

Marc D. Haefner

PARTNER

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WALSH PIZZI O'REILLY LLP
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Practice Areas:

- Appeals
- Business & Commercial Litigation
- Class Action Defense
- Intellectual Property & Trade Secret Litigation
- Regulatory and Public Policy

States Admitted to Practice:

- New Jersey

Courts Admitted to Practice:

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the District of New Jersey

Education:

- Notre Dame Law School (J.D., *magna cum laude*, 1994)
- University of Dallas (B.A., *Valedictorian,* 1991)

Activities:

- New Jersey State Bar Association
- Essex County Bar Association
- The Association for the Federal Bar of New Jersey

Marc D. Haefner, a partner in the firm, represents clients in a wide range of complex commercial and intellectual property litigation. As a commercial litigator, he focuses on civil cases arising under the Racketeer Influenced and Corrupt Organizations Act (RICO), and has both successfully prosecuted and defended such cases. He has also defended numerous class actions brought under New Jersey's Consumer Fraud Act. His intellectual property work consists mainly of trademark, copyright infringement, and trade secret litigation in federal court. Marc also chairs the firm's Pro-Bono Committee and has supervised cases involving prisoners' rights, protection of landmark buildings, and the appropriate scheduling of marijuana in New Jersey.

In his 30 years of legal experience, Marc has also taken numerous appellate cases to successful conclusions. His appellate work has run the gamut from First Amendment cases involving religious liberty to issues of first impression on New Jersey's Construction Lien Law. He has taken cases to appellate courts both when the firm represented the client below and when the case has been taken initially as an appellate matter.

Marc earned his J.D., *magna cum laude*, from Notre Dame Law School, where he worked as the research assistant to Professor G. Robert Blakey, the recognized drafter of the RICO statute, and served as Conflicts Editor for the Journal of Legislation. After graduation, Marc clerked for the Honorable Harold A. Ackerman in the United States District Court for the District of New Jersey.

Representative Experience

- Successful representation of construction company accused of violating RICO
- Successful representation of creditor using RICO to obtain satisfaction from debtors of the amount due
- Successful representation of major pharmaceutical company accused of consumer fraud in statewide class action
- Successful representation of yacht manufacturer in trade dress and copyright infringement litigation
- Successful representation of seller of allegedly infringing product in trade dress infringement litigation
- Successful representation of defendant alleged to be part of RICO enterprise involving numerous national defendant
- Successful representation of judgment debtor who was subjected to judgments in both the United States and South Korea, resolving issue of first impression on method for determining value of foreign judgment. Otos Tech Co, Ltd. v. OGK Am., Inc., 653 F.3d 310, 312 (3d Cir. 2011)
- Successful representation of major insurance company accused of RICO and antitrust violation in nationwide class action. In re Insurance Brokerage Antitrust Litigation, 618 F.3d 300 (3d Cir. 2010)
- Successful appellate representation of state agency in securities case. Trump Hotels & Casino Resorts, Inc. v. Mirage Resorts Inc., 140 F.3d 478 (3d Cir. 1998)
- Successful representation of employer accused of religious discrimination. Tzannetakis v. Seton Hall University, 344 F.Supp.2d 438 (D.N.J. 2004)
- Successful representation leading to a favorable decision on the scope of the jurisdiction of the Army Corps of Engineers. FD & P Enterprises, Inc. v. U.S. Army Corps of Engineers, 239 F.Supp.2d 509 (D.N.J. 2003)
- Successful representation of state agency on the scope of the civil rights statutes. Bryant v. New Jersey Dept. of Transp., 1 F.Supp.2d 426 (D.N.J. 1998); Bryant v. New Jersey Dept. of Transp., 998 F.Supp. 438 (D.N.J. 1998); Bryant v. New Jersey Dept. of Transp., 987 F.Supp. 343 (D.N.J. 1998)
- Successful appellate representation on issue of first impression protecting the First Amendment rights of Catholic university. Romeo v. Seton Hall University, 378 N.J. Super. 384 (App. Div. 2005)
- Successful appellate representation on issue of first impression regarding the proper construction of the New Jersey Construction Lien Law. Kvaerner Process, Inc. v. Barham-McBride Joint Venture, 368 N.J. Super. 190 (App.Div. 2004)
- Successful appellate representation of municipality on proper scope of liability under federal civil rights statutes. Cherrits v. Village of Ridgewood, 311 N.J. Super. 517 (App.Div. 1998)

Decisions

- *United States ex rel. Carroll v. Hackensack Meridian Pascack Valley Medical Center*, 2023 WL 8664583 (D.N.J., 2023)
- *Immunex Corp. v. Sandoz Inc.*, 2019 U.S. Dist. LEXIS 135022 (D.N.J. Aug. 9, 2019)
- *Otos Tech Co, Ltd. v. OGK Am., Inc., 653 F.3d 310, 312 (3d Cir. 2011)*
- *In re Insurance Brokerage Antitrust Litigation, 618 F.3d 300 (3d Cir. 2010)*
- *Trump Hotels & Casino Resorts, Inc. v. Mirage Resorts Inc., 140 F.3d 478 (3d Cir. 1998)*
- *Tzannetakis v. Seton Hall University, 344 F.Supp.2d 438 (D.N.J. 2004)*
- *FD & P Enterprises, Inc. v. U.S. Army Corps of Engineers, 239 F.Supp.2d 509 (D.N.J. 2003)*
- *Bryant v. New Jersey Dept. of Transp., 1 F.Supp.2d 426 (D.N.J. 1998); Bryant v. New Jersey Dept. of Transp., 998 F.Supp. 438 (D.N.J. 1998); Bryant v. New Jersey Dept. of Transp., 987 F.Supp. 343 (D.N.J. 1998)*
- *Romeo v. Seton Hall University, 378 N.J. Super. 384 (App.Div. 2005)*

- *Kvaerner Process, Inc. v. Barham-McBride Joint Venture, 368 N.J. Super. 190 (App.Div. 2004)*
- *Cherrits v. Village of Ridgewood, 311 N.J. Super. 517 (App.Div. 1998)*

News and Activities

- Speaker, "Information Technology - Current Litigation Topics/Product Trade Dress," Continuing Legal Education Program (April 2014)

Awards

- Best Lawyers® (2024)
  (This award, published by Best Lawyers in partnership with US News & World Report, is not approved by the Supreme Court of New Jersey. Selection methodology is **available**.)

Publications

- Co-author, "The Complexities of Civil Rico Prosecution and Defense" (August 2012)
- Author, "Common Issues in IP Law: Leading Lawyers on Resolving Disputes, Evaluating IP Claims and Achieving Successful Client Outcomes," published by Aspatore Books (August 2008)
- Author, “One Pitfall in Purchasing a Common-Law Trademark: A Look at the Continuous Use Requirement,” published in New Jersey Law Journal (June 2008)
- Author, "RICO Still an Option for Defrauded Creditors," published in New Jersey Law Journal (2007)
- Co-author, "Offers of Judgment in Copyright Cases," published in The Metropolitan Corporate Counsel, Volume 12, No. 6 (June 2004)
- Co-author, "Did Reves Give Professionals A Safe Harbor Under RICO?" published in Civil RICO Report (August 1993)