



Robert W. Hayes

Member

Philadelphia

rhayes@cozen.com | (215) 665-2094

Robert W. Hayes is a member of the firm's Business Litigation Section and sits on the firm's Management Committee.

Bob has tried more than 50 substantial cases to verdict, judgment or arbitration award. In commercial disputes, he has obtained numerous multimillion-dollar awards, including two in excess of \$25 million. Bob has also obtained defense verdicts in personal injury and property damage actions in which damages in excess of \$10 million in damages were demanded. He has served as lead counsel in multiple appeals, including those in which published opinions were issued by the U.S. Court of Appeals for the Third Circuit and the Supreme Courts of Pennsylvania, Delaware, West Virginia, Iowa, and Alabama.

In commercial disputes, Bob has been lead counsel in complex matters involving securities and common law fraud, patent, trademark and copyright infringement, the antitrust laws and unfair competition, and breach of contract claims. His contract claim experience extends to disputes involving government contracts. Bob has argued three procurement law appeals before the Supreme Court of Pennsylvania resulting in published opinions.

Bob is experienced in the sports and entertainment industry, representing professional sports franchises, professional athletes, concert promoters, owners and operators of stadiums, arenas and amphitheaters, musicians, professional photographers and music instrument retailers. He also represented a promoter in testifying before the Antitrust Subcommittee of the Senate Judiciary Committee concerning the Ticketmaster/Live Nation merger.

Bob has defended negligence, product liability and toxic tort claims and government environmental remediation actions. Representative experience includes serving as national coordinating counsel for product liability claims for a consumer safety product manufacturer. He has also been primary counsel in the defense of actions: (i) involving claims of personal injury or property damage resulting from or to abate exposure to carbon monoxide, lead and volatile organics; and (ii) arising of high rise office building, apartment, and residential fires, and passenger train and commercial and military aircraft crashes.

Many of the cases in which Bob has been involved were pursued on a class action basis or included in multi-district or other consolidated proceedings. His class action experience includes securities fraud, antitrust, mass tort and insurance claims and actions involving the banking industry. Bob argued class action issues before an *en banc* panel of the U.S. Court of Appeals for the Third Circuit in one of the first appeals under Federal Rule of Civil Procedure 23(f).

Bob authors and offers commentary for publications on various aspects of antitrust litigation, including *The Legal Intelligencer* and CNNMoney.com, on antitrust issues. Bob was also interviewed by *The Metropolitan Corporate Counsel* on the subprime mortgage crisis.

Bob graduated *magna cum laude* from Villanova University School of Law, where he was elected to the Order of the Coif and was a member of the Law Review, and earned his undergraduate degree, with honors, from St. Joseph's University.

Practice Areas

- Commercial Litigation
- Securities Litigation & SEC Enforcement
- Appellate
- Intellectual Property Litigation

Education

- Villanova University School of Law, J.D., *magna cum laude*, 1980
- St. Joseph's University, A.B., 1977

Bar Admissions

- Pennsylvania

Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court -- Eastern District of Pennsylvania

Affiliations

- American Bar Association
- Computer Law Association
- Pennsylvania Bar Association
- Philadelphia Bar Association

Robert W. Hayes

rhayes@cozen.com

P: (215) 665-2094 | F: (215) 665-2013

©2019 Cozen O'Connor. All rights reserved.



Experience

Secured a judgment of more than \$1.1 million, after a five-day bench trial, on behalf of a client in the business of operating music venues and producing, staging, and hosting concerts. The client sought a refund of payments it made to operate a large amphitheater in Maryland after the defendant failed to reconstruct the venue's dressing rooms and other backstage facilities. In securing this victory, we overcame the defendant's argument that the client's recovery interfered in the renovations and was precluded by a limitation of damages provision.

Obtained summary judgment from state trial court in wrongful death claims arising out of two deaths in a residential fire.

Lead counsel in an appeal in which the Supreme Court of Alabama affirmed a jury verdict for the client in a published decision. In an issue of first impression for the Court, it held that defendants were entitled to judgment as a matter of law because plaintiffs failed to prove a safer alternative design.

Represented the manufacturer of a safety product in wrongful death claims arising out of the death of a four year old child in a case tried in a state court in Southern Alabama. The jury returned a defense verdict.

Represented concert venue in successfully resolving citations the Secretary of Labor issued in its first attempt to enforce OSHA noise exposure regulations in the concert industry.

Persuaded the United States District Court for the Eastern District of Pennsylvania to enter summary judgment for the seller of a professional sports team in a breach of contract action arising out of the sale of the team.

Represented a concert promoter in the United States District Court for the Eastern District of Virginia against Grammy-nominated rapper Wiz Khalifa, who claimed over a million dollars in damages based upon allegations that the promoter breached its contract by canceling a show. In a decision affirmed by the Fourth Circuit Court of Appeals, the District Court granted the promoter's motion to dismiss on the grounds that no contract was ever formed.

After persuading the United States District Court of the Middle District of Pennsylvania to enter summary judgment upon patent infringement claims asserted against the firm's client, obtained a \$3.25 million verdict, including \$1 million in punitive damages, against the plaintiff and its senior executives upon counterclaims that the patent infringement claims were wrongfully pursued to compete unfairly against the client.

Obtained judgment as a matter of law at trial upon RICO claims asserted in consolidated litigation against a client on the basis of her alleged participation in her husband's fraudulent international adoption scheme and a defense verdict upon all remaining state law claims other than for the return of minimal sums received from the husband.

Represented Utz Quality Foods, LLC in its acquisition of Inventure Foods, Inc. in a deal valued at \$165 million. The transaction was completed via a cash tender offer for all outstanding shares of Inventure Foods common stock, followed by a merger of a wholly owned subsidiary of Utz into Inventure Foods pursuant to Section 251(h) of the Delaware General Corporation Law. Inventure Foods will operate as a wholly-owned subsidiary of Utz. Inventure Foods manufactures and sells salted snacks under the brands Boulder Canyon®, TGI Fridays™, Nathan's Famous®, Vidalia Brands®, Poore Brothers®, Tato Skins®, and Bob's Texas Style® and has manufacturing facilities in Arizona and Indiana. This complex and multi-faceted transaction drew on the experience of Cozen O'Connor's corporate, tax, labor and employment, benefits, litigation, intellectual property, real estate, and environmental attorneys.

Robert W. Hayes

rhayes@cozen.com

P: (215) 665-2094 | F: (215) 665-2013

©2019 Cozen O'Connor. All rights reserved.



Evaluated existing securities law and derivative claims against Inventure Foods and assisted in addressing securities law claims challenging the tender offer disclosures.

Obtained summary judgment in state trial court on behalf of a manufacturer of consumer safety products facing wrongful death claims arising out of two deaths in a residential fire. We then defended this victory on appeal, with the Supreme Court of Alabama affirming the result.