

Robert Novack

SHAREHOLDER

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Overview

Bob Novack is a trial lawyer with four decades of complex commercial litigation experience. Bob's practice focuses on insurance coverage disputes, coverage counseling, and bad faith litigation. He also maintains a diverse litigation practice that has run the gamut of class action securities litigation and enforcement, commercial disputes, consumer fraud, employment, professional liability, probate and trust litigation, and shareholder/partnership disputes.

In the insurance arena, Bob represents insurers on coverage matters involving directors and officers, securities, professional liability, media, privacy, employment, fidelity, public entity, and fiduciary claims. Bob recently obtained summary judgment for a multinational insurer in a multiyear declaratory judgment and bad faith action arising from the insured's claim for coverage of an underlying fraud lawsuit. In granting the client's motion for summary judgment in its entirety, the court found that the insured's liability for the underlying fraud claim was unambiguously excluded from coverage and that the insurer had complied with all of its obligations in good faith.

Bob also successfully defended a \$107 million Bernard Madoff-related fidelity insurance coverage claim. Following a New York trial in which Bob reduced the damages exposure to \$7 million, Bob was successful in having the entire action dismissed on appeal. Bob also represented an insurer in a \$54 million multiyear tower insurance coverage action in New York. There, Bob persuaded the court that the insurer had no duty to pay defense costs for individual and proposed class action suits brought by mortgage borrowers because the policy lacked a duty-to-defend provision and the insured had not established the claims were covered.

Outside of the insurance space, Bob has represented an array of noteworthy public and private institutions, businesses, and organizations, including the Federal Deposit Insurance Corp. (FDIC), one of the largest nutritional supplement companies in the world, major financial institutions, and a professional sports league. In recent matters, Bob represented the principals of a pharmaceutical startup, obtaining summary judgment in federal court in New York in an \$18 million investor lawsuit.

Bob also recently successfully defended a prominent New Jersey developer in connection with a multiyear consumer fraud class action alleging improper marketing practices and millions in alleged damages. The litigation was resolved for \$750,000 after the New Jersey Appellate Division granted Carlton Fields' rare, successful motion for an interlocutory appeal of the trial court's class certification decision.

Bob has tried cases before judges, juries, and arbitration tribunals, and argued appeals before the U.S. Courts of Appeals, the New Jersey Supreme Court, and New York appellate courts. He has extensive experience in mediation and alternative dispute resolution strategies.

Prior to joining Carlton Fields, Bob chaired the commercial litigation practice at Bressler, Amery & Ross, P.C. and, before that, he co-chaired the national litigation department of Edwards Wildman, an international law firm. Bob has served on the Lawyer's Advisory Committee for the U.S. District Court for the District of New Jersey, and as an adjunct professor at Rutgers Law School.

Bob has been recognized numerous times by *New Jersey Monthly* as one of the state's "Top Lawyers" in business and commercial litigation. *New York Magazine* named Bob to its short list of "New York Area's Best Lawyers." Bob is consistently selected to the [Super Lawyers](#) list in the areas of business litigation and insurance coverage, as well as [The Best Lawyers in America](#)[®] list.

Bob is the office managing shareholder for the firm's New Jersey office.

Experience

- Recently secured the dismissal of \$13 million in claims, including breach of contract, filed by an investor in a biotech company. The U.S. Court of Appeals for the Second Circuit affirmed the district court's summary judgment decision that no oral agreement was ever reached. *Schoninger v. Green*, No. 1:15-cv-02233, 2018 WL 722838 (S.D.N.Y. Feb. 5, 2018), *aff'd*, 763 F. App'x 1 (2d Cir. 2019).
- Represented insurer in fidelity bond claims arising out of the Bernard Madoff Ponzi scheme. *Jacobson Family Invs., Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 102 A.D.3d 223 (N.Y. App. Div. 2012).
- Represented an international accounting firm in defense of investor suits arising out of the audits of feeder funds that invested with Bernard Madoff.
- Successful defense of a public company and its executive officers in securities fraud class actions in the Eastern District of New York, *In re NBTY Inc. Securities Litigation* (2002).
- Successful defense of public company directors and officers in securities fraud derivative actions in the Eastern District of New York and in Delaware Chancery Court.

- Represented the FDIC as receiver in 11 consolidated securities fraud class actions in the District of New Jersey arising out of one of New Jersey's largest bank failures.
- Represented the FDIC in prosecuting professional negligence claims against attorneys, appraisers and accountants.
- Represented several of the largest banking institutions in the Northeast in creditor's rights litigation.
- Represented a national telecommunications company in terminated distributor/franchise litigation.
- Regularly represents public and private companies in employment litigation.
- Successful argument resulting in New Jersey Supreme Court liberalization of the standards of review governing summary judgment applications in the New Jersey state courts. *Brill v. Guardian Life Ins. Co. of Am.*, 666 A.2d 146 (N.J. 1995).

Areas of Focus

Practices

- Appellate & Trial Support
- Creditors' Rights and Bankruptcy
- Cyber Insurance Coverage Disputes
- Insurance
- Labor & Employment
- Life, Annuity, and Retirement Litigation
- Litigation and Trials
- Real Property Litigation
- Representations and Warranty Insurance

Industries

- Property & Casualty Insurance
- Insurance

News

03.25.2024

Carlton Fields Attorneys Named to 2024 New Jersey Super Lawyers and Rising Stars Lists

05.11.2023

Carlton Fields Attorneys Named to 2023 New Jersey Super Lawyers and Rising Stars Lists

03.17.2022

Carlton Fields Shareholder Robert Novack Named to New Jersey Super Lawyers 2022 List

07.15.2019

Carlton Fields' New Jersey Office Moves to Florham Park

06.19.2019

Insurance and Commercial Litigator Kenneth Cesta Joins Carlton Fields

02.25.2019

Carlton Fields Wins Appellate Victory in Biotech Investor Dispute

02.01.2019

Media Shines Spotlight on Carlton Fields' New Office and Lawyers; Firm Opens New Jersey Office and Bolsters Real Estate and Insurance Litigation Practices

01.07.2019

Carlton Fields Opens New Jersey Office, Adds Five Attorneys

Recognition

- Certified Civil Trial Attorney by the New Jersey Supreme Court
- *The Best Lawyers in America*, Commercial Litigation (2003–2024)
- *New Jersey Super Lawyers*, *Super Lawyers Magazine* (2005–2023)
- New York Area's Best Lawyers, *New York Magazine* (2006)
- Top Lawyers, Business Litigation, *New Jersey Monthly Magazine* (2003)
- “Top Rated Lawyer” in Commercial Litigation, *ALM* (2012)

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Professional & Community Involvement

- American Bar Association
- Federal Bar Association

- New Jersey State Bar Association
- New Jersey Supreme Court
 - Former Chairman, District Ethics Committee VB
- U.S. District Court for the District of New Jersey
 - Lawyers' Advisory Committee (2003–2008)

Credentials

Education

- University of Miami School of Law (J.D., cum laude, 1978)
- Rutgers University (B.A., 1975)

Bar Admissions

- New York
- New Jersey

Court Admissions

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Second Circuit

Background

- Principal, Bressler, Amery & Ross, P.C., Florham Park, NJ (2011–2018)
- Partner, Edwards Wildman (1997–2011)