



## Peter J. Pizzi

### PARTNER

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### WALSH PIZZI O'REILLY FALANGA LLP

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WALSH  
PIZZI  
O'REILLY  
FALANGA

#### Practice Areas:

- Business & Commercial Litigation
- Class Action Defense
- Cyber Security & Data Protection
- Intellectual Property & Trade Secret Litigation
- Internal Investigations
- Labor & Employment Law

#### States Admitted to Practice:

- New Jersey
- New York
- Pennsylvania

#### Courts Admitted to Practice:

- US Courts of Appeals for the Second and Third Circuits
- US District Court for the District of New Jersey
- US District Courts for the Southern and Eastern Districts of New York
- US District Courts for the Eastern and Middle Districts of Pennsylvania

#### Education:

- Fordham University School of Law (1978)
- Bowdoin College (1975)

#### Affiliations:

- International Association of Privacy Professionals
- International Association of Defense Counsel
- American Bar Association
- New Jersey State Bar Association
- New York State Bar Association

Peter J. Pizzi is a business litigator with over 30 years of experience in commercial litigation, class action defense, internal investigations, internet and IP litigation, and labor and employment law. He has handled matters on behalf of corporate clients in a broad array of industries, including pharmaceuticals, finance services, computer technology, cosmetics, industrial equipment, and food service. Recent highlights include Peter's pre-discovery dismissals of a \$12 million suit seeking to enforce a Venezuelan corporate guaranty against a corporate officer, a putative consumer class action against a retailing client over the portion sizing of its beverage offerings, and another putative class action against a private aviation firm regarding its pricing practices. He also has lead teams conducting internal investigations on behalf of large public companies.

In addition, Peter has distinguished himself in the field of technology law, regularly lecturing at CLE programs on technology law, writing on cutting-edge issues—such as privacy and cybersecurity, content piracy, and e-discovery—for an array of journals, and consulted by news media for insight regarding technology-related topics. In addition to holding the CIPP/US certification from the International Association of Privacy Professionals, he is the incoming Chair of the Technology Committee of the International Association of Defense Counsel.

Peter has been designated a Certified Civil Trial Attorney by the Supreme Court of New Jersey, and was most recently re-certified in 2016.

#### Honors and Awards

- New Jersey Super Lawyers (2005, 2006, 2009-2016)
- Delbarton School Hall of Honor (2011)
- Bowdoin College Presidential Award for Leadership in BASIC, Bowdoin Alumni Schools and Interviewing Committee (2005)

#### Representative Experience

- Obtained dismissal of a \$12 million action brought by a surety seeking personal liability against a retired architect arising out of a prison project in Venezuela.
- Obtained jury verdict in excess of \$1 million for the plaintiff sales consultant in contract action involving a contingent payment due on the \$39 million acquisition of a line of over-the-counter consumer products.

- Obtained summary judgment, before depositions, in a consumer class action against a chain of convenience stores alleging its beverage cups failed to deliver the quantity specified.
- Successfully represented an individual accused of insider trading in an SEC private investigation
- Obtained dismissal of consumer class action against Marquis Jet Partners, Inc. and NetJets Inc.
- Succeeded in obtaining withdrawal of third-party claims against multiple vendors joined by Goldman Sachs & Co. in a Fair Labor Standards Act class action
- Counseled manufacturing client which successfully decertified union representing production employees
- Obtained a preliminary injunction transferring sixteen domain names and four Twitter accounts on behalf of Long Island MacArthur Airport
- Won the <quickchek.com> domain for client Quick Chek Corp.
- In suit to collect payment for Chinese food products, won not only the full purchase price but also punitive damages for fraud and counsel fees as a discovery sanction
- Won a federal jury trial representing a Sardinian pecorino cheese producer seeking to recover amounts due for shipments claimed by the defendant to be non-conforming
- Obtained the withdrawal of claims against client in RICO litigation involving pricing practices in the food services industry in which a class settlement of \$299 million was paid by the corporate defendant
- Obtained dismissal of a Sarbanes-Oxley whistleblower complaint
- Obtained a favorable jury verdict defending a college professor's claims of sex discrimination
- Tried a favorable federal court jury verdict in an unfair competition case
- Succeeded at trial in a minority shareholder's squeeze-out lawsuit

## Decisions

- *Cevdet Aksüt Oğullari Koll. STI v. Cavusoglu*, 2017 U.S. Dist. LEXIS 45325 (D.N.J. 2017)
- *Seguros Nuevo Mundo S.A.v. Allen B. Trousdale*, 2016 U.S. Dist. LEXIS 39366 (E.D.N.Y. 2016), aff'd 16-998-cv (2d Cir. November 1, 2016)
- *Irwin Katz & Associates, Inc. v. Concepts in Health, Inc.*, 2014 U.S. Dist. LEXIS 161680 (D.N.J. 2015)
- *International Playthings LLC v. Toy Teck Ltd., LLC*, 2013 WL 8184357 (D.N.J. July 23, 2013)
- *Dr. Zhu Investment Trade Corp. v. Natural Food Import USA, Inc.*, 2012 N.J. Super. Unpub. LEXIS 1672 (N.J. App. Div. July 12, 2012)
- *DeFeo v. Quick Chek*, 2012 WL 1617419 (Super. Ct May 4, 2012)
- *Haberkorn v. Marquis Jet Partners, Inc.*, 2011 WL 5822281 (S.D.N.Y. November 17, 2011)
- *Bartone v. NetJets Inc.*, 2011 BL 166821 (D.N.J. June 24, 2011)
- *Banville & Jones Wine Merchants, Inc. v. La Casa Del Ray S.A.*, 2010 U.S. Dist. LEXIS 41184 (April 26, 2010) (remand motion denied) and 2010 U.S. Dist. LEXIS 64310 (June 24, 2010) (motion to dismiss tort claims granted)
- *Black Sheep Television, Ltd. v. The Town of Islip*, 2010 WL 4970766 (E.D.N.Y. 2010)
- *Town of Islip, New York v. Black sheep Television Ltd., National Arbitration Forum*, Claim Number: FA1008001339861 (October 11, 2010) Petter Rindforth, Arbitration Panelist
- *Hettinger v. Kleinman*, 733 F.Supp.2d 421 (S.D.N.Y. 2010)
- *Quick Chek Corp. v. Dynamo.com LLC, National Arbitration Forum*, Claim Number: FA1006001329173 (July 14, 2010) Nelson A. Diaz, Arbitration Panelist
- *Torn Ranch, Inc. v. Sunrise Commodities, Inc.*, 2009 WL 2834787 (N.D. Cal., September 03, 2009)

- *Duravest, Inc. v. Viscardi, A.G.*, 581 F.Supp.2d 628 (S.D.N.Y. October 7, 2008)
- *In Re Optionable Securities Litigation*, 577 F.Supp.2d 681 (S.D.N.Y. 2008)
- *Luna v. Kemira Specialty Inc.*, 575 F.Supp.2d 1166 (CD Cal. 2008)
- *National Utility Service Inc. v. Huntsman Chemical Corporation*, 70 F. Supp.2d 496 (D.N.J. 1999)
- *National Utility Service, Inc. v. Chesapeake Corporation*, 45 F.Supp.2d 438 (D.N.J. 1999)
- *APC Commodity Corp. v. Ram Dis Ticaret, A.S.*, 965 F. Supp. 461 (S.D.N.Y. 1997)
- *NYT Cable TV v. Homestead at Mansfield, Inc.*, 543 A.2d 10 (N.J. 1988)
- *Direct Satellite Communications, Inc. v. Bd. of Publ. Util.*, 615 F. Supp. 1558 (D.N.J. 1985)

## News and Activities

- Moderator, IADC Mid-Year Meeting, "After the Data Breach: A Hands On "Table Top" Demonstration About How to Counsel Clients in Crisis" (February 2016)
- Speaker, Data Breach Preparedness & Litigation, AICPA Banking and Financial Institutions annual meeting (September 2015)
- Moderator, "PRISM, Snowden and the NSA – National Security Litigation in the Digital Age" NYSBA Commercial & Federal Litigation Spring Meeting (May 2014)
- Speaker, Practicing Law Institute's Information Technology Law Institute 2014, New York, NY (April 2014) and San Francisco, CA (May 2014)
- Speaker, "Information Technology Law Institute 2013: Privacy and Cybersecurity, Mobile Advertising, Digital Distribution, Social Media and the Third Industrial Revolution," Practicing Law Institute's Information Technology Law Institute, New York, NY (April 2013) and San Francisco, CA (May 2013)
- Speaker, "Cutting Edge Technology Litigation Issues," Practicing Law Institute's 2012 Information Technology Law Institute; New York, NY (April 2012). The presentation is available here.
- Presentation, "Cutting Edge Technology Litigation Issues," Practicing Law Institute's 2012 Information Technology Law Institute; New York, NY (April 2012).
- Speaker, "Nuts and Bolts of E-Discovery," New Jersey Institute for Continuing Legal Education (November 2010)
- Speaker, "Limiting Your Risk from Lawsuits and Government Investigations," New Jersey Business and Industry Association (NJBIA) Seminar: "HR101: An Employment Law and HR Primer" (March 2010)
- Speaker, "Preventing Discrimination and Harassment in the Workplace," New Jersey Business & Industry Association (NJBIA) Seminar: "Hot Topics in Employment Law" (October 2009)
- Moderator, "Strategies for Protecting Sports, Music and Publication Content on the Internet, Litigating against Domestic and Foreign Content Pirates" Panel, New York State Bar Association's Commercial and Federal Litigation Section Spring Meeting (May 2009)
- Speaker, "Web 2.0 Liability Risks," New York State Bar Association's Commercial & Federal Litigation Section Spring Meeting (May 2008)
- Speaker, "Litigation Issues in the Web 2.0 World," Practicing Law Institute's 2008 Information Technology Law Institute (March 2008)
- Panelist, "Ethical Issues Presented by Ex Parte Subpoenas to Unmask Anonymous Defendants," New York State Bar Association Commercial and Federal Litigation Section Spring Meeting (2004)
- Panelist, "Privacy Issues in the E-Workplace: Individual Freedom of Speech vs. The Company's Right to Protect Itself," New Jersey ICLE Seminar (2001)

- Panelist, "Cyber Smear" Litigation, Privacy, The Internet and the Workplace," New Jersey ICLE Labor Law Forum & Bench Bar Conference (2001)

## Publications

- Co-Author, "Finding Key Documents: Tech Savvy Counsel Are Changing the Game," New York Law Journal (July 5, 2016)
- Co-Author, "Understanding the Defend Trade Secrets Act of 2016: 'We're Not in State Court Anymore,'" IADC Technology Committee Newsletter (May 2016)
- Author, "Blacklisting a Former Employee in Retaliation for Post-Employment Protected Activity Can Create SOX Exposure: Kshetrapal v. Dish Network, LLC," NYSBA Litigator (August 2015)
- Co-Author, "Towards A Synthesis of Judicial Perspectives On Technology-Assisted Review," IADC Defense Counsel Journal (Spring 2015)
- Co-Author, "The Ethics of Technology in E-Discovery – An Introduction", December 2014
- Moderator, The Prosecution and Defense of Data Breach Litigation, NYSBA Annual Meeting (January 2015)
- Author, "Where Cyber and Employment Law Intersect Risks for Management Abound," published in "Understanding Developments in Cyberspace Law: Leading Lawyers on Examining Privacy Issues" by Aspatore's "Inside the Minds" Series (June 2011)
- Author, "Best Practices for Employers Choosing to Google Job Applicants," published in USLAW magazine (Fall/Winter 2010)
- Author, "Reducing the Burden of Privilege Logs in ESI Productions," published in New Jersey Law Journal (May 2010)
- Author, "Real World Litigation About Virtual Conduct," published in New Jersey Lawyer (December 2008)
- Author, "Disloyal Employees," published in New York Law Journal (September 2006)
- Author, "Google Image Search: Court Deals a Blow to Fair Use in Adult Site Litigation," published in New York Law Journal (May 2006)
- Author, "Patent Injunctions: The Effect of the Public Interest in NTP v. RIM," published in New York Law Journal (March 2006)
- Author, "The Google Book Project Takes Aim at Industry's Content Cache," published in New York Law Journal (January 2006)
- "Grokster Means More Litigation for Tech Firms," published in New Jersey Law Journal (August 2005)
- Author, "Employer Communication: E-Mail Can Compel Employees to Arbitrate Workplace Claims," published in New York Law Journal (July 2005)
- Author, "Lessons from 'Uncle Henry's'," published in New York Law Journal (May 2005)
- Co-author, "Idea versus Expression: Copyright Claim for Industrial Parts Vexes the Third Circuit," published in New York Law Journal (February 2005)
- Co-author, "OPTING IN: Congress Passes the Can-Spam Act of 2003" (2004)
- Author, "Perfect 10 v. Google: Adult Web Site Challenges Search Engine on Image Hits," published in New York Law Journal (January 2005)
- Author, "Sony v. Does: P2P Filesharing May Involve Protected Speech," published in New York Law Journal (October 2004)
- Author, "Doe' Defendants: The RIAA's New Front in the Battle Against 'P2P' Filesharers," published in New York Law Journal (June 2004)
- Co-author, "Strategies for Unmasking the 'Anonymous' Internet User," published in the New York State Bar Association's Commercial and Federal Litigation Section Newsletter (Spring 2004)

- Author, "New Jersey's Conscientious Employee Protection Act Is Amended," published in The Metropolitan Corporate Counsel (2004)
- Author, "Record Company Lawsuits Explained--RIAA 'Doe' Lawsuits Seek to Unmask File-Sharers," published in New York Law Journal (2004)
- Author, "Courts Balance First Amendment Interests in Lawsuits Aimed at Stopping 'Cybersmear'," published in The Metropolitan Corporate Counsel (2002)
- Author, "Grappling with 'Cybersmear'," published in New Jersey Law Journal (July 2001)
- Author, "How to Respond to 'CyberSmear'," (2001)
- Author, "Sons of Thunder v. Borden: State High Court Has No Faith in Contracts," published in The Legal Opinion Newsletter (October 1997)