



Max Kaplan

Associate

Philadelphia

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With a diverse background aiding clients across industries and countries, Max focuses on complex commercial cases that require more than a cookie-cutter approach to litigation. Max partners with clients to understand the client's business and strategic goals so that success in litigation takes into account both the client's bottom line and future growth. Experienced in all stages of litigation, Max is well equipped to guide clients from pre-litigation strategy through post-trial and appellate practice, always working to place the client in the best possible position. In doing so, Max helps clients simplify their complex facts so that the court, jury, or arbitrator can see that their position is just, fair, and right.

Prior to joining Cozen O'Connor, Max was an associate with a global law firm in New York. There, he gained thorough experience working in state and federal court, as well as before arbitrators and mediators. Max also has worked extensively with international clients, helping them navigate the intricacy of the U.S. judicial system.

Active in pro bono work, Max has successfully litigated claims against the Department of Justice and City of New York for violations of prisoners' civil rights and has aided a number of inmates seeking clemency for crimes for which they are serving disproportionate sentences. Max has also provided pro bono services to clients seeking relief in immigration and family court.

Max earned his J.D. from the New York University School of Law where he served as an executive articles editor for the *Annual Survey of American Law*. He earned his B.A. in philosophy *magna cum laude* from Columbia University.

Experience

Settled excessive force civil rights litigation against the City of New York on behalf of a former inmate assaulted at Rikers Island.

Settled civil rights litigation on behalf of a federal inmate for confinement to solitary housing for nearly a year without due process.

Represented a CERCLA Superfund participant in connection with a remediation investigation.

Represented a foreclosing bank regarding the alleged eviction of commercial tenants resulting from the prior landlord's neglect of the property.

Advised a foreign e-commerce retailer on the viability of bringing a claim for defamation in the United States against a social media platform

Represented a real estate investment fund in mediation over a multi-million dollar claim to attorneys' fees allegedly owed in a derivative action.

Advised a condominium developer regarding the potential for discrimination litigation under the federal Fair Housing Act in light of a proposed modification to the municipal building code.

Represented a foreign bank in an adverse proceeding brought by the trustee of a debtor in U.S. bankruptcy court to obtain turnover of assets exchanged through Islamic-compliant interbank lending,

Practice Areas

- Commercial Litigation

Education

- New York University School of Law, J.D., 2013
- Columbia University, B.A., *magna cum laude*, 2010

Bar Admissions

- Pennsylvania
- New York

Court Admissions

- U.S. District Court -- Southern District of New York
- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Eastern District of Pennsylvania

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addressing issues of extraterritoriality, comity, and safe harbors under the bankruptcy code.

Represented a digital marketing firm in a series of shareholder class and derivative actions concerning claims of securities fraud, breach of contract, and breach of fiduciary duties following allegations regarding, and an SEC investigation into, a possible stock-manipulation scheme.

Obtained a favorable settlement for the Chair and CEO of an international media company following an allegation of short-swing insider trading under Section 16(b) of the Securities Exchange Act of 1934.

Represented the former Chair of a major UK retailer in class action securities litigation involving § 10(b) and Rule 10b-5 claims arising from the retailer's allegedly fraudulent accounting practices.

Represented a multinational financial institution in a series of consumer arbitrations regarding its termination of customers from a credit card rewards program.

Represented a group of franchisees in the logistics industry through a month-long jury trial and subsequent appeal seeking lost profits on a third-party beneficiary breach of contract claim.

Obtained pre-discovery dismissal on behalf of a multinational financial institution in a breach of oral contract dispute centering on an allegation by the institution's former counsel that the client promised to provide counsel with all debt collection litigation work.

Obtained a favorable settlement for a solar plant developer in an expedited proceeding before the Delaware Court of Chancery regarding the purchase and funding of plant development rights.

Achieved a favorable settlement on the eve of trial for a reverse-mortgage issuer in a breach of contract dispute with the client's former mortgage servicer.

Won summary judgment on behalf of a high-wealth individual in a breach of oral contract dispute with a former business partner over alleged misallocation of the proceeds from a multinational reverse merger.

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