

Lissa C. Gipson

Partner

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Lissa Gipson is a litigation partner who practices primarily in the areas of complex commercial litigation, product liability and art law. She has achieved successful results for clients in numerous cases through her outstanding motion practice and trial work.

Lissa recently defended two highly successful entrepreneurs and their innovative company against claims threatening their lucrative intellectual property rights in certain ground-breaking technology. Using her mastery of an extremely complicated fact pattern, she utilized creative legal theories to craft hard-hitting counterclaims that put her adversaries on the defensive. During what Lissa recalls as "the summer of discovery," she led her team, demonstrating such superior e-discovery capabilities that her clients' opponents felt the need to change counsel following mounting motion practice losses and escalating e-discovery and deposition pressures. As a result, Lissa was able to achieve an exceedingly favorable resolution for her clients while simultaneously avoiding the costs and time-delay of a trial.

In asbestos personal injury litigation, Lissa has served for more than a decade on a prominent defendant's national trial team, and is frequently asked to aid that client's trial counsel throughout the country. In addition, Lissa spearheads that client's defense of all asbestos bodily injury actions brought in the state of New York. Lissa's national and local representation of that client has resulted in ever-decreasing settlement and litigation costs, and has even caused certain plaintiff firms to forego even naming her client.

In other product liability litigation, Lissa effectively defended an important manufacturer of sirens for emergency vehicles against "test cases" brought by a prominent plaintiffs' firm in New York which represented firemen claiming that those sirens caused them to suffer hearing loss. Although similar lawsuits in other jurisdictions were permitted to proceed, Lissa's creative defense of the New York test cases led directly to the dismissal of the suits as a matter of law and thereby avoiding costly discovery, a result she also successfully defended on appeal.

Similarly, Lissa efficiently defended a Fortune 500 manufacturer against a consumer product class action alleging that the manufacturer's product was misleadingly labeled. She was able to demonstrate to the state court that plaintiffs had suffered no cognizable damage as a result of the claimed labelling, which led to a dismissal of all claims against the manufacturer. In addition, when plaintiffs re-filed their action in federal court in an effort

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- Art Law

to correct that deficiency, Lissa was able to replicate the prior victory and the federal court case was dismissed as well.

Lissa also achieved a favorable result for a manufacturer of copper cable in an action to determine the right to the proceeds of a settlement from a major bank accused of manipulating the price of copper. Although that manufacturer had sold the portion of its business damaged by that manipulation, Lissa was able to demonstrate that the sales documents could only be construed as permitting that manufacturer to retain its right to any recovery on the antitrust action brought against the bank for damages resulting from that price manipulation.

Lissa has significant trial experience, having, for example, represented a major satellite television provider in two lengthy trials against one of the largest content providers regarding the claimed breaches by both parties of the licensing agreements and associated documents into which the satellite company and the provider had entered. She also successfully defended a federal court bench trial with \$100+ million at stake stemming from interpretation of complicated financing and other agreements. She is known as a skilled cross-examiner. For example, while representing the New York City Board of Education on a pro bono basis in a "slip and fall" claim, Lissa came into possession of evidence that indicated that plaintiff's injuries were not credible. Despite the fact that Lissa knew that she would not be able to enter that evidence in the trial record due to an authenticity issue, she carefully constructed her cross-examination of the plaintiff to include details that put both the plaintiff and her counsel on notice that she had that evidence. Shortly thereafter, the city and plaintiff entered into a nuisance value settlement.

Lissa also successfully represented certain beneficial bond holders in an interpleader action brought by the bond trustee to determine the correct parties to pay certain of the proceeds of those bonds. By mastering the underlying documents, she was able to convince the competing claimants that her clients had priority in those payments, thereby achieving a consensual resolution of the interpleader so that her client received 100 percent of the money it was owed.

In the art law area, for more than a decade, Lissa represented a large art auction house in a number of cases, including cases arising out of one of the largest art frauds in history. She is also regularly sought out by clients for her extensive knowledge concerning the rights of lenders that accept works of art as collateral for loans.

Education

- Middlebury College (B.A., *magna cum laude*)
- Case Western Reserve School of Law (J.D.)
 - "The Outstanding Woman Law Graduate Award"
 - Moot Court Board Chair

Bar Admissions

- New York