



MARTIN R. KAFAFIAN
Member

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Marty Kafafian is a partner in Beattie Padovano's Litigation practice. He focuses his practice on corporate and commercial matters, with an emphasis on shareholder and corporate governance disputes, trade secret and competition suits, real estate litigation, and other complex business disputes.

Marty represents clients at both the trial and appellate levels of state and federal courts, as well as in various Alternative Dispute Resolution forums, including the International Centre for Dispute Resolution. He regularly appears before complex commercial and business tribunals, including the New York Supreme Court, New York County Commercial Division.



Selected representations include the following.

Corporate Governance and Shareholder Matters

- ✓ Ongoing representation of shareholders in a series of litigations before the United States District Court for the District of New Jersey and the New York Supreme Court, Commercial Division, concerning breach of fiduciary duty and related corporate mismanagement wherein the shareholders seek disgorgement under New York's Faithless Servant Doctrine of cash compensation and a valuable option from the subject LLC's chief executive.
- ✓ Successful representation of the chief executive of various affiliated companies in defending against claims brought in the American Arbitration Association's International Centre for Dispute Resolution by foreign shareholders claiming breach of fiduciary duty, corporate waste, and other mismanagement in connection with the development and management of real estate in Williamsburg and Greenpoint, Brooklyn.
- ✓ Successful representation of the managing member of a New York company in defeating efforts by the majority owners who sought to remove the managing member under certain default provisions of New York's Limited Liability Company Law, a case leading to a decision that received considerable attention from court watchers and commentators.
- ✓ Successful representation of an oppressed shareholder of a legacy fragrance and flavor distributor, ultimately obtaining a verdict expelling the oppressing and controlling majority shareholders.

Trade Secret and Competition Matters

- ✓ Ongoing representation of the developer of a niche alcoholic beverage concept in trade secret misappropriation and related claims against a leading competitor.



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- Successful representation of a native content advertising network in the United States Court of Appeals for the Third Circuit against a market-leading competitor in connection with Lanham Act and common-law unfair competition and related claims.
- Successful representation of ShopRite in a Sherman Act antitrust claim brought against Stop & Shop for conduct arising out of anticompetitive sham petitions which were designed to shut ShopRite out of certain geographic markets.
- Successful representation of a real estate developer in the United States Court of Appeals for the Third Circuit obtaining vacatur of a with-prejudice dismissal of Sherman Act antitrust claims brought against a market-leading tech company.
- Successful representation of an athletic apparel brand in Lanham Act infringement and related claims against a Big10 Football program.

Real Estate and Complex Commercial Matters

- Successful representation of a billboard advertising broker in claims brought in the United States District Court for the Southern District of New York arising out of a leading Los Angeles billboard company's unlawful refusal to pay commissions to the broker for procuring advertisers.
- Successful representation of a luxury department store chain in defending breach-of-lease claims arising out of closures occurring during the early days of the COVID-19 shutdown.
- Successful representation of homeowners in an upmarket development in defending against a federal lawsuit wherein a sovereign tribal nation claimed various property rights, RLUIPA, and related civil rights claims.
- Successful representation of a native content advertising network seeking to void an online advertising contract based upon efforts to drive up traffic through "click fraud," which involved litigations in federal as well as state courts in New York and New Jersey.

PRACTICE AREAS

- Litigation

EDUCATION

- Rutgers University School of Law, J.D. (2012)
 - *cum laude*
 - *Rutgers Law Review*, Research Editor
- Ramapo College of New Jersey, B.A. (2007)

BAR ADMISSIONS

- New Jersey, 2013
- New York, 2013
- United States District Court, District of New Jersey, 2014
- United States District Court, Southern District of New York, 2015
- United States District Court, Eastern District of New York, 2017



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▀ United States Court of Appeals for the Third Circuit, 2020