



# Kenneth J. Cesta

OF COUNSEL

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## Overview

Ken Cesta is an experienced commercial litigator with more than 30 years of litigation experience in the state and federal courts of New Jersey and several other states. Ken's practice focuses on counseling and defending insurers in insurance coverage disputes and bad faith litigation involving commercial general liability, errors and omissions, employment practices liability, professional liability, directors and officers liability, public entity, cyber, and media policies. He has represented insurers on a wide range of claims, including discrimination, wrongful termination, the Telephone Consumer Protection Act, securities, sexual/physical abuse, molestation, assault, professional liability, data breach, and cyber/technology claims.

Ken also represents financial institutions in debt recovery litigation, including commercial foreclosures in New Jersey and litigation under the Uniform Commercial Code, and was previously part of a national trial team representing two public financial institutions in employment litigation throughout the United States.

Ken also has extensive experience in the e-discovery field, implementing cost-effective e-discovery and litigation readiness plans for his clients. He holds an eDiscovery Executive Certificate from and is a member of the Association of Certified E-Discovery Specialists and is a frequent lecturer on e-discovery topics including managing e-discovery costs and document retention policies.

Ken is a former chair of the New Jersey District VB Ethics Committee and has been appointed by the New Jersey Supreme Court to serve as a special ethics master in several complex disciplinary actions brought by the New Jersey Office of Attorney Ethics. He is a member of the Claims and Litigation Management Alliance and the Association of the Federal Bar of New Jersey.

## Experience

- Represented a New Jersey bank in connection with contested commercial foreclosure, breach of promissory note and guaranty action and related lender liability claims. Obtained summary judgment and foreclosure judgment upon associated commercial development, along with award of attorneys' fees.
- Obtained summary judgment on behalf of a national financial institution dismissing all counts of former employee's federal court discrimination and wrongful termination action.

- Successfully defended a national franchisor in federal court action in New Jersey alleging claims of breach of software licensing agreements. Case settled on favorable terms for client.
- Represented the FDIC as receiver in 11 consolidated federal securities fraud class actions in the District of New Jersey arising out of one of New Jersey's largest bank failures.
- Represented a public financial institution in connection with multimillion-dollar foreclosures of two large commercial properties and related actions on the underlying promissory notes and guarantees. Obtained final judgments resulting in full payment to client.
- Successfully defended a national media company in New Jersey federal court class action alleging violations of the Telephone Consumer Protection Act. Case settled on favorable terms for client.
- Successfully defended a public company and its executive officers in federal court securities fraud class actions in the Eastern District of New York.
- Represented a secured lender in a bankruptcy court fraudulent conveyance action arising out of a \$25 million buyout of a national trucking company. Negotiated and obtained court approval of favorable multi-party settlement liquidating debtor's assets.
- Obtained complete dismissal of discrimination and wrongful termination claims before the Equal Employment Opportunity Commission brought by former employee against national not-for-profit.

## All News

06.19.2019 Carlton Fields Adds Insurance and Commercial Litigator Kenneth J. Cesta in New Jersey and New York

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06.19.2019 Insurance and Commercial Litigator Kenneth Cesta Joins Carlton Fields

## Recognition

- AV Rated by Martindale-Hubbell
- Appointed by the New Jersey Supreme Court in several matters to serve as a special ethics master in complex disciplinary actions brought by the New Jersey Office of Attorney Ethics against practicing attorneys.
- Appointed to the Neutral Mediator Panel for the Superior Court of New Jersey, Chancery Division, Morris and Sussex counties (2010–2017)

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

## Professional & Community Involvement

- Association of the Federal Bar of New Jersey
- Claims and Litigation Management Alliance
- District VB Ethics Committee of the Supreme Court of New Jersey
  - Former Member, Vice Chair, and Chair

## Speaking Engagements

- “Managing High Profile Claims Under EPL, Cyber, and Professional Liability Policies,” Management and Professional Liability Conference, Claims and Litigation Management Alliance, Boston, MA (June 2018)
- “Trial Strategies and Solutions of Business Disputes When an Insurance Carrier Is Involved,” Current Issues in Business Litigation, New Jersey Bar Association, New Brunswick, NJ (June 2017)
- “Avoiding E-Discovery Spoliation Claims in Employment Litigation,” New Jersey Institute for Continuing Legal Education, West Orange, NJ (November 2016)
- “Trust and Business Accounting Rules for NJ Lawyers,” Morris County Bar Association, Morristown, NJ (November 2014)
- “Ethical Implications of E-Discovery,” New Jersey Office of Attorney Ethics, Trenton, NJ (October 2014)

## Credentials

### EDUCATION

- Quinnipiac University School of Law (J.D., cum laude, 1986)
- Muhlenberg College (B.A., 1983)

### BAR ADMISSIONS

- New Jersey
- New York

### COURT ADMISSIONS

- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit

## Background

- Partner, Hoagland Longo Moran Dunst & Doukas LLP, New Brunswick, NJ (2017–2019)
- Shareholder, Bressler Amery & Ross, P.C., Florham Park, NJ (2014–2017)
- Partner, Hoagland Longo Moran Dunst & Doukas LLP, New Brunswick, NJ (2011–2014)
- Partner and Counsel, Edwards Angell Palmer & Dodge LLP, Madison, NJ (1997–2011)
- Associate and Counsel, Commercial Litigation, Budd Larner LLC, Short Hills, NJ (1992–1997)
- Associate, Corporate Law and Commercial Litigation, Dillon Bitar & Luther LLP, Morristown, NJ (1986–1992)

## Areas of Focus

### PRACTICES

- Appellate & Trial Support

- Creditors' Rights and Bankruptcy
- Cyber Insurance Coverage  
Disputes
- Discrimination
- Labor & Employment
- Litigation and Trials
- Property & Casualty Insurance