



Robert Novack

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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's recent notable matters include defending 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 recently 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 recovered a \$5 million award and attorneys' fees in New Jersey in a suit by a bank against a defaulting borrower-developer.

Bob is certified by the New Jersey Supreme Court as a Civil Trial Attorney. He has tried cases before judges, juries, and arbitration tribunals, and argued appeals before the U.S. courts of appeal, 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).

All Insights

- 02.25.2019 Carlton Fields Wins Appellate Victory in Biotech Investor Dispute
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- 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
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- 01.07.2019 Carlton Fields Opens New Jersey Office, Adds Five Attorneys

Recognition

- Recognized in *The Best Lawyers in America*, Commercial Litigation (2003-2019)
- Recognized in *New Jersey Super Lawyers* (2005-2018)
- Recognized in *New York Magazine's* annual "New York Area's Best Lawyers"
- Certified Civil Trial Attorney, New Jersey Supreme Court
- Recognized in *New Jersey Monthly Magazine* for Business and Commercial Litigation
- Selected as a "Top Rated Lawyer" in Commercial Litigation, *ALM* (2012)

Professional & Community Involvement

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

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)

Areas of Focus

PRACTICES

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

INDUSTRIES

- Insurance