Richard C. Schoenstein

Vice Chair of Litigation Practice

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Rich Schoenstein is a partner, Vice Chair of the Firm's Litigation Practice, and a member of the Firm's Executive Committee.

Rich is a trial lawyer, litigator, and legal advisor. He has handled civil disputes for more than three decades, taking cases to trial in state and federal courts, and in arbitration, in New York and across the country. In addition, Rich counsels clients on business strategy, transactions, corporate governance, staffing and employment practices, dispute avoidance, and dispute resolution. He also handles internal investigations of sensitive matters requiring independent legal counsel. Rich handles contentious matters from initial dispute through trial and appeal; he is also often called upon to offer independent advice on trial strategy and preparation, or to take over matters heading into trial.

Rich is a sought-after legal analyst, appearing frequently on outlets including the Law & Crime Network, Court TV, CBS New York, Fox, and News Nation. He has hosted the Firm's Law Brief® Podcast and currently hosts So, Sue Me® on his YouTube channel, following civil litigation and other high-profile legal matters. Rich has been interviewed on legal issues by numerous outlets, including The New York Times, The Wall Street Journal, The New York Post, The New York Law Journal, and The Hollywood Reporter.

Rich is also an active member of the legal community. He is regularly recognized by Super Lawyers and is rated AV Preeminent® by Martindale Hubbell®. In 2022, Rich was inducted into the Maurice A. Deane School of Law at Hofstra University's inaugural Alumni Hall of Fame. In 2025, Rich was recognized in Crain's New York Business's Notable Litigators and Trial Lawyers.

Education

- The Ohio State University (B.A.)
- Maurice A. Deane School of Law at Hofstra University (J.D.)
    - Managing Editor of the Hofstra Law Review

Bar Admissions

- New York

Related Services

- Litigation
- Restrictive Covenant
- Securities & Financial Services Litigation
- Internal Investigations

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

Professional Affiliations

- New York County Lawyer's Association
- Federal Bar Association
- Federal Bar Council

Awards & Honors

- Alumni Hall of Fame, Maurice A. Deane School of Law at Hofstra University
- *New York Super Lawyers*, 2014-2025
- AV® Preeminet™ by Martindale Hubbell®
- Crain's Notable Litigator & Trial Attorney

Community Involvement

- Former President of the Hofstra University School of Law Alumni Association Board of Directors

Articles

- "The Workforce Mobility Act: The Wrong Solution for Non-Compete Litigation," The New York Law Journal (July 16, 2018)
- "Restrictive Covenants: Looking Beyond the Criticism," Law360 (June 13, 2017)
- "Report on Proposed Amendments to the Federal Rules of Civil Procedure," Co-Authored with other members of the New York County Lawyer's Association (February 19, 2014)
- "Defection at the Top: Lateral Partner Moves at the Executive or Director Level," New York Law Journal (October 15, 2013)
- "Restrictive Covenants in Employment Contracts Reviewed," Society for Human Resource Management (September 15, 2010)
- "Non-Authority for Non-Recruitment Covenants Under New York Law," New York Law Journal (October 6, 2010)
- "Director Independence and the Demand Requirement," New York Law Journal (December 19, 2005)
- "Is Rule 10(b)(5)'s Private Right of Action a 'Super-Precedent'?," New York Law Journal (December 5, 2005)
- "Investigations of Mutual Fund Industry Still Gathering Steam," New York Law Journal (March 8, 2004)

Speaking Engagements

- Host, "Law Brief" Podcast (2019-Present)

- Presenter, “Recovering Damages for Breach of Covenants Not to Compete or Solicit, Confidentiality and Fiduciary Duty." Strafford Webinars (October 2, 2019)
- Instructor, Northeast Regional Basic Trial Skills, National Institute for Trial Advocacy (August 8-10, 2019)
- Presenter, “Protecting Confidentiality and Trade Secrets and the Perils of Using Social Media," National Law Institute CLE Program (July 18, 2019)
- Presenter, “Recovering Damages for Breach of Covenants Not to Compete or Solicit, Confidentiality and Fiduciary Duty." Strafford Webinars (October 4, 2018)
- Presenter, “Securities Litigation: What You Need To Know About a Rising Tide and An Active Bench.” Lawline (October 14, 2017)
- Presenter, “Proving Damages for Breach of Covenants Not to Compete or Solicit, Confidentiality and Fiduciary Duty.” Strafford Webinars (October 4, 2017)
- Presenter, "Non-Compete Agreement Litigation Strategies," Strafford Webinars (August 15, 2017)
- Presenter, “Restrictive Covenants and Non-Compete Agreements: Trends, Updates and Developments Explored,” The Knowledge Group (August 10, 2017)
- Moderator, "Employee Mobility CLE," Hofstra University School of Law (October 22, 2014)
- Presenter, "Negotiating Non-Compete Agreements," Institute for Strategic Negotiations (September 2013)

Areas of Focus

Leveraging his robust background in Big Law, Rich advocates on behalf of his clients on business strategy, corporate governance, critical transactions, staffing and employment practices, and dispute avoidance and resolution. Utilizing his skills and considerable experience, Rich zealously represents his clients in pursuit of their objectives. He understands business goals and risk tolerance, appreciating that differing circumstances require disparate approaches. Rich’s practice focuses on:

- **General Commercial Litigation**: Rich has tried cases in state and federal courts, in New York and across the country, with or without juries, as well as arbitrations in numerous forums. Rich has represented a wide range of clients — including sole proprietors, emerging companies, public corporations, and financial institutions — handling trials and appeals, arbitration and mediation, and internal and external investigations arising in numerous industries and substantive areas of law. While primarily engaged as a zealous client advocate, he is often retained as a mediator through the Commercial Division’s panel of neutrals in New York County or privately and has experience in alternative dispute resolution venues such as JAMS, the American Arbitration Association, and FINRA.
- **Securities, Financial Services, and Antitrust Litigation**: Rich represents clients in securities fraud actions, class actions and multidistrict litigation, individual customer complaints and FINRA arbitrations, and antitrust litigation.
- **Employee Mobility, Restrictive Covenants, and Other Employment Matters**: Rich regularly handles conflicts involving restrictive covenants, potential breaches of employee fiduciary duties, and alleged misappropriation of trade secrets or other confidential information. Rich has represented clients in connection with high-profile

relocations between competing companies such as IBM and Intel, Dannon and Chobani, Allergan and Nestle, Verizon and Telx, and BlackRock and Drake Management LLC. He often works in connection with the relocation of financial advisers and other financial services professionals, as well as in the context of law firm partnership and partner mobility matters.

- **Internal and External Investigations**: In sensitive matters that require independent investigation and assessment, Rich provides comprehensive review and reporting on behalf of his clients. Rich leads teams that handle business-critical matters internally and in response to external investigations initiated by governmental agencies or self-regulatory organizations.

Trials and Arbitrations

Served as First Chair on all Matters Indicated

- *Carmody v. New York University et al.*, 21-cv-08186 (S.D.N.Y.) – represented New York University, NYU Langone Hospitals, NYU Grossman School of Medicine, Dean Robert Grossman, and other defendants in an 11-day trial of gender discrimination and retaliation claims, obtaining a complete defense verdict on all counts.
- *HOV Services, Inc. v. ASG Technologies Group, Inc.*, 657346/2020 (Sup. Ct. N.Y.) – represented HOV Services Inc. (a subsidiary of Exela Technologies) on claims and counterclaims arising from alleged breaches of a software licensing agreement. At the jury trial focused largely on damages on ASG's counterclaims, ASG sought more than $20 million (having claimed damages as high as $60 million earlier in the case) but obtained a jury verdict of only $666,973.
- *Robinson v. De Niro et al.*, 19-cv-09156 (S.D.N.Y.) – represented Robert De Niro and Canal Productions in two-week trial of gender discrimination and retaliation claims, obtaining a complete defense verdict on behalf of Robert De Niro, and limited damages on claims against Canal Productions.
- *Edelman v. NYU Langone Health System*, 21-dv-00502 (S.D.N.Y.) – represented NYU Langone Health System and other corporate and individual defendants in two-week trial of equal pay act, gender discrimination and retaliation claims, obtaining a defense verdict on the equal pay act and discrimination claims. A partial verdict for plaintiff on retaliation claims was subsequently overturned on post-trial motions.
- *EMIC Corp. v. Richard Barenblatt et al.*, Index No. 153977/2016 (Sup. Ct. N.Y.) – represented GuardHill Financial Corp. and individual employees in ten years of litigation concerning alleged breaches of duty to former employer and counterclaims for unpaid wages, culminating in trial in the New York State Supreme Court. The matter was settled after the commencement of trial.
- *Prime Investments, LLC v. Altimate Care, LLC, et al.*, Case No.19 CV 001543 (Common Pleas, Ohio) – represented corporate defendant in trial of claims for alleged broker commissions. Awaiting result.
- *Hercules Pharmaceuticals, Inc. v. Brant Cherne*, 24-CV-5659 (E.D.N.Y.) and Case No. 01-24-0007-5021 (AAA) – represented employer in litigation and arbitration against former employee. Obtained preliminary injunction in Federal court after evidentiary hearing. Prevailed at subsequent arbitration following multi-week hearing.

- *Thomas P. O'Sullivan v. BNP Paribas Securities Corp.*, FINRA DR-Arbitration No. 23-00198 – represented Claimant in arbitration hearings involving claims for breach of contract, violations of state labor law, defamation, and expungement of a Form U-5. Settled favorably prior to the conclusion of hearing.

- *Astraea NYC LLC v. Rivada Networks, Inc.* (AAA) – represented claimant in AAA hearing to enforce loan agreements, resulting in an award in favor of claimant for the full amount sought, with interest, which was later confirmed by the United States District Court for the Southern District of New York.

- *CPX Interactive, LLC v. EMX Digital, LLC* (AAA) – represented claimant in successful arbitration and hearing to recover earnout from Asset Purchase Agreement.

- *MDC S.p.A. v. Shuman*, 19-cv-07159 (S.D.N.Y.) – represented defendant in virtual trial (held during the COVID pandemic) of claims by an Italian art gallery, resulting in a decision and judgment in favor of the defense in all key aspects.

- *Paysafe Partners LP v. Merchant Payment Group LLC* (AAA) – represented claimant in successful arbitration of claims for damages under a Referral Agreement with respondent.

- *Evans v. SSN Funding, L.P.* (S.D.N.Y.) – represented plaintiff at trial, obtaining verdict in favor of plaintiff on claims for fraud, and awarding compensatory and punitive damages.

- *American Conference Institute v. Momentum Event Group LLC*, 651328/2013 (Sup. Ct. N.Y.) – represented plaintiff in eight-day trial against former employees and prevailing on claims for breach of fiduciary duty and misappropriation of confidential information, resulting in award of money damages and dismissal of all counterclaims.

- *Verizon Communications Inc. v. Hernandez*, 12-2021-CIV (S.D. Fla.) – represented defendant at trial of action to enforce non-competition agreement, resulting in dismissal of all monetary claims and limited injunctive relief.

Other Representative Matters

General Commercial Litigation

- Representing a software developer against a major insurance company in federal court matter asserting breach of contract and other claims, defeating the defendant's motion for summary judgment, and readying the case for trial.

- Defending the seller of a destination resort in state court dispute arising from a purchase and sale agreement, obtaining a favorable decision from the New York Appellate Division, which dismissed claims of fraud and punitive damages, leading to the resolution of the matter.

Securities, Financial Services, and Antitrust Litigation

- Representing clients in multidistrict litigation and mass actions arising from securities fraud allegations, including matters involving the collapse of WorldCom, market timing and late trading, auction rate securities, foreign exchange benchmarking, and limited partnership sales practices.

- Defending numerous companies, officers, and directors in individual securities fraud litigation under Sections 10(b)(5) and 16(b) of the Securities Exchange Act of 1934.

- Defending pharmaceutical companies in multidistrict and consolidated antitrust actions.
- Representing clients in defense of claims by financial institutions. Victories in this regard include obtaining reversal by New York Appellate Division of order of attachment and preliminary injunction, and successfully defending alleged guarantors of bank loans by pursing lender liability counterclaims, surviving motion practice, and obtaining a favorable resolution.

Employee Mobility, Restrictive Covenants, and Other Employment Matters

- Representing numerous employers in actions to enforce post-employment restrictive covenants, seeking and obtaining preliminary relief, and achieving prompt and advantageous resolutions.
- Defending mortgage brokers who moved firms, obtaining summary judgment that dismissed their former employer's $15 million federal court lawsuit for breach of fiduciary duty, violations of the Computer Fraud and Abuse Act, and other alleged causes of action.
- Defending employers in disputes involving allegations of workplace discrimination and harassment, including proceedings before the Equal Employment Opportunity Commission, the New York State Department of Labor, and courts, including obtaining a dismissal of associational discrimination claims on a 12(b)(6) motion.

Internal and External Investigations

- Representing financial services clients in investigations involving matters such as stock options grants, market timing and late trading of mutual funds, auction rate securities, and share class sales practices.
- Representing public and private companies in internal investigations involving allegations of discrimination, harassment, retaliation and/or other inappropriate conduct.
- Representing individual clients responding to internal investigations concerning allegations of sexual harassment, improper or unethical conduct, or other company policy violations.
- Representing clients responding to inquiries from governmental entities and/or self-regulatory organizations, such as the U.S. Attorney, the SEC, FINRA, State Attorneys General and local prosecutors.