




Linda S. Roth

Partner

Business Litigation

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Overview

Linda is an experienced litigator concentrating her practice in the areas of complex commercial and other civil litigation primarily involving allegations of breach of contract, fraud, and breach of fiduciary duty. Representing clients in a broad range of industries, Linda skillfully advocates for clients through all stages of the litigation process. She has extensive experience in state, federal and appellate courts in New York and New Jersey, as well as in alternative dispute resolution venues such as the American Arbitration Association and JAMS. Linda works collaboratively with client leaders to develop an individualized strategy for prosecuting and defending claims, taking into consideration the client's business objectives and tolerance for risk. As a champion for her clients, Linda will not hesitate to take a case to trial. When, however, a trial is not the best course for a client, Linda will instead use her experience to position a case for resolution and negotiate an advantageous settlement.

Representative Experience

- Prosecuting claim for return of down payment retained as liquidated damages where client purchased airplane but could not take delivery because, due to COVID-19 pandemic travel restrictions, designated international inspection crew and pilot could not travel to the United States to perform inspection and test flight.
- Defending furniture manufacturer that purchased assets from distressed seller against multiple claims seeking to impose successor liability on purchaser for debts and other obligations of seller.
- Defending owner of New York City apartment buildings in action for breach of contract and specific performance where plaintiff claimed that emails exchanged during negotiations constituted a binding

written agreement for purchase of the apartment buildings.

- Defending owner of New York City apartment buildings against breach of fiduciary duty claims asserted by former minority partner who sold his interest in the buildings to the majority owner shortly before the buildings were put on the market and sold for a price that exceeded the valuation which formed the basis of the price at which the former partner sold his interest.
- Prosecuting claims on behalf of national insurance company against computer software developer who intentionally failed to deliver a customized computer software system.
- Defending a cellular telephone company accused in class action lawsuit of making negligent and intentional misrepresentations by failing to properly disclose its practice of rounding-up airtime charges.
- Defending real estate developer in an action brought by a community civil rights organization claiming that the State of New Jersey regularly engaged in discrimination by awarding federal tax credits to companies who developed low-income housing in urban rather than suburban locations.
- Defending property owner in action brought by retail coffee chain seeking to enforce leasehold rights for a drive-thru café at site slated for sale to the New York City School Construction Authority.
- Defending consumer products company in products liability cases involving allegations of personal injury and property damage caused by use of household cleaning products and insect repellants including products subject to national recall.
- Defending religious order of nuns against claims based on sexual misconduct that allegedly occurred more than 65 years before lawsuit was commenced when plaintiffs lived in an orphanage. Plaintiffs claimed the statute of limitations should be tolled due to their repressed memory and, therefore, their ancient claims should be deemed timely and allowed to proceed.
- Defending and prosecuting claims and counterclaims for telecommunications company in dispute with vendor contracted to temporarily provide large scale internet infrastructure while telecommunications company developed its own internet infrastructure system.

Professional and Community Involvement

- Member, Board of Directors, Central Jersey Diaper Bank
- Member, Board of Directors, Highland Park Boosters

Credentials

Education

- Washington University in St. Louis, JD
- Clark University, BA



Bar Admissions

- New Jersey
- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

Offices

- New York, NY

Areas of Focus

Practice

- Business Litigation
- Corporate Compliance, Investigations & White Collar Defense

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