

Samuel J. Fishman

Associate

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New York

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Samuel Fishman is a skilled litigator and counselor to clients that range from early-stage startups to Fortune 500 companies. His practice is primarily focused on representing clients in complex commercial matters in both state and federal courts as well as in various modes of alternative dispute resolution. He also has experience litigating high-stakes employment disputes.

Sam is a member of the Commercial Litigation Practice Group and Sports & Entertainment Industry Team.

Representative Experience

- Won directed verdict in FINRA arbitration on behalf of investment bank dismissing \$17 million claim for alleged breach of employment contract.
- Won dismissal of \$100 million M&A fraud lawsuit regarding private equity investment on summary judgment in the Southern District of New York on behalf of health care consulting firm, affirmed on appeal by the Second Circuit.
- Won summary judgment in New York Supreme Court, Commercial Division on behalf of private credit fund in commercial foreclosure action for default on \$14.1 million loan. Won dismissal of related action with respect to same loan for alleged fraudulent conveyance and champerty.
- Won dismissal of \$8 million civil RICO and business tort litigation in the Eastern District of New York on behalf of real estate companies and high-net-worth individual.
- Won dismissal of debt collection class action lawsuit alleging violation of New Jersey consumer fraud and licensure statutes in New Jersey Superior Court on behalf of financial institutions, affirmed on appeal by New Jersey Superior Court, Appellate Division.
- Won \$4.8 million in arbitration awards for *Fortune* 200 company in AAA arbitrations for breach of commercial loan agreements.
- Negotiated favorable settlement of business tort and breach of contract litigation on behalf of national skilled nursing company in the Central District of California.

- Negotiated favorable settlement on behalf of Susan Newman and Nell Newman, daughters of the late actor Paul Newman, in lawsuit against Newman's Own Foundation for breach of fiduciary duty and constructive trust in Connecticut Superior Court.
- Representing publicly traded fashion company in M&A post-closing earnout dispute in the Eastern District of New York.
- Representing bank in M&A post-closing earnout dispute in AAA arbitration.

Affiliations

- Member of New York State Bar Association Commercial & Federal Litigation Section
- Member of Sports Lawyers Association

Presentations and Publications

- "The Impact of the Pandemic on Commercial Litigation in New York," *New York State Bar Association Commercial and Federal Litigation Section Newsletter*, Vol. 28 No. 1 (2022)
- "Gambling on compacts," *SportBusiness* (April 5, 2022)
- "Pulp Fiction: The 'Food Court' Squeezes Statutory Damages Request by Class of Defrauded 'Joint Juice' Health Supplement Buyers," *JD Supra* (September 2, 2022)
- "Witness Testimony: Preparing Witnesses to Testify at Trial Checklist (NJ)," *Practical Guidance* (2022)

Sectors

- [Blockchain & Digital Assets](#)

Practice Areas

- [Commercial Litigation](#)
- [Litigation](#)

Education

- UCLA School of Law (J.D., 2021)
 - Moot Court
- University of Southern California (B.A., magna cum laude, 2015)
 - Major: Philosophy, Politics, and Law
 - Minor: Cinematic Arts
 - Renaissance Scholar; Presidential Scholar

Admissions

- New York
- California
- New Jersey



FOLEY & LARDNER LLP

- U.S. District Courts for the Southern and Eastern Districts of New York
- U.S. District Courts for the Central and Northern Districts of California
- U.S. District Court for the District of New Jersey
- U.S. Court of Appeals for the Second Circuit