economic advantage, tortious interference with contractual relations, fraud, negligent misrepresentation, breach of the covenant of good faith and fair dealing, negligence, unjust enrichment, and promissory estoppel – against the defendant insurance company at the pleading stage, finding that the defendant insurance company's actions could not have, as a matter of law, caused

the plaintiff to suffer damages in the form of lost commissions.

- *Wavetronix LLC v. Swenson*, 2013 U.S. Dist. LEXIS 48370 (D. Idaho Mar. 29, 2013); 2013 U.S. Dist. LEXIS 63753 (D. Idaho May 1, 2013). After dismissal of the plaintiff's complaint, the court found that the pleading was "legally baseless under well-established law" and, therefore, failed to meet the pleading requirements under Federal Rule of Civil Procedure 11. Based on the plaintiff's attempts to "artfully plead its way around well-established law," the court sanctioned counsel and awarded attorneys' fees to the Liquidating Trust in what appears to be the first monetary sanction of counsel under Rule 11 imposed by the District Court for the District of Idaho.
- *In re DBSI, Inc.*, 2012 Bankr. LEXIS 3558 (Bankr. D. Del. Aug. 2, 2012). In the course of representing a trustee in under a confirmed chapter 11 plan in the Bankruptcy Court for the District of Delaware, a litigant in an adversary proceeding filed a complaint in the District Court for the District of Idaho against the trustee in his personal capacity, alleging that he participated in a criminal RICO enterprise. Pursuant to the longstanding rule known as the Barton Doctrine, which requires a litigant to obtain leave of the appointing bankruptcy court before bringing an action against a trustee in another forum, the court found the adverse litigant in contempt and ordered the immediate dismissal of the complaint filed in the District Court for the District of Idaho.
- *CIA, Gary Gresko, S.A. v. Stewart Title Guar. Co.*, 2009 U.S. Dist. LEXIS 31680 (D.N.J. Apr. 15, 2009). The court dismissed the plaintiff's complaint, which sought $2 million under a title policy for a loss in connection with real property located in the Dominican Republic, finding that the claim was specifically excepted from coverage in the schedule of exceptions attached to the title policy.

Education

Seton Hall University School of Law, J.D.

Union College, B.A., cum laude

Clerkships

Law clerk to the Honorable Peter G. Sheridan, U.S.D.J., Newark, NJ

Law clerk to the Honorable John Pisansky, J.S.C., Superior Court of New Jersey

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 Ninth Circuit

Recognition

Recognized by Best Lawyers®, 2026-2027 Editions: Commercial Litigation

Included on the *New Jersey Super Lawyers Rising Stars* list, Business Litigation, 2011-2018

Included on the *Benchmark Litigation* "40 & Under Hot List," 2016, 2017, 2018, 2020

Professional Affiliations

American Bar Association

John C. Lifland American Inn of Court

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.