John K. Crossman

Partner, Litigation Department

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Practices

- Intellectual Property
- Litigation

Overview

John resolves commercial disputes for individuals, sole proprietors, small businesses, privately held companies, and public companies. An innovative and tenacious litigator, he has first-chaired more than 50 commercial, business, and intellectual property trials to successful conclusion for his clients, in New York City and in courts across the country.

In each case he undertakes, John builds an effective and efficient case strategy to solve his client's problem. He analyzes claims, identifies the strengths of his client's position, and isolates the weaknesses of the other side. He develops creative solutions that lead to victory for his clients, drawing on more than 30 years spent in the courtroom trying cases and crafting compelling arguments to focus on what matters most: articulating the facts, telling his client's story, and connecting with juries.

But clients don't hire John to develop case strategies, they hire him to get results. And that he does: over the course of his career, John has prevailed in lawsuits over banking, finance, securities, business torts, contracts, debtor-creditor matters, forfeiture defense, insurance law, patent infringement, copyright, trademark and trade secret law, executive employment, and partnership disputes, earning him a reputation as a formidable trial lawyer. As one former client put it:

> "I am very happy to have him on my side of the table and would not want him on the other side!"

Outside the courtroom, John excels at analyzing complex commercial disputes to reveal the core issues at play, evaluate his client's position, and guide businesses and individuals to resolutions that align with their objectives. Often, he negotiates settlements that protect his client's best interests while minimizing the costs and disruption of litigation.

Committed to helping future lawyers learn effective courtroom skills, John teaches trial advocacy to college and high school students, and regularly judges mock trial competitions. He is an author, artist, and musician, and designs and builds his own furniture.

Representative Matters

- Business Torts and Contract Disputes

- Lead counsel in defense of claims by H&H Refining Company arising out of indemnity provisions of asset acquisition.
- Lead counsel for claimant in eleven-day arbitration in Messina v. Park Avenue Radiologists, before a three-arbitrator panel of the AHLA, resulting in the claimant proving by clear and convincing evidence that ownership of a medical partnership had been fraudulently transferred and ordering return of the partnership interest to claimant.
- Lead counsel in four-week confidential arbitration of claims by licensee of controversial new drug, resulting in full recovery of amounts due under contract.
- Lead counsel in developing and settling claims on behalf of large consumer electronics company arising from construction of major manufacturing facility.
- Lead counsel in claims by investment banker for claims arising from contract to establish and develop investment banking business. Resulted in full award under contract and groundbreaking injunction requiring modification of plaintiff's U-5 filing.

- Intellectual Property Litigation
  - Lead counsel in Mosaic Semiconductor v. Austin Semiconductor, Inc. Won jury verdict exceeding $4 million after five-week jury trial on fraudulent concealment claim relating to theft of trade secrets for components used in defense department classified technology. Affirmed on appeal.
  - Lead counsel in six-week jury trial in defense of $100 million patent infringement action regarding disposable cameras.
  - Lead counsel in action among competitors involving various intellectual property rights for computer facsimile circuit board technology.
- Financial Services and Banking Litigation
  - Lead counsel for Titan v. Freedom Mortgage Company in two-week bench trial defending novel $30 million claim for alleged failure to borrow. Decision pending.
  - Lead counsel for Webster Business Credit Corp. in Wells Fargo et al. v. Webster Business Credit Corp., defending claims of liability as agent bank to members of bank syndicate, resulting in summary judgment dismissing all claims against Webster. Featured in New York Law Journal as a Decision of Interest.
  - Lead counsel for Marine Midland Bank and HSBC in successful defense of asset forfeiture claim based upon purported money laundering brought by U.S. Government for over $7 million in interbank account. Affirmed on appeal.
  - Lead counsel in $240 million claim by foreign bank against major U.S. money center bank for negligence and other wrongs in permitting international fraudsters to use bank facilities for major international financial fraud and money laundering. Case pending.
  - Lead counsel in defense of claims by real estate investment trust against founder of second real estate investment trust for approximately $105 million in payments allegedly due under guaranties and related documents.
  - Lead counsel in defense of claims against former chairman of major U.S. apparel company by lending bank, seeking to recover $65 million purportedly loaned to chairman.
  - Lead counsel in successful defense of putative class action under the Federal Unfair Debt Collection Practices Act, resulting in dismissal with prejudice of entire claim at pleading stage. Upheld on appeal.
- Insurance Coverage Disputes
  - Managing Counsel in connection with products liability insurance claims for defective brazing materials.
  - Lead Counsel in connection with obtaining coverage for former president under Directors & Officers policy for personal injury arising from alleged hiring practices.
  - Lead Counsel in action to recover under bankers' blanket bond insurance for employee dishonesty.
  - Regularly advise companies regarding submission of claims for coverage and negotiation of such claims.
- Oil and Gas Industry Cases
  - Lead counsel in Golden Eagle Refining Company, Inc. v. Associated Ins. Et al., resulting in settlements of over $20 million for environmental insurance liabilities concerning a former oil refinery and tank farm in Carson, California.
  - Lead Counsel for LASMO pic and Ultramar Inc. in actions concerning arrest and ownership of oil tanker vessels in port of New Orleans, with related charter party litigation.
  - Lead counsel for Midland Bank, plc, in defense of claim under financing agreement brought by Mallon

Industries, Inc. for financing of petroleum exploration. Successfully obtained judgment for the defense after trial, with dismissal of all claims.
    - Lead counsel in Continental Industries v. ILS Industries, Inc. to recover for defective component parts furnished for use in natural gas pipeline fittings. Case settled on second day of jury trial for approximately the full amount of plaintiff's damages.

Admissions & Education

Education

- Boston University, J.D., 1987
- Tufts University, B.S., cum laude, 1984

Bar and Court Admissions

- New York, 1987
- Connecticut, 1987
- U.S. District Court, Southern and Eastern Districts of New York, 1988
- U.S. Court of Appeals, Second Circuit, 1993
- U.S. Supreme Court, 1998
- U.S. Court of Appeals, Third Circuit, 1999
- U.S. District Court, Northern District of Illinois, 1999
- U.S. Court, District of Colorado, 2001
- U.S. District Court, Northern District of Oklahoma, 2001
- U.S. Court of International Trade, 2001
- U.S. District Court, Eastern District of Wisconsin, 2003

Recognition

Selected and named to Super Lawyers Invited by the Federal District Court of the District of New Jersey to make a presentation on "How to Try a Complex Case" to the court's intern staff

Professional Affiliations

Coach, Tufts University Mock Trial Team Coach, University Heights High School Mock Trial Team Frequently serve as judge for student mock trial competitions.