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## LITIGATION, ARBITRATION AND MEDIATION PRACTICE

*Whiteman Osterman & Hanna LLP has a simple mission: To do all we can to help our clients achieve success and reach their goals.*

Whiteman Osterman & Hanna has a diverse litigation practice that includes civil litigation, white collar criminal defense, and administrative and regulatory litigation. The Firm's litigation clients range from *FORTUNE* 100 companies to smaller businesses and individuals. Working closely in conjunction with members of the Firm's other practice groups, the Firm's litigators regularly appear in state and federal courts throughout New York, and in recent years have appeared in matters arising in federal courts in the First, Second, Fifth, Ninth and Eleventh Circuits as well as in the United States Supreme Court.

Over the years, our attorneys have developed particular expertise in the following areas:

**Corporate and Commercial Litigation:** The Firm has been involved in an array of complex commercial and contract litigation, including civil RICO actions, shareholder derivative lawsuits, and securities class action litigation. For example, one matter involved a New York State public benefit corporation in litigation arising out of the breach of contract by several out-of-state utilities in storing spent nuclear fuel at a facility in Western New York. The Firm has also participated in arbitrations before the NYSE, NASD and AAA, as well as in alternative dispute resolution methods such as binding and non-binding arbitration, mediation and summary jury trials.



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**Insurance Coverage Claims:** As an adjunct to the Firm's extensive environmental law practice, Whiteman Osterman & Hanna has had considerable experience pursuing insurance coverage claims under our environmental clients' current and expired liability policies. In a number of state and federal court actions, we have obtained declaratory judgments that our clients' insurers are obligated under various liability and homeowner's policies to defend their policyholders in connection with underlying environmental proceedings.

**Products Liability and Toxic Tort Litigation:** Incorporating our expertise in health care and environmental matters, the Firm has extensive experience in litigation involving allegedly defective products, medical devices, hazardous substances, and other work-place related injuries.

**Labor and Employment:** The Firm's litigation experience in the labor and employment field has ranged from the disposition of personnel matters before lay or administrative dispute resolution panels to representation of a major domestic airline in a proceeding that ultimately was resolved favorably in the United States Supreme Court. Since we represent more than 30 towns, villages and school districts, the Firm regularly is involved in arbitration proceedings, administrative hearings and appeals, and litigation in the courts.

**Handicapped Litigation:** Over the years society has come to recognize the need to protect all of our citizens. Our involvement in this increasingly important area brings our attorneys regularly before administrative agencies and the courts, litigating issues of educational placement or alleged discrimination.

**Health Care Litigation:** The Firm has represented clients in litigation relating to withdrawal of treatment, reimbursement and professional licensure matters, as well as judicial review of certificate of need and related administrative determinations.



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**Real Property Taxation:** The Firm has been involved in a number of significant matters involving real property taxation throughout New York State. One such proceeding, concerning the methodology of taxation of certain specialized utility property in the City of New York and Westchester County, involved constitutional considerations that were ultimately resolved favorably in the United States Supreme Court.

**Appellate Litigation:** The Firm's experience in appellate litigation is extensive, and goes beyond its participation in appeals in discrete matters in which the Firm has been involved. The Firm has represented amicus curiae in a number of proceedings before the New York Court of Appeals, representing such diverse organizations as municipalities, school boards, and industry trade associations. The Firm has also appeared as counsel for an amicus in two different proceedings before the United States Supreme Court regarding the constitutionality of New York State statutes under the 21st Amendment. Recently, the Firm appeared before the Supreme Court of the State of Washington in connection with a certified question of law in a case pending in a federal court in that state.

**White-Collar Criminal Litigation:** The Firm has been involved in several major criminal environmental prosecutions in New York State, and has defended clients in proceedings at both the state and federal level. In addition, members of the Firm have represented clients in criminal enforcement proceedings arising under the tax laws, as well as other general criminal matters.

**Environmental Litigation:** The Firm routinely represents clients in both the defense and prosecution of complex multi-party matters arising out of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA" or "Superfund") and related statutes for liability for contamination at hazardous waste sites throughout the country. The Firm has also represented numerous clients in connection with state and federal administrative enforcement proceedings.

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**Intellectual Property:** Please refer to our Intellectual Property practice description.

**Employment Discrimination:** The Firm's practice in this area has grown as both the courts and administrative agencies have broadened the protections available to increasing numbers of disadvantaged groups. This area, growing out of our Labor and Employment Practice, has grown to have independent significance. Proceedings before administrative agencies and the courts routinely bring our attorneys into issues of claimed racial, sexual, and age discrimination.

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