



## Peter J. Pizzi

*Partner, New York and Roseland Offices*

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Peter J. Pizzi is the Managing Partner of the firm's New York office and is a business litigator with substantial experience in a broad range of subject areas. His practice focuses on business litigation, securities litigation and arbitration, Internet and IP litigation, internal investigations, and labor and employment law.

Mr. Pizzi has handled matters on behalf of corporate clients in a broad array of industries, including pharmaceuticals, finance services, computer technology, cosmetics, industrial equipment, and foodservice and food processors. Within those industries, he is experienced with contract claims, tort actions, whistleblower and discrimination claims, securities and consumer class actions, shareholder derivative suits, minority shareholder disputes, and copyright and trademark actions.

The Board of Trial Attorney Certification of the Supreme Court of New Jersey designated Mr. Pizzi a Certified Civil Trial Attorney in 1998. He was recertified in 2006.

He is a member of the Executive Committee of the New York State Bar Association's Commercial and Federal Litigation Section and Co-Chair of the Section's Internet and Litigation Committee. He also serves as Co-Chair of the New Jersey State Bar Association's Internet and Computer Law Committee.

Mr. Pizzi regularly lectures at CLE programs, frequently writes on issues relating to technology law, and is often consulted by news media for insight regarding technology-related topics.

### Representative Experience

- Represents multiple vendors joined in a Fair Labor Standards Act suit against Goldman Sach & Co.;
- Succeeded in obtaining a preliminary injunction transferring sixteen domain names and four Twitter accounts on behalf of Long Island MacArthur Airport;
- In July 2010, won the <quickchek.com> domain for client Quick Chek Corp.;
- In June 2009, won a federal jury trial representing a Sardinian pecorino cheese producer seeking to recover amounts due for shipments claimed by the defendant to be non-conforming;
- Currently representing parties in the Merrill Lynch Auction Rate Securities litigation in Massachusetts state court and in the Southern District of New York;
- Represents a defendant in an RICO MDL proceeding in the District of Connecticut involving pricing practices in the food services industry;
- Advises the Audit Committee of a public company on compliance issues;
- Led a team performing an internal investigation of whistleblower claims by a former employee of a large insurance and financial services company;

### Practice Areas:

Business Litigation  
Labor and Employment Law  
Internet and Information Technology

### Admitted to Practice:

State of New Jersey  
State of New York  
Commonwealth of Pennsylvania  
State of Colorado  
United States District Court for the District of New Jersey  
United States District Court for the Eastern District of New York  
United States District Court for the Southern District of New York  
United States District Court for the District of Colorado  
United States Court of Appeals for the Third Circuit

### Education:

Bowdoin College (A.B., Government, *magna cum laude*, 1975)  
Fordham University School of Law (J.D., 1978)

### Affiliations:

American Bar Association  
New Jersey State Bar Association  
New York State Bar Association  
Essex County Bar Association

- Defended a consumer class action which presented issues under the Class Action Fairness Act and a class-action waiver clause;
- Obtained dismissal of a Sarbanes-Oxley whistleblower complaint;
- Obtained a favorable jury verdict defending a college professor's claims of sex discrimination;
- Tried to a favorable federal court jury verdict an unfair competition case;
- Succeeded at trial in a minority shareholder's squeeze-out lawsuit;
- Successfully represented corporate officers in securities class actions and related SEC investigations.

### **Professional Activities**

- Speaker, New Jersey Business and Industry Association (NJBIA) Seminar "HR101: An Employment Law and HR Primer" addressing *Limiting Your Risk from Lawsuits and Government Investigations* (March 2010)
- Speaker, New Jersey Business & Industry Association (NJBIA) Seminar "Hot Topics in Employment Law" addressing *Preventing Discrimination and Harassment in the Workplace* (October 2009)
- Moderator, "Strategies for Protecting Sports, Music and Publication Content on the Internet, Litigating against Domestic and Foreign Content Pirates" Panel, Spring Meeting, New York State Bar Association's Commercial and Federal Litigation section (May 2009)
- Speaker, Spring Meeting, New York State Bar Association, Commercial & Federal Litigation Section, "Web 2.0 Liability Risks" (May 2008)
- Speaker, Practising Law Institute's 2008 Information Technology Law Institute, "Litigation Issues in the Web 2.0 World" (March 2008)
- Interviewed, *Money Matters* syndicated radio show on the RIM Patent Battle (2006)
- Interviewed, *Money Matters* syndicated radio show on Grokster and the File-Sharing Conundrum (2005)
- Panelist, New York State Bar Association Commercial and Federal Litigation Section Spring Meeting, "Ethical Issues Presented by Ex Parte Subpoenas To Unmask Anonymous Defendants" (2004)
- Panelist, New Jersey ICLE Seminar, "Privacy Issues in the E-Workplace: Individual Freedom of Speech vs. The Company's Right to Protect Itself" (2001)
- Panelist, New Jersey ICLE Labor Law Forum & Bench Bar Conference, "Cyber Smear" Litigation, Privacy, The Internet and the Workplace" (2001)

### **Publications**

- "Where Cyber and Employment Law Intersect Risks for Management Abound," in *Understanding Developments in Cyberspace Law: Leading Lawyers on Examining Privacy Issues* published by Aspatore "Inside the Minds" Series (June 2011)
- "Best Practices for Employers Choosing To Google Job Applicants" published in *USLAW* magazine (Fall/Winter 2010)
- "Best Practices for Employers Choosing To Google Job Applicants" published in *New Jersey Law Journal* (August 2010)
- "Reducing the Burden of Privilege Logs in ESI Productions" published in *New Jersey Law Journal* and *Law.com* (May 2010)
- "ADAAA Fall Out: What Should Employers Do Now? 7 Steps to Prevent Lawsuit Risk and Exposure" published in *USLAW* magazine (Spring/Summer 2009) (co-author)

- "Real World Litigation About Virtual Conduct" published in *New Jersey Lawyer* (December 2008)
- "A Primer on Net Neutrality" (with Stephen Elliot) (November 2007) (co-author)
- "Disloyal Employees" published in the *New York Law Journal* (September 5, 2006)
- "Google Image Search: Court Deals a Blow to Fair Use in Adult Site Litigation" published in the *New York Law Journal* (May 2, 2006)
- "Patent Injunctions: The Effect of the Public Interest in NTP v. RIM" published in the *New York Law Journal* (March 14, 2006)
- "The Google Book Project Takes Aim at Industry's Content Cache" published in the *New York Law Journal* (January 3, 2006)
- "Grokster Means More Litigation For Tech Firms" published in the *New Jersey Law Journal* (August 8, 2005)
- "Employer Communication: E-Mail Can Compel Employees to Arbitrate Workplace Claims" published in the *New York Law Journal* (July 5, 2005)
- "*Lessons from Uncle Henry's*" published in the *New York Law Journal* (May 3, 2005)
- "Idea versus Expression: Copyright Claim for Industrial Parts Vexes the Third Circuit" published in the *New York Law Journal* (with Noel D. Humphreys) (February 22, 2005)
- "Perfect 10 v. Google, Adult Web Site Challenges Search Engine on Image Hits" published in the *New York Law Journal* (January 4, 2005)
- "Sony v. Does: P2P Filesharing May Involve Protected Speech" published in the *New York Law Journal* (October 4, 2004)
- "'Doe' Defendants: The RIAA's New Front in the Battle Against 'P2P' Filesharers" published in the *New York Law Journal* (June 8, 2004)
- "Strategies for Unmasking the 'Anonymous' Internet User" published in the New York State Bar Association's *Commercial and Federal Litigation Section Newsletter* (with Rajen Akalu) (Spring 2004) (co-author)
- "Opting In: Congress Passes the Can-Spam Act of 2003"(with M. Trevor Lyons) (2004) (co-author)
- "Grappling with 'Cybersmear'" published an article in the *New Jersey Law Journal* (July 23, 2001)
- "*Sons of Thunder v. Borden*: State High Court Has No Faith in Contracts" published in *The Legal Opinion Newsletter* (October 24, 2007)

### **Published Decisions**

- *Haberkorn v. Marquis Jet Partners, Inc.*, Case 1:11-cv-02543-LAK, U.S.D.C., S.D.N.Y. (November 17, 2011)
- *Banville & Jones Wine Merchants, Inc. v. La Casa Del Ray S.A.*, 2010 U.S. Dist. LEXIS 41184 (April 26, 2010) (remand motion denied) and 2010 U.S. Dist. LEXIS 64310 (June 24, 2010) (motion to dismiss tort claims granted)
- *Bartone v. NetJets Inc.*, 2011 BL 166821 (D.N.J. June 24, 2011)
- *Eprotec Preservation, Inc. v. Engineered Materials, Inc.*, 2011 U.S. Dist. LEXIS 24231 (D.N.J. March 9, 2011)
- *Black Sheep Television, Ltd. v. The Town of Islip*, 2010 WL 4970766 (E.D.N.Y. 2010)
- *Town of Islip, New York v. Black sheep Television Ltd.* <macarthurairport.com>, <islipairport.com>, <islipmacarthurairport.com>, <islipairportonline.com>, <islipairportonline.net>, <macarthurairportonline.com>, <macarthurairportonline.net>, <ispairportonline.com>, and <ispairportonline.net>, National Arbitration Forum, Claim Number: FA1008001339861 (October 11, 2010) Petter Rindforth, Arbitration Panelist.

- Hettinger v. Kleinman, 733 F.Supp.2d 421 (S.D.N.Y. 2010)
- Quick Chek Corp. v. Dynamo.com LLC, <quickchek.com> National Arbitration Forum, Claim Number: FA1006001329173 (July 14, 2010) Nelson A. Diaz, Arbitration Panelist.
- Torn Ranch, Inc. v. Sunrise Commodities, Inc., 2009 WL 2834787 (N.D.Cal.,September 03, 2009)
- Duravest, Inc. v. Viscardi, A.G., 581 F.Supp.2d 628 (S.D.N.Y. October 7, 2008)
- In Re Optionable Securities Litigation, 577 F.Supp.2d 681 (S.D.N.Y. 2008)
- Luna v. Kemira Specialty Inc., 575 F.Supp.2d 1166 (CD Cal. 2008)
- National Utility Service Inc. v. Huntsman Chemical Corporation, 70 F. Supp.2d 496 (D.N.J. 1999)
- National Utility Service, Inc. v. Chesapeake Corporation, 45 F.Supp.2d 438 (D.N.J. 1999)
- APC Commodity Corp. v. Ram Dis Ticaret, A.S., 965 F. Supp. 461 (S.D.N.Y. 1997)
- NYT Cable TV v. Homestead at Mansfield, Inc., 543 A.2d 10 (N.J. 1988)
- Direct Satellite Communications, Inc. v. Bd. of Publ. Util., 615 F. Supp. 1558 (D.N.J. 1985)