

### Practice Areas

- Investment Management Group
- Litigation
- Intellectual Property
- Entertainment, Media and Communications
- Labor and Employment
- Bankruptcy, Reorganization and Creditors' Rights
- Corporate

### Education

- J.D., Tulane University Law School, 1986
- B.S., United States Merchant Marine Academy, cum laude, 1979

### Bar Admissions

- New York (1987)
- U.S. District Courts for the Southern and Eastern Districts of New York (1987)

## James S. O'Brien, Jr.

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James O'Brien is an experienced litigator specializing in complex commercial litigation and arbitration, including SEC proceedings and shareholders' class actions, entertainment and intellectual property litigation, and all types of contractual disputes. James tries cases in both federal and state courts, and litigates cases across the country.

James was lead trial counsel in *Deep Woods Holdings LLC v. Savings Deposit Insurance Fund of the Republic of Turkey*, 07-CV-934 (S.D.N.Y. 2011), in which he obtained a \$25 million judgment for the client after trial. The case involved the Savings Deposit Insurance Fund of the Republic of Turkey's ("SDIF") refusal to honor the terms of an option agreement concerning shares in The Park Avenue Bank (the "Bank"). Pryor Cashman asserted claims against SDIF for breach of contract for SDIF's failure to deliver the shares as required under the call option and for its intentionally preventing the occurrence of certain conditions that triggered its performance. SDIF denied the claims and asserted a counterclaim for attorneys' fees and costs against Deep Woods as the prevailing party. The Court gave no credence to SDIF's arguments and awarded James and his team a resounding victory.

James represented Integro USA, Inc., one of the largest insurance brokers in the United States, in an AAA arbitration commenced by a former senior broker seeking a bonus and additional post-termination compensation. The broker's termination agreement provided that his post-termination benefits would cease if he accepted employment with a competitor during the time that Integro was paying him. The arbitrator ruled that: (a) the termination agreement's non-compete clause was enforceable; (b) the broker had accepted employment with a competitor; and (c) Integro rightfully had ceased its post-termination payments to the broker. In addition, the arbitrator ruled that Integro was entitled to the return of the post-termination payments it had made, plus its costs and fees.

James was principally involved in Pryor Cashman's representations of the CEOs of two Fortune 500 companies in separate consolidated, multi-district, shareholder class-actions. He was also lead trial counsel in *Lockheed Martin Corporation v. Spencer Trask Intellectual Capital Company, L.L.C.*, in which James successfully defended six scientists in New Hampshire against Lockheed Martin's charges of theft of cutting-edge photonics technology.

James successfully defended the directors of a Connecticut corporation against allegations of fraud, RICO violations, and securities law violations arising from an \$80 million stock and debenture fraud that resulted in substantial prison terms for a number of defendants, including the corporation's president.

James also has experience with bankruptcy-related litigation and represents the indenture trustees of bond issues in federal bankruptcy courts around the country. James represented the indenture trustees in Delaware in *In re Kaiser Aluminum Corporation*, Case No. 02B-10429 (JKF), and in *In re American Business Financial Services, Inc.*, Case No. 05-10203, one of the first sub-prime bankruptcies.

James also routinely litigates real estate-related matters and was lead counsel in a number of construction law actions arising from the construction of a union-financed hospital in New York City. James also has litigated product liability and toxic tort cases, having been lead counsel representing Boyle Drug Company in 242 DES (diethylstilbestrol) cases brought in New York County.

James graduated from Tulane University Law School, where he was Articles Editor of the Tulane Law Review, in 1986. James won the Tulane Law School Writing Competition in 1984 and the Moot Court Competition in 1986. He was a Senior Fellow, Legal Research and Writing, in 1985-86. James earned a B.A. degree from the United States Merchant Marine Academy, where he graduated cum laude, in 1979.

#### **Previous Positions**

- Olwine, Connelly, Chase, O'Donnell & Weyher, Associate (1989-91)
- Burlingham, Underwood & Lord, Associate (1987-89)

#### **Professional Affiliations**

- New York State Bar Association

#### **Other Activities**

- FAA Certified Private Pilot
- U.S. Coast Guard licensed Master Mariner

#### **News**

- Pryor Cashman Obtains Injunction Against Trump Palace
- Pryor Cashman Client Castillo Grand Wins \$44 Million Award Against Starwood Hotels
- Pryor Cashman Team Wins Major Victory for U.S. Judgment Creditors Under Foreign Sovereign Immunities Act
- Pryor Cashman Wins Dismissal Of Lawsuit Against Starbucks Coffee Company
- Pryor Cashman Wins Dismissal Of International Breach Of Contract Case In The Eastern District of New York
- Pryor Cashman Client Oral Cancer Prevention International, Inc. Commences \$60 Million Lawsuit Against Johnson & Johnson

- Pryor Cashman Wins Trial Against Savings Deposit Insurance Fund of the Republic of Turkey and Obtains \$25 Million Judgment For Client
- Pryor Cashman Wins Arbitration and Recovers Payments Due Plus Attorneys' Fees For Breach of Purchase and Sale Agreement Relating To Film Post-Production Company
- Pryor Cashman Closes Three Major Apparel Deals
- Pryor Cashman Wins \$1.5 Million Intellectual Property Case On "Unjust Enrichment" Theory After Week-Long Trial
- Pryor Cashman Wins Trial Upholding Inviolability of Offshore Trust Against Spouse's Claims