

**Craig M. Flanders | Partner**

Business Litigation

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Craig Flanders has an active commercial litigation practice spanning multiple industries with experience successfully prosecuting and defending a wide variety of litigation and arbitration matters from inception through trial and appeals.

Craig has appeared in federal and state jurisdictions throughout the United States including arguments in front of the Second, Third, and Ninth Circuits, as well as the New York Supreme Court, Appellate Division, and various trial courts. Craig also regularly partners with lawyers across the country in local counsel or co-counsel engagements to service clients.

## **Litigation Practice**

Craig's litigation practice encompasses sophisticated international and domestic commercial disputes spanning:

- Breach of contract
- Business torts
- Federal statutory claims
- Real estate
- Construction
- Partner and shareholder disputes
- Trade secret
- Trademark, copyright, and unfair competition
- Antitrust
- Trust and estates
- Franchise
- Bankruptcy

- Employment
- Product liability
- Insurance coverage
- Class action
- Creditor-debtor
- Financial transactions

## **Business and Personal Legal Consulting**

Craig also serves as a personal legal adviser and outside General Counsel to many of his clients, providing day-to-day advice, often with the support of the firm's other practice groups, on legal matters including:

- Negotiation of a variety of commercial contracts
- Preparation of internal legal forms
- Corporate formation, governance and M&A
- Employment issues
- Intellectual property protection
- Risk mitigation

Craig's practice includes clients from startups to some of the largest companies in the world, including:

- Public and private companies
- Family businesses
- Trade associations
- Trusts
- Individuals engaged in commercial or personal transactions
- Manufacturers and distributors
- Fashion and luxury goods brands
- Other consumer brands
- Retailers
- Real estate developers
- Educational institutions
- Energy companies
- Construction contractors
- Logistics companies
- Financial institutions
- Hedge funds
- Private equity funds

While in law school, Craig served as an Editor of the *University of Missouri Law Review* and was a member of the Deans Honors List. He graduated from the University of Texas *cum laude* with Special College Honors.

## **Outside The Firm**

Craig enjoys spending his free time with his daughters and following Texas

Longhorns football.

## Select Engagements

### Breach of Contract

- A high end luxury brand, in breach of contract dispute with manufacturer and distributor, successfully procuring emergency relief for the immediate return of property, and a denial of an emergency stay by the New York Appellate Division, First Department.
- A construction subcontractor and manufacturer, in multimillion dollar dispute involving claims for breach of a subcontract, construction delay, and disputed scope against a General Contractor and municipality.

### Antitrust

- An industry trade association, defending against Sherman Act preemption claims filed by a national retailer liquor chain challenging Connecticut's alcohol regulatory regime resulting in full dismissal of all claims.
- A large multinational company, defense against Robinson Patman Act and New Jersey Franchise Practices Act claims, procuring summary judgment dismissal of all claims—a ruling upheld in large part by the Third Circuit Court of Appeals in ongoing litigation.

### Intellectual Property

- An international jewelry and watch brand, in bet-the-company litigation involving trademark, unfair competition, and trade secret claims against U.S. licensee and distributor, prevailing on a series of dispositive and non dispositive motions.
- A family-owned business, in trade secret litigation arising out of breach of a non-disclosure agreement.

### Real Estate

- An individual, in real estate dispute against New York City building owner resulting in judgment in favor of client and significant ruling from the New York Appellate Division, First Department, directing an assessment of statutory and attorneys' fees of more than 20 times the underlying damages.
- A New York City real estate developer, in complex dispute involving contested ownership and financing obligations involving condominium development property.

## **Federal Statutory (Other)**

- An Italian bank, in connection with RICO and related claims arising out of ownership of a professional soccer team, resulting in full dismissal of all claim upheld by the Second Circuit Court of Appeals.

## **Bankruptcy**

- A European bank and largest unsecured creditor, in a contested Chapter 11, negotiating unique claim sale that resulted in the debtor emerging from bankruptcy.

## **Admissions**

- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Ninth Circuit
- Connecticut
- New York
- U.S. District Court - Eastern District of New York
- U.S. District Court - Southern District of New York
- United States Court of Appeals for the Second Circuit

## **Education**

- The University of Texas at Austin, BS, cum laude
- University of Missouri School of Law, JD

## **Professional Activities**

Craig volunteers his time as a mentor at Brooklyn FoodWorks, counseling startup companies in the food industry.