



K. Heather Robinson

Partner

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Heather Robinson is partner in Herrick's Litigation Department. She concentrates her practice on securities and general commercial litigation. She practices in the state and federal courts, as well as before regulatory agencies, and is admitted to practice in both New Jersey and Pennsylvania. Heather also has experience with consumer class actions, products liability, insurance litigations, and complex commercial matters.

On the securities side, Heather was recently involved in the representation of a broker-dealer in a complex employment arbitration brought by six former employees seeking over \$10 Million in collective damages. This FINRA arbitration proceeded for 60 sessions, including 32 hearing days, and resulted in a virtually complete defense verdict for the broker-dealer, including for attorneys' fees. The award was recently confirmed in its entirety by the Southern District of New York.

In addition, Heather represents clients in all aspects of employment law, including changes in the law related to the COVID-19 pandemic, reviewing and revising employment policies, including social media policies, to ensure compliance with current laws and regulations, allegations of sexual harassment and discrimination, and allegations of violations of wage and hour laws. Heather represents clients in employment-related litigation and has substantial experience representing such clients in state courts, federal courts, and alternative dispute forums. Heather also regularly authors and presents employee training programs for compliance with state and federal law.

Other Recent Matters of Note:

- Representation a leading foreign bank in a case filed in federal court in the District Court for the Southern District of New York pursuant to the Anti-Terrorism Act (the "ATA");
- Representation of members of the board of directors of a start-up company in an SEC investigation in connection with a private placement offering;
- Representation of various broker-dealers in FINRA arbitrations brought by investing clients in connection with private placement offerings;
- Representation of a major diamond manufacturing and distribution company in connection with actions to recover insurance proceeds based on the loss of over \$135 million worth of diamonds, and in connection with investigations of other entities involving possible violations of the Racketeer Influenced and Corrupt Organizations Act and various anti-money laundering laws, and
- Representation of a German investment firm with respect to its investment portfolio of U.S. life insurance policies.

Heather has authored and co-presented multiple continuing legal education courses on social media and its ever-evolving landscape. She also has extensive experience with e-discovery and has been involved with complex, cross-border collection and production of discovery in

complex commercial matters. Heather is a member of the firm's Electronic Discovery Committee.

Heather received her B.A. and M.A.T. from Cornell University, and her J.D. and M.B.E. from the University of Pennsylvania where she was a member of the Journal of Labor and Employment Law. Prior to joining Herrick, Heather was an associate in the New Jersey office of Dechert, LLP. Heather also interned for the Honorable William G. Bassler, U.S. District Court Judge, District of New Jersey.

Services

- Litigation
- Corporate Litigation
- Employment Litigation
- Product Liability
- Securities Litigation and Enforcement
- White Collar Defense & Investigations
- E-Discovery and Data Management
- Restructuring & Finance Litigation

Education

- University of Pennsylvania Law School (J.D., 2006)
- Cornell University (B.A., 1999)

Recognitions and Accolades

- *The Best Lawyers in America*® - *Ones to Watch*, Commercial Litigation and Securities / Capital Markets Law (2023, 2024) Award Methodology *No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

Matters

SunEdison, Inc.

Counsel to Reorganized SunEdison, Inc. concerning indemnity claims asserted by the syndication agent and lead arranger for a pre-petition second lien loan facility.

Consumer Products Manufacturer - Jury Verdict Reversed NJ Construction Dispute Remanded for New Trial

Herrick achieved a significant appellate victory on behalf of a leading consumer products manufacturer in litigation with a general contractor and third-party subcontractors over payment for work done on a multimillion dollar building project in New Jersey. In a published opinion ordering a new trial, the New Jersey Appellate Division agreed that "the jury instructions and verdict sheet both misstated the applicable legal principals of contract law," leading to a verdict in which the contractor was found to have breached its contract with our client yet nonetheless received an award on a services-rendered basis, which only applies in the absence of a binding agreement. The appellate court further found that the trial court's flawed instructions prevented the jury from considering our client's counterclaim for damages incurred as a result of the contractor's defective work.

Property Owner - Breach of Contract Dispute

Represented a property owner on claims arising out of a breach of lease and supply agreement. The client leased property to a tenant for the purpose of operating a gas station on the property. The lease prohibited the tenant from subleasing without landlord consent. The lease also contained provisions requiring the tenant to buy petroleum products from the

owner. The tenant violated the terms of the lease and supply agreement when it allowed a sub-tenant to occupy the premises and purchased petroleum products from another party. Herrick moved for and was granted summary judgment on the claim for breach of the lease agreement. The remaining claims were thereafter settled.

Australian Public Company – Misrepresentation Against U.S. Financial Institution

Achieved significant settlement on behalf of the former Chief Executive Officer of an Australian public company alleged of misrepresentation against a U.S. financial institution in connection with the sale of securities in certain securitized loans.

National Energy Services Provider - Consumer Fraud Class Action

Defense of the affiliate of a national energy services provider in a consumer fraud class action filed in Pennsylvania federal court by plaintiffs claiming to have been “locked” into variable rate contracts charging purportedly inflated rates for electricity.

Private Equity Credit Investing Arm - Disability Insurance Dispute

Represented the credit investing arm of a publicly-traded private equity firm, with \$19 billion under management, in a dispute with insurers over payment of disability benefits under a multimillion dollar “key man” policy insuring our client’s former co-chief executive officer.

Life Settlement Investment Firm - Advice and Litigation

Represented a German investment firm with respect to its investment portfolio of U.S. life insurance policies. In addition to providing advice concerning life settlement laws and regulations in various jurisdictions, Herrick also represented the company in litigation on its disputed claims in multiple jurisdictions. Herrick procured a multi-million-dollar settlement for the client, almost 90 percent of the policy value, in New Jersey federal litigation in which the carrier contested the claim as a likely STOLI (“stranger originated life insurance”) policy. Herrick also settled a large claim filed in Pennsylvania federal court in which our client received approximately 70 percent of the policy value in a case where the age of the insured, a former Syrian national, was disputed.

Broker-Dealer - FINRA Employment Arbitration

Represented a broker-dealer in a complex employment arbitration brought by six former employees seeking over \$10 Million in collective damages. This FINRA arbitration proceeded for 60 sessions, including 32 hearing days, and resulted in a virtually complete defense verdict for the firm, including for attorneys’ fees. The award was confirmed in its entirety by the Southern District of New York.

National Department Store Chain - Breach of Contract Dispute with Real Estate Brokerage Company

Defense of a national retail chain in litigation filed by a real estate brokerage company seeking damages related to an alleged breach of contract and other claims.

Publications

April 24, 2024

FTC Issues Long-Awaited Non-Compete Ban

March 4, 2024

Recent Second Circuit Decision Highlights Risks for Companies Related to Ownership of Social Media Accounts

December 28, 2023

New York Governor Hochul Changes Course and Vetoes Non-Compete Ban

December 6, 2023

New York Governor Hochul Signals Willingness to Sign Non-Compete Ban With Changes

October 23, 2023

New York Adds Wage Theft as a Form of Criminal Larceny

June 29, 2023

Important Legal Updates for Employers

April 18, 2023

New York State Sexual Harassment Prevention Legal Updates

January 10, 2023

FTC Proposes Sweeping Ban on Non-Compete Agreements

September 21, 2022

New York City Will Lift Private-Sector Workplace Vaccination Requirement as of November 1, 2022

May 2, 2022

NYC Amends Pay Transparency Law; Now Expected To Go Into Effect November 1, 2022

April 13, 2022

NYS Electronic Monitoring and NYC Pay Transparency Laws Go Into Effect in May

March 30, 2022

Recent Second Circuit Decision Reinforces Need to Take Reasonable Measures to Protect Trade Secrets

March 21, 2022

New York Employers No Longer Required to Implement NY HERO Safety Plans

March 14, 2022

"#Me Too" Bill Banning Forced Arbitration of Sexual Harassment and Sexual Assault Claims Becomes Federal Law

March 1, 2022

Has the Workplace Returned to Pre-Pandemic? Plus, Other Important Updates for Employers.

February 11, 2022

New York State Indoor Mask Mandate Lifted and NY HERO Act Safety Plan Template Revised

February 2, 2022

Nationwide Employers Take Note: Illinois Amendments to Freedom to Work Act Take Effect, Clarifying Limits on Restrictive Covenants

January 14, 2022

Supreme Court Blocks Enforcement of OSHA "Vax Or Test" Emergency Temporary Standard

December 20, 2021

Large Employers May Now Be Subject to OSHA ETS in Addition to NYS and NYC COVID-19 Mandates

December 15, 2021

New York City Publishes Guidance on Private-Sector Workplace Vaccination Requirement Going into Effect December 27, 2021

December 13, 2021

New York Businesses Must Implement Mask Requirement or Require Proof of Vaccination

November 4, 2021

OSHA Publishes Emergency Temporary Standard on COVID-19 Vaccination and Testing

September 7, 2021

Designation of COVID-19 as Airborne Infection Disease Under NY HERO Act Requires Implementation of Employers' Exposure Prevention Plans

July 20, 2021

NY HERO Act Prevention Plan Deadline is August 5th!

June 15, 2021

Most Remaining COVID-19 Restrictions Have Been Lifted, Effective Today

May 18, 2021

New York Adopts New CDC Guidance

May 13, 2021

New York Enacts New Workplace Health and Safety Law Affecting All Employers

March 18, 2021

Employers Take Note: Recent Changes in Law Affect Paid Vaccination Leave and COBRA Requirements

February 9, 2021

Employee Social Media Use and Disciplinary Action

September 2017

Product Liability Law & Strategy: Challenges to the Admissibility of Evidence in the 'Omics' Era

Law Journal Newsletter's Product Liability Law & Strategy