

Howard S. Wolfson

Partner

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Howard S. Wolfson is a partner in the Firm's Litigation Practice. A trusted advisor and litigator for almost 40 years, Howard is highly regarded within the industry, with a reputation for handling precedent-setting actions and complex bench and jury trials. Howard litigates in state and federal courts throughout the country, as well as in front of local and international tribunals. Additionally, he has vast experience in high stakes arbitrations and has served as a party-appointed arbitrator.

A business and commercial litigator, Howard focuses his practice on:

- Representation of health and life insurers
- Franchise and distribution law
- Real estate, insurance, and commercial litigation
- EB-5 investor program

Representation of Health and Life Insurers

A strong advocate for his clients, Howard has longtime, established relationships with health and life insurance companies. He leverages his commercial litigation experience to guide clients through a wide range of disputes.

Howard regularly represents health insurers in disputes with providers, policy holders, and other third parties. His experience includes defending health insurers in reimbursement disputes with out-of-network providers, ERISA matters, claims for libel and slander, and contract and tort disputes. He also regularly handles credentialing disputes with physicians, including defending actions alleging improper termination and non-renewal of physicians from managed care networks.

On behalf of life insurers, Howard handles a wide range of litigation, including the defense of multi-million foreign death claims, coverage disputes, claims for rescission, and the defense of actions for alleged torts and breach of contract.

Howard also advises insurance companies on their reporting responsibilities to various federal and state agencies and data banks. In addition, he works closely with fraud, group integrity, and legal departments on fraudulent and abusive billing practices and group

Related Services

- Litigation
- Hospitality

integrity issues.

Franchise & Distribution Law

Howard is nationally recognized in franchise and distribution law. He represents franchisors and manufacturers in a broad range of claims, including the defense of actions for alleged:

- Breach of the implied covenant of good faith and fair dealing
- Encroachment
- Fraud
- Breach of contract
- State law violations
- Transshipping
- Vicarious liability
- Wrongful termination

Howard has successfully prosecuted claims on behalf of franchisors for trademark infringement, breach of contract, recovery of lost future royalties, and to enforce termination notices and system standards.

Real Estate and EB-5

Howard represents clients in all facets of real estate litigation, including disputes involving limited liability companies, partnerships, and failed real estate developments and investments.

He has broad experience representing regional centers, investors in failed EB-5 projects, and Chinese immigration agencies.

Representative Experience

- Successfully represented beverage manufacturer in obtaining \$16 million judgment against its can supplier for breach of a requirements contract.
- Successfully defended encroachment claims against fast food franchisor in *Burger King Corp. v. Weaver* (overruling *Scheck* decision) and *Burger King Corp. v. Barnes*, establishing that the implied covenant of good faith and fair dealing does not override express contractual terms.
- Successfully represented health insurer in variety of actions asserted by providers who were terminated or non-renewed from managed care networks.
- Successfully defended beverage manufacturer in two arbitrations commenced by multistate exclusive distributor alleging transshipping, breach of contract, and other claims.
- Successfully defended life insurer in \$80 million foreign death claim arising out of insured's alleged mysterious death in Pakistan that resulted in the plaintiff's indictment and conviction for insurance fraud.
- Lead trial counsel for franchisor in two-month jury trial defending against claims for fraud and breach of contract arising out of sale of exclusive franchising rights in

Poland. Case settled on the third day of Howards' cross-examination of plaintiff's principal witness.

- Successfully represented health insurer in cases alleging upcoding and fraudulent billing by providers.
- Obtained mandatory injunction on behalf of national franchisor compelling landlord to eradicate unhealthy building conditions affecting franchisor's restaurant.

Education

- Brooklyn College (B.S., *magna cum laude*)
- Brooklyn Law School (J.D., *summa cum laude*)
 - Research Editor, Brooklyn Law Review

Clerkships

- Honorable Frank X. Altimari, U.S. District Court of the Eastern District of New York, 1982-1984

Bar Admissions

- New York
- U.S. Supreme Court
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Eleventh Circuit

Professional Affiliations

- American Bar Association, Member
 - Forum on Franchising
- Marlboro Township Ethics Board, Former Chairperson
- Marlboro Township Parks and Recreation Commission, Member

Awards & Honors

- *Best Lawyers in America*®, 2026
- *New York Super Lawyers*, 2006, 2009 - 2010, 2012 - 2024-2025