



Benjamin Zakarin

Counsel

New York

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Education

- Wake Forest University School of Law, *Wake Forest Journal of Business and Intellectual Property Law*, Editorial Staff, JD
- University of Michigan, *Magna Cum Laude*, BA

Practices & Industries

- Commercial Litigation & Complex Trials
- Torts & Products Liability Defense
- Insurance Coverage & Regulation
- Transportation

Admitted to Practice

- New Jersey
- New York
- District of Columbia

Court Admissions

- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Third Circuit
- US District Court for the District of New Jersey
- US District Court for the Eastern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Benjamin's practice focuses on handling commercial litigation matters, including defending and prosecuting a wide range of business disputes, torts, and fiduciary litigation in state and federal courts. He also regularly defends clients facing investigation or enforcement actions by state and federal authorities. He has substantial experience handling complex settlement negotiations and has represented clients in alternative dispute resolutions before sitting and retired federal judges nationwide.

Benjamin gained an insider's perspective on the inner workings of government investigations working in close coordination with agencies including the Department of Justice and Securities and Exchange Commission during his time in the Office of the New Jersey Attorney General. He draws on his time developing and enforcing significant new regulatory policies as well as his experience directing the investigation and prosecution of significant violations of state and federal securities laws, the False Claims Act, and the Consumer Fraud Act to help his clients mitigate their risks and favorably resolve regulatory concerns as they arise.

Bar Associations

- New Jersey State Bar Association, Securities Law Special Committee, Member

Representative Experience

- Secured a unanimous, published Second Circuit decision affirming the district court's denial of a financial institution's motion to compel arbitration and adopting a new standard for whether a party has waived its right to arbitration.

- Successfully represented one of the nation's largest vertically integrated real estate investment, finance, and operating groups in litigation over the sale of a \$90 million multifamily housing complex.
- Successfully defended a Chapter 11 bankruptcy trustee adversary action arising from a high-profile celebrity bankruptcy, obtaining a highly favorable resolution of all claims.
- Represented multiple major insurers in coverage actions, obtaining dismissals and negotiating favorable resolutions.
- Served as a senior member of a team litigating a multibillion-dollar enforcement action in connection with the improper marketing and sale of numerous RMBS bonds, the largest enforcement action in the history of the State of New Jersey.
- Served as counsel in a multimillion-dollar litigation against a state-chartered bank and trust company for breaches of fiduciary duty, fraud, and violations of state consumer fraud laws.
- Successfully defended a leading home security and automation company in a TCPA class action in federal district court, defeating a motion for summary judgment and leading to the plaintiff's voluntary decertification of the class and a highly favorable client outcome.
- Successfully obtained dismissal of claims for false advertising under the Lanham Act in federal district court.

Prior Experience

- The Sultz Law Group, PC, Associate
- Greenspoon Marder LLP, Associate
- State of New Jersey Office of the Attorney General, Division of Law, Securities Fraud Prosecution Section, Deputy Attorney General

Selected Honors

- *Best Lawyers: Ones to Watch in America*®: Mass Tort Litigation/Class Actions – Defendants, 2024–2025
- Selected to *Super Lawyers* New York Metro Rising Stars: Business Litigation, 2023–2024

Selected Alerts & Blog Posts

- NYS Appellate Court Clarifies Insurer Disclaimer Requirements
- Massachusetts High Court Ruling Raises Standard of Care, Stakes for Broker-Dealers