Litigation Newsletter - June 2020

Newsletter

June 30, 2020
Cherry Hill, NJ

A Message From Our Department Chair, Jeff Cohen

The events of 2020 have created unprecedented change for our firm, the courts in which we practice and, most importantly, our clients. One thing that has not changed is our dedication to our clients and the manner in which we manage their cases. We have always been on the cutting edge of technology, making the transition to life in the age of the pandemic smoother. Our professionals have also quickly adjusted to using technology to communicate with the courts, arguing cases at the trial and appellate court levels, conducting video and telephone depositions and participating in conferences with judges, mediators, our clients and other professionals. As we continue to work through these fast changing times, we will continue to be here for you, our valued clients, and will help you navigate the legal issues that come with these circumstances.

Is Your Business Prepared for the California Consumer Protection Act?

The CCPA is one of the strongest and most comprehensive consumer data privacy laws in the country. It is designed to protect the data privacy rights of citizens living in California, and can thus impact any business that has customers in California. Businesses do not need to have locations in California to be impacted by the new California Consumer Protection Act, but do need to meet certain requirements. Will your business be impacted on July 1? Click here to learn more.
In an effort to help clients avoid unwanted penalties, Flaster Greenberg attorneys can review privacy policies for CCPA compliance. Please contact Krishna Jani or Donna Urban of Flaster Greenberg's Privacy & Data Security Group to ensure your business is up-to-date with the current privacy laws or if you are unsure whether your business is exempt from the CCPA.

NJ Dunkin' Donuts Stores Escape Bakery's Antitrust Suit

Flaster Greenberg attorney Jeff Cohen won a significant antitrust case for his clients, a group of independent franchisees of Dunkin Donuts and a South Jersey central manufacturing baking facility, in a lawsuit brought by another proposed central baking facility that claimed there was a monopoly in the region. The plaintiff erroneously claimed the franchisees boycotted the creation of the would-be Trenton bakery in order to maintain their market share in South Jersey. On May 31st, a federal judge ruled in favor of Flaster Greenberg's clients, finding that there was no inappropriate anti-competitive conduct to block Plaintiff from opening its own baking facility and, therefore, dismissing the lawsuit on summary judgment.

The story was covered in Law360. FG Litigation Chair Jeff Cohen is quoted in the article stating, "*We are pleased that the Court found no basis for Plaintiff's claims and confirmed that my clients did not engage in any anti-competitive conduct. The findings in this case also affirm that parties of one business are free to make their own decisions not to invest in another business without fear of retribution in the form of claims of violation of antitrust law.*"

Meet FG's Newest Litigator

We are pleased to announce that Krishna Jani has joined our firm as a member of the Litigation team! Krishna works out of the FG's Philly office and focuses her practice on complex commercial litigation and is also a member of the firm's cybersecurity and data privacy law pratice groups. Sine joining the firm in February, Krishna has hit the ground running with speaking and writing on the impacts that COVID-19 has had on businesses in regards to data prviacy and cybersecurity challenges.
To learn more about Krishna, including links to her recent speaking engagement and legal alerts, click here.

SCOTUS Rules Discrimination Against LGBTQ Employees is Discrimination on the Basis of Sex

In a landmark decision, the Supreme Court of the United States ruled discrimination against LGBTQ employees violates Title VII of the Civil Rights Act of 1964. The 6-3 ruling is significant in that it did not rely on technical grounds, but rather on the legal analysis that disparate treatment of employees based on sexual orientation or gender identity is, by definition, discrimination based on sex.
The message to businesses is clear: Title VII does not condone discrimination based on sexual orientation or gender identity and that is also likely true of an array of other anti-discrimination laws.
For more information, click here to read the legal alert in its entirety or reach out to FG Litigation Shareholder Adam Gersh.

Webinar Recaps

Attorneys at Flaster Greenberg have been educating clients and others on important updates relating to their businesses and personal standing during the COVID pandemic. In case you missed them, all of our webinars have been recorded and are available for online streaming.

PAST WEBINARS:

- Tips & Tools: Financial Rorganization & Restructuring
- Pandemic Resiliency Planning for Builders & Developers
- Employment Law Updates & and Cybersecurity Challenges: Guidance for Businesses and Employers in a COVID-19 World
- Webinar Series: An Employer's Guide to the COVID-19 Coronavirus Outbreak & FAQs - Part I | Part II | Part III
- TMA Webinar: Effects of COVID-19 on the Turnaround Industry
- NJBIA Webinar: Employer's Roadmap to Navigating Leave Benefits in a COVID-19 World
- CCSNJ Webinar: Pandemic Resiliency Planning for Businesses
- Rutgers Business Outlook
- Overlooked IP Risks for M&A Due Diligence
- SWRA Commercial Webinar Series: Force Majeure and Commercial Real Estate
- NJBA Webinar: COVID Issues in the Building Industry

Legal Alerts & Blog Posts

- SCOTUS Rules Discrimination Against LGBTQ Employees Is Discrimination On The Basis Of Sex
- Exposure Notification Privacy Act: What Companies Should Expect If Passed
- PPP Flexibility Act of 2020 Signed Into Law
- Tips for Avoiding Litigation Series
- The Public Health Emergency Act: What Companies Should Expect If Passed
- NJ Court Affirms Board of Pharmacy Application of Codey Law Prohibiting Physicians from Referring Patients to Affiliated Pharmacy Notwithstanding in Same Office
- The COVID-19 Consumer Data Protection Act of 2020: What Companies Should Expect If Passed
- Remote Notarization Laws in Pennsylvania and New Jersey Enacted Due to COVID-19 And Privacy Concerns
- Finding Diamonds in the Rough: Estate Planning in Turbulent Times
- More Tips On Protecting Your Virtual Meetings to Avoid a Cybersecurity Breach: An Update
- What Employers Can Learn From Early COVID-19 Employee Lawsuits
- Tips On Protecting Your Virtual Meetings To Avoid A Cybersecurity Breach
- Pennsylvania's Business Relief Efforts in the Wake of COVID-19
- SBA Releases Guidance on Paycheck Protection Program
- Application for the Paycheck Protection Program Loan Under the CARES Act
- FCC Chairman Announces Plan for $200 Million COVID-19 Telehealth Program
- CARES Act to Provide Needed Aid to Small Businesses Dealing with Uncertainty and Disruption
- What to Do When COVID-19 Impacts Your Alimony or Child Support
- Business Interruption Insurance for COVID-19
- Employers Take Notes: U.S. Department of Labor Issues FFCRA Notice for Employees
- New Jersey Governor Phil Murphy Signs Emergency Legislation into Law Providing Greater Access to Healthcare During the COVID-19 Emergency and Issues Directives

Honors, Awards & Recognitions

Bankruptcy shareholder **Douglas Stanger** was appointed by the United States Department of Justice as a small business debtor trustee in New Jersey. In this role, Doug's substantial legal, business and turnaround management experience in bankruptcy, including over 30 years of representing debtors and creditors, will support small business owners in alleviating the need for costly Chapter 11 bankruptcy proceedings, helping them to reorganize their debts and save their businesses.

Litigation shareholder **Angie Gambone** was recently named to the New Jersey State Bar Association's Family Law Section Executive Committee. In this role, Angie will be working on various committees as part of her involvement with FLEC in order to continue exploring and advancing family law statues, policies, and regulations aimed at improving this practice area across the region and the State of New Jersey.

Flaster Greenberg earned group rankings in the Chambers and Partners USA Guide for both the Bankruptcy and Intellectual Property Departments in Pennsylvania, as well as for four attorneys individually both within and outside those groups. **Jordan LaVine** was recognized in the field of Intellectual Property, **William**

Burnett and **Harry Giacometti** were recognized in the field of bankruptcy and restructuring and **Marty Judge** was recognized in the field of environmental law.

Corporate shareholder **Tami Bogutz Steinberg** was named to the 2020 *NJBiz* Power 50 in Law list for the second year in a row earlier this month. This list highlights the 50 most influential attorneys in private practice, public service, corporate law departments and nonprofit organizations in the state of New Jersey.

Several attorneys were honored by Thomson Reuters as 2020 Pennsylvania and New Jersey Super Lawyers and Rising Stars.

The Legal Intelligencer honored FG's Managing Shareholder, **Alan Zuckerman**, with the Distinguished Leaders Award for 2020. This prestigious accolade recognizes lawyers who achieved impressive results in the past year and demonstrated clear leadership skills in their practice and as members of the professional community.

ATTORNEYS MENTIONED

William Burnett

Jeffrey Cohen

Adam Gersh

Harry Giacometti

Marty Judge

Jordan LaVine

Douglas Stanger

Tami Bogutz Steinberg

Alan Zuckerman