

Rob Gross

Partner

New York
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Education

- Yale Law School, JD
- Yale University, BA

Practices & Industries

- Commercial Litigation & Complex Trials
- Restructuring, Bankruptcy & Creditors' Rights
- Labor & Employment
- Transportation
- Health & Human Services Providers
- Health Care Controversies

Admitted to Practice

- New York

Court Admissions

- US Bankruptcy Court for the Eastern District of New York
- US Bankruptcy Court for the Southern District of New York
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Third Circuit
- US Court of Appeals for the Fourth Circuit
- US Court of Appeals for the 11th Circuit

Biography

Rob primarily concentrates his practice on prosecuting, defending, and resolving state and federal court cases involving business and financial arrangements, directors' and officers' obligations, employment matters, real estate and construction, intellectual property, defamation, health care management, bankruptcy and restructuring, and emerging technologies. He routinely assists entrepreneurs and not-for-profits based in the United States and abroad with developing and pursuing legal strategies for managing risks and advancing their interests, and he is also experienced in managing investigations and regulatory audits.

Bar Associations

- New York City Bar Association, Member and Former Communications and Media Committee Member
- New York Metropolitan Black Bar Association

Representative Experience

- Represents two mining companies asserting ownership interests in precious metals in the Chapter 11 liquidating cases of a refinery and its affiliates.
- Represented Hong Kong investors with respect to their investment in a commercial real estate project through the appellate decision denying the dismissal of claims for breach of contract, fraud in the inducement, and costs of accounting (*Mohinani v. Charney*, 67 N.Y.S.3d 10 (N.Y. App. Div. 2017)).
- Represented real estate companies in the successful dismissal of a complaint of a Chapter 11 debtor seeking to avoid the pre-petition involuntary transfers of his interests in the businesses as preferences or fraudulent transfers (*Garcia*

v. Garcia (In re Garcia), 507 B.R. 434 (Bankr. E.D.N.Y. 2014)).

- Represented a German trading company in action to vacate a maritime attachment of an electronic-funds transfer held by a NY bank, resulting in a landmark decision in the client's favor by the Second Circuit Court of Appeals (*Hawknet, Ltd. v. Overseas Shipping Agencies*, 590 F.3d 87 (2d Cir. 2009)).
- Obtained the first-ever dismissal of a US cross-border insolvency case following an initial grant of recognition under the Bankruptcy Code (*In Re Ashapura Minechem, Ltd.*, No. 1:11BK14668 (Docket) (Bkrtcy. S.D.N.Y., Oct. 5, 2012)).
- Represented a Hong Kong-based buying agent in defending a federal court proceeding to compel arbitration in New York under international convention, resulting in the dismissal of the action by the Second Circuit Court of Appeals (*Lancaster, Inc. v. Lark Intern. Ltd.*, 186 F.3d 210).
- Represented the exclusive license holder for the manufacture, sale, and distribution of a consumer product in successful litigation to dismiss the licensor's Chapter 11 bankruptcy case as a "bad faith" filing, resulting in the enforcement of the license (*In re: Advanced Restoration Technologies, Inc.,* No. 05-2978, (D.N.J. Mar. 30, 2006)).
- Represented a seller of a STOLI life insurance policy through the appellate decision reinstating claims to enforce the agreement against the purchaser (*B.D. Estate Planning Corp v. Trachtenberg*, 134 A.D.3d 650 (2015)).
- Represented an Austrian bank in breach-of-contract and fraud claims against a trade finance company in the forfeiting industry (*A.I. Trade Finance v. Centro Internationale Handelsbank AG*, 1996 WL 732635).
- Secured discontinuance of insurer's subrogation claim, alleging breach of contract, breach of duties under the Carmack Amendment (49 U.S.C. Sec. 14706), and breach of bailment for de minimis settlement based on role as freight co-broker, as evidenced by subject insurance policies, indemnity provisions, and certificates of insurance.
- Obtained dismissal with prejudice of federal Defend Trade Secrets Act (DTSA) claims against our client, in a $200 million action pending in US District Court for the Southern District of New York. Plaintiff claimed defendants, including our clients, misappropriated trade secrets and violated alleged fiduciary duties in connection with the establishment of a stock index identifying opportunities to invest in publicly traded shares based upon the brand value of the issuing companies. The court held that the pleading did not state a federal claim under the DTSA, denied the plaintiff leave to re-plead, and dismissed all related state law claims.

Prior Experience

- LeClairRyan, PLLC, Partner
- Centerlight Health System, General Counsel and Senior Vice President
- Eaton & Van Winkle LLP
- Berlack, Israels & Liberman, New York
- Graubard, Moskovitz, Dannett & Hrowitz

Selected Community Activities

- Parsons Dance Company, Board Member