



John J. Sullivan

Member

New York, Cherry Hill

jsullivan@cozen.com | (212) 453-3729

John practices in the firm's Commercial Litigation Department and has nearly two decades of experience handling a wide variety of complex litigation. He defends companies in securities, corporate governance, antitrust, product liability, class action, mass tort, and other business litigation.

John regularly represents global companies in the life sciences, chemical, banking, venture capital, fund management, and real estate industries.

In the area of financial litigation, John defends clients in state and federal courts in disputes involving contested takeovers, securities class actions, investigations by the SEC Division of Enforcement, contested mutual fund rights offerings, RICO claims, fraud claims in insurance company insolvency proceedings, and commercial real estate contract disputes. He often advises mutual funds and banks on litigation and regulatory issues.

John has also served on trial defense teams in some of the largest and most challenging products liability and mass tort litigation in the last decade. He has defended companies in coordinated proceedings involving claims of failure to warn, consumer fraud, manufacturer and design defect, and warranty and breach of contract.

A well-rounded commercial litigator, John has deep experience managing attorneys conducting case-specific discovery, defending witnesses, handling evidentiary and coordination hearings, negotiating with opponents, and deposing and defending expert witnesses. He has litigated constitutional and preemption issues, dealt with regulatory agencies and their regulations, and represented clients in appellate proceedings before state and federal appellate courts, including the United States Supreme Court.

Before joining Cozen O'Connor John was a partner Dechert LLP, and he started his career at Sullivan & Cromwell. For John's considerable success, he has been recognized by Benchmark Litigation as a "future star" in their 2009 and 2010 editions and an "innovative lawyer" by the *Financial Times* in 2011.

John is a frequent author and speaker at legal conferences, and he is often asked to comment on current litigation in the legal media. He is an author of the *Class Action Defense Review*, as well as the *Drug & Device Law Blog*, one of the most well-respected product liability litigation blogs.

John earned his law degree from Rutgers School of Law-Newark, where he was awarded the Order of the Coif and was a two-time Saul Tischler Scholar. He received his bachelor's degree from Rutgers University, New Brunswick.

Experience

Currently serving as lead counsel to the former deputy executive director of the Port Authority of New York & New Jersey defending him against two class actions arising out of the "Bridgagate" scandal relating to lane realignments of the George Washington Bridge in September 2013. The plaintiffs asserted RICO claims as well as Constitutional and common law claims. We won a dismissal with prejudice of the RICO claims on a FRCP 12(b)(6) motion.

Practice Areas

- Commercial Litigation
- Securities Litigation & SEC Enforcement
- Products Liability
- Antitrust

Industry Sectors

- Food & Beverage
- Health Care & Life Sciences
- Real Estate & Construction
- Venture Capital

Education

- Rutgers University School of Law—Newark, J.D., 1996
- Rutgers University, New Brunswick, B.A., 1992

Bar Admissions

- New York
- New Jersey

Court Admissions

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

Awards & Honors

- Best Lawyers in America 2018
- New York Super Lawyer in Business Litigation 2018

John J. Sullivan

jsullivan@cozen.com

P: (212) 453-3729 | F: (646) 461-2073

P: (856) 910-5067 | F: (856) 910-5075

Represented an investment bank against state and federal securities law claims, RICO claims, and common law claims asserted in connection with the offering of junk bonds to fund the construction of a steel mill in South East Asia. The cases were filed in multiple state and federal courts across the country, including in California.

Defended UK venture capital firms in California state court against a securities class action brought by investors seeking tens of millions of dollars in damages. The investors alleged California securities and common law claims. The case was dismissed with prejudice on demurrer.

Defended a fund management company in federal court against class action claims brought under the Investment Company Act, the Securities Exchange Act and Maryland common and statutory law. After filing a motion to dismiss and convincing the court to stay the action, the matter settled.

Served on a trial team in New Jersey that successfully defended a major pharmaceutical company against a claim that its drug allegedly caused diabetes in the plaintiff. John handled and ran many aspects of this and other cases in this litigation leading up to and at trial.

Served on a trial team defending another major pharmaceutical company in hormone therapy litigation in the Philadelphia Court of Common Pleas, managing key aspects of this litigation up to and including trial.

Advised fund management companies on (i) securities and corporate governance issues of potential acquisition targets and (ii) potential avenues of redress under the securities laws with regard to ongoing scandals.

Defended a NASDAQ market maker against class action and SEC investigation of whether market makers colluded to avoid posting odd-eighth quotes for stocks traded on NASDAQ.

Served on the trial team that successfully defended a tobacco company against negligence, design defect, conspiracy, and punitive damages claims brought by hospitals claiming hundreds of millions in damages for services provided to patients treated for tobacco-related illnesses. The trial lasted four months in Missouri state court in St. Louis.

Defended medical device company in the Commercial Division of the New York Supreme Court in mass-tort litigation that sprung from the withdrawal of one of its products from the market.

In Delaware Chancery Court, defended members of a special committee of directors of a real estate management and investment company against breach of fiduciary duty claims in connection with the sale of the company to a group headed by its CEO.

Defended large venture capital fund in both Delaware Chancery and Colorado state court in connection with a dispute over convertible debentures. Successfully stayed the Colorado action, which was in the plaintiff's home state, and the matter settled once it was proceeding solely in Delaware court.

Drafted and filed amicus brief in the United States Supreme Court on behalf of a public interest group supporting Dura Pharmaceuticals' appeal in *Dura Pharmaceuticals Inc. v. Broudo*, which involved interpretation of the Private Securities Litigation Reform Act. The Supreme Court ruled in Dura's favor.

Defended venture capital fund and two related entities in connection with challenge to proposed leveraged buyout of a public company filed on an expedited basis in New Jersey chancery court.

Defended a domestic investment banker that had underwritten a junk bond offering, under SEC Rule 144A, to be used to fund construction of a steel mill in South East Asia. The plaintiffs were mutual and hedge fund investors who had filed actions in eight separate state and federal jurisdictions alleging

John J. Sullivan

jsullivan@cozen.com

P: (212) 453-3729 | F: (646) 461-2073

P: (856) 910-5067 | F: (856) 910-5075

©2019 Cozen O'Connor. All rights reserved.



securities law claims and RICO claims.

Defended insurance holding company in federal court against securities class action involving claims brought under the Securities Act of 1933, the Securities Exchange Act of 1934, and their relevant control person provisions.

Defended a specialty chemical company against product liability and contract claims. Used summary judgment and expert preclusion motion late in litigation to engineer settlement at a small fraction of claimed multi-million dollar damages.

Served on three trial teams in multi-month trials in New Jersey defending a major pharmaceutical company in litigation related to the market withdrawal of its pain medication.

Defended a medical imaging subsidiary of healthcare services company against a contract claim. Won a complete dismissal of the action by filing a motion to dismiss at the start of the litigation.

John J. Sullivan

jsullivan@cozen.com

P: (212) 453-3729 | F: (646) 461-2073

P: (856) 910-5067 | F: (856) 910-5075

©2019 Cozen O'Connor. All rights reserved.

