



## K. Heather Robinson

*Counsel*

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Heather Robinson is counsel 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.

### 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)

#### Accolades

[Herrick, Feinstein LLP Wins New Jersey Law Journal's Commercial Litigation Department of the Year-Finalist](#)

#### 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.

##### 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

Representing 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

Represent 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 has also represented the company in litigation on its disputed claims in multiple jurisdictions. In 2012, 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. More recently, in 2013, Herrick 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. Herrick will continue to represent the client on U.S. claims going forward.

#### 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

#### 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