

Practice Areas

- Litigation
- Intellectual Property
- Entertainment, Media and Communications
- Labor and Employment

Education

- J.D., New York University School of Law, 1979
- B.A., Manhattan College, magna cum laude, 1976

Bar Admissions

- New York (1980)
- U.S. Courts of Appeals for the Second (1986), Third (1986) and Fifth (1994) Circuits
- U.S. District Courts for the Southern (1980) and Eastern (1988) Districts of New York

Philip R. Hoffman

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Philip R. Hoffman is an experienced trial attorney with two primary practice areas – complex commercial and contract litigation and entertainment and intellectual property litigation. Phil has also successfully handled several other types of litigation, including cases involving employment, publishing, sports, privacy, defamation, real estate, tax, trust and estates, and family law.

Phil has extensive trial experience over the past 30 years, having tried numerous jury and non-jury cases in state and federal courts throughout the country. He has also been involved in a wide variety of complex and lengthy arbitrations (AAA, JAMS, NASD) as lead trial counsel in New York and San Francisco.

On the appellate level, Phil has successfully argued appeals for his clients in three U.S. Circuit Courts of Appeals (2nd, 3rd, 5th) and in the New York State Appellate Division (1st and 2nd Departments).

Phil was named in the *Super Lawyers Corporate Counsel 2008 Edition* as one of the top attorneys in business litigation. Like all of the other attorneys on this nationwide list, Phil was selected through an extensive process based on peer nominations, blue ribbon panel review and independent research.

Over the past few years, Phil has litigated several complex contractual and commercial disputes in which the presentation of the case involved locating, organizing and presenting massive amounts of documentation in order to sustain his client's position. For example:

- In 2007, Phil, representing a popular clothing licensor, defeated a preliminary injunction motion brought by a distributor seeking to extend an agreement and, after a two day trial on the merits, obtained a judgment declaring that the agreement was at an end
- In 2006, Phil represented the buyer of an advertising business who had been defrauded and brought a federal securities fraud action in the U.S. District Court for the Southern District of New York against the sellers. His ability to master and organize hundreds of thousands of e-mails in a short period of time allowed him to document the fraud and led to a multi-million dollar settlement after only one deposition and less than one year after the litigation had been filed

- In 2002, Phil obtained a settlement in excess of \$20 million in a six-week JAMS arbitration in San Francisco brought on behalf of a logistics provider against a national grocery chain for breach of contract to pay for services rendered and expenses incurred during a lengthy and violent labor strike. Phil's presentation of the case included the testimony of a dozen witnesses, the admission into evidence of over 1,000 exhibits demonstrating how and justifying why his client spent over \$20 million to provide services to the grocery chain, and the submission of two films documenting the violent nature of the strike and the operation of one of the largest warehouses in the U.S.
- In 2003, Phil, on behalf of a major Florida theme park owner, tried a two week AAA arbitration in New York and defeated in its entirety a \$50 million breach of contract claim brought by a world famous comic book publisher by demonstrating that the theme park owner had, in a two-year period, featured the publishers' characters in over \$200 million worth of advertising for its theme park. In addition to the massive amounts of documentation demonstrating the expenditures, Phil also presented a film which graphically portrayed the nature of his client's compliance with the contract

Phil's successful litigations at Pryor Cashman have included:

- Obtained summary judgment in the U.S. District Court for the Southern District of N.Y. and affirmance in the U.S. Court of Appeals for the 2nd Circuit in favor of a national cable network in a case brought by the purported owners of the rights to the fictional characters Sherlock Holmes and Dr. Watson asserting copyright and trademark violations arising out of the cable network's use of such characters in a television motion picture. Phil also obtained an award of over \$100,000 in attorney's fees against the plaintiff and another \$25,000 in sanctions against plaintiff's attorneys
- Obtained reversal in the N.Y. Appellate Division, First Department, of the lower court order which had granted summary judgment to an insurance company and declared that it had no obligation to defend and indemnify a major cable network in a copyright litigation. The Appellate Court not only reversed the decision below but also granted summary judgment to the client, which recovered all of its legal fees and expenses in connection with both litigations, with interest
- Represented three actors from the most successful independent film in history in the prosecution of their right of privacy and unfair competition claims against the owner of the film in connection with a sequel in which the actors' images were used without their consent. The case successfully settled after Phil's one-week presentation of plaintiffs' case to the jury in the U.S. District Court for the Southern District of New York
- Obtained judgment at trial in the U.S. District Court for the Northern District of Texas and affirmance in the U.S. Court of Appeals for the 5th Circuit declaring that the sale by a motion picture producer of videocassettes of a television movie produced by it did not exceed the rights granted to it by the authors of the book upon which the movie was based

- Obtained summary dismissal in the U.S. District Court for the Southern District of New York of a right of privacy claim brought against a major motion picture company by an actor whose image was shown in a successful motion picture
- Successfully prosecuted a defamation claim in N.Y. Supreme Court against the publisher and author of a book about a legendary music producer and achieved a settlement which required numerous changes to all further editions of the book
- Obtained dismissal of all claims, including a \$10 million fraud claim, asserted against a broker and his firm in a lengthy NASD arbitration
- Recaptured copyright to a song and obtained damages for songwriter in an AAA arbitration against a music publisher
- Obtained a favorable settlement for an investment banker of claims relating to his employment agreement in a JAMS arbitration brought against his employer
- Obtained summary judgment in N.Y. Supreme Court and affirmance in the N.Y. Appellate Division, First Department in favor of a preeminent game show producer dismissing multimillion tortious interference claims asserted against it by a competing game show producer in connection with the services of a new game show host

Phil joined Pryor Cashman in 1984 and became a partner in 1987. He is the firm's Hiring Partner, Coordinating Partner for the Litigation Group, Marketing Partner and Library Partner. Phil also played a substantial role in the creation of the firm's new website launched in March 2007.

Phil is a 1979 graduate of New York University School of Law, where he was a member of the Annual Survey of American Law. He graduated *magna cum laude* from Manhattan College with a B.A. in Government in 1976.

Previous Positions

- Hawkins, Delafield & Wood, Associate (1979-84); Summer Associate (1978)

Speaking Engagements

- Lecturer, *Getting Into Law School - What You Should Be Doing Now*, Manhattan College (October 2006)

Professional Affiliations

- American Bar Association, Member, Litigation Section, Forum Committee on Entertainment & Sports Industries
- New York State Bar Association, Member, Trial Lawyers Section

Distinctions

- Named as "Super Lawyer" in Business Litigation by *Super Lawyers – Corporate Counsel Edition* magazine (2008)

- Named as “Super Lawyer” in Business Litigation by *New York Super Lawyers – Metro Edition* magazine (2007)
- AV Peer Review Rated, Martindale Hubbell’s highest peer recognition for ethical standards and legal ability.

Other Activities

- Phil is a legal advisor to James Patterson and Maxine Paetro on their number one best-selling series of books featuring the Women’s Murder Club, including *4th of July*, *5th Horseman*, *6th Target*, *7th Heaven* and *The 8th Confession* (in which he is also a character)
- Volunteer and fundraiser for Juvenile Diabetes Research Foundation (JDRF)
- Advisor to Manhattan College pre-law students

News

- Partner Philip Hoffman Acts As Consultant On New Bestselling James Patterson Novel
- Pryor Cashman Ranked 7th In U.S. In Marketing And Communications
- Pryor Cashman Wins Victory For United States Golf Association In TTAB Trial Involving U.S. Open Trademarks
- Pryor Cashman Client HAVOC Media Design Profiled By Staten Island Advance
- Partner Philip Hoffman Acts As Consultant On And Is Character In New Bestselling James Patterson Novel
- Partner Philip Hoffman Named As Super Lawyer In Area Of Business Litigation
- Partner Philip Hoffman Acts As Consultant On New James Patterson Best-Seller
- Pryor Cashman Partners Janowitz, Hoffman, Rodner and Kaufman Selected As New York Super Lawyers
- Pryor Cashman Partner Philip Hoffman Comments On Notorious Dry Cleaning Suit