



## Thomas G. Rohback

Partner

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### SPOTLIGHT

"A first-class trial lawyer...and a brilliant cross-examiner."

– *Chambers USA*

"Great at simplifying complex matters for a jury."

– *Chambers USA*

"Tom is great both tactically and strategically."

– *Chambers USA*

### PRACTICE AREAS

Litigation

### EDUCATION

JD – Columbia University Law School (1978) Honors: Harlan Fiske Stone Scholar.

MA – Columbia University (1974)

BA, summa cum laude – Union College (1973) Honors: Nott Scholar. Phi Beta Kappa

### ADMISSIONS

New York

Pennsylvania

Connecticut

U.S. Supreme Court

### PROFILE

As an experienced trial lawyer, Tom Rohback has had the privilege of representing some of the world's most respected corporations and *Am Law 100* law firms in over 30 jury and bench trials, as well as appeals and class actions in jurisdictions all over the country. During one year, he tried three federal court jury cases in a three-month period—and obtained a directed verdict in each case.

Tom's cases involve diverse issues, including antitrust, insurance, corporate raiding, breaches of fiduciary duty, breach of contract, unfair trade practices, tortious interference, fraud, intellectual property, employment discrimination, anti-terrorism litigation, and defense of law firms sued for malpractice. He is currently ranked in Band 1 by *Chambers USA* and has been recognized as a "Leader in the Field" in Litigation for a decade. He is also a Senior Fellow of the Litigation Counsel of America and is recognized by *Benchmark Litigation* as a Litigation Star.

Once profiled by *The National Law Journal* among a group of "successful business litigators in the U.S. who used innovative tactics to help them win major trial victories," Tom successfully tried to verdict an unfair trade practices class action where the plaintiffs were seeking \$400 million.

In 2023 alone, the U.S. Bankruptcy Court and the District Court rendered decisions rejecting malpractice and breach-of-duty claims of the Rapper 50 Cent against our client, an *Am Law 100* firm; an arbitration in New York ended when the claimant recognized that it could not prevail on its malpractice claim against an *Am Law 100* law firm we were defending involving the failed acquisition of a fleet of ocean tankers valued at over \$74 million; and in a case in the SDNY, in which we represented a plaintiff, the defendants called the court the day before trial was to begin and

U.S. Court of Appeals for the First Circuit

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 Sixth Circuit

U.S. Court of Appeals for the Seventh Circuit

U.S. Court of Appeals for the Eighth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. District Court District of Connecticut

U.S. District Court District of Columbia

U.S. District Court Northern District of Illinois

U.S. District Court Eastern District of Michigan

U.S. District Court Eastern District of New York

U.S. District Court Northern District of New York

U.S. District Court Southern District of New York

U.S. District Court Western District of New York

U.S. District Court Eastern District of Pennsylvania

U.S. District Court Western District of Pennsylvania

U.S. District Court Eastern District of Tennessee

settled the multimillion-dollar claims confronting them for breach of contract and fraud.

Tom is known for being able to quickly identify a path to victory even in the most complicated cases. He has an active pro bono practice and was named to the U.S. District Court for the District of Connecticut's Pro Bono Honor Roll in 2023.

## PROFESSIONAL ACTIVITIES

- American Bar Association, Sections of Antitrust and Litigation Law
- Connecticut Bar Association

## EXPERIENCE

### Representative Cases Tried to Verdict:

- Two-month trial of a class action involving allegations of unfair trade practices in which the plaintiff class claimed over \$100 million in compensatory damages and over \$300 million in punitive damages against The Hartford. (Conn. Supr. Ct.)
- Jury verdict rejecting multimillion dollar claims of breach of fiduciary duties by directors and officers in a real estate holding LLC. (N.Y. Sup. Ct.) *aff'd*, 1st Dept.
- \$40 million judgment in favor of bankruptcy trustee involving privately held corporation for breaches of fiduciary duties by directors and officers. (S.D.N.Y.)
- Jury verdict rejecting claims of age and sex discrimination involving a failure to promote and subsequent discharge of top sales person, representing Hyperion. (E.D. Pa.)
- Jury verdict in West Virginia on behalf of Great American Insurance Co. voiding a life insurance policy for the deceased mother and wife of West Virginia minister. (Cir. Ct. Kanawha, Co.), *aff'd* West Virginia Sup Ct.
- Jury verdict rejecting claims for breach of contract involving oil and gas exploration, and awarding damages on counterclaim for fraud on behalf of Alcoa. (S.D. Ind.) *aff'd* 7th Cir.
- Jury verdict rejecting claims for permanent disability insurance for Nat'l Life Ins. Co. of Vermont. (E.D.N.Y.), *aff'd* 2d Cir.

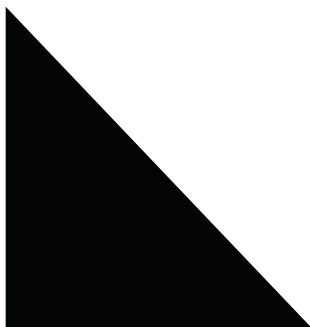
- Jury verdict for Adelphia Bus. Sol., rejecting claim of age discrimination for Reduction in Force where the only person terminated was a 64-year old employee who was replaced by the younger worker she had hired. (E.D. Pa.)
- Judgment for an Am Law 100 law firm for alleged breaches of fiduciary duty. (Bankruptcy Ct., Dist. Conn.)
- Defended employment discrimination charges against ITT to jury verdict. (S.D.N.Y.)

## More

- Represented plaintiff Swiss trustee in bankruptcy in trial to jury for breach of contract against former linebacker of Pittsburgh Steelers' "Steel Curtain" for failed business venture. (W.D. Pa.)
- Defended Paramount Group in age and sex discrimination trial. (N. Y. Sup. Ct.)
- Defended Niagara Mohawk Power Company in breach of contract trial involving the installation of a sprinkler system in the nuclear power plant. (N.D.N.Y.)

## Representative Dispositive Motions:

- Summary judgment for an Am Law 100 global law firm regarding \$32 million malpractice claim by the rapper 50 Cent. (U.S. Bankruptcy Ct.) *aff'd* Dist. of Conn.
- Represented plaintiff in a breach of contract and fraud litigation involving a \$20 million asset acquisition. The Court denied defendants' motion for summary judgment on both the breach of contract and fraud claims, allowing the case to proceed to trial, while granting plaintiff's motion for summary judgment dismissing the defendants' counterclaims. (S.D.N.Y.)
- Represented the American Bankers Association as a defendant in two separate cases brought against several banking associations and the U.S. Department of Agriculture and the Secretary of Agriculture for unlawful discrimination and constitutional violations in dealing with loan programs for black farmers. Motions to dismiss granted in both cases. (U.S. Dist. Ct. for D.C. and M.D. Tenn.) appeals pending, D.C Cir. and 6th Cir.
- Acting for plaintiff Energy East, defeated defendant's motions for summary judgment in case alleging tortious interference and

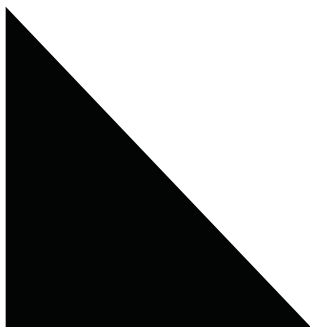


breach of contract involving the raid on a company's entire work force in the field of energy conservation. (Dist. Ct. Maine).

- Dismissal of \$100 million claim in putative class action involving short sellers' attempts to manipulate securities prices through derogatory postings on defendant's Internet message board. (D. Mass) *aff'd* 1st Cir.
- Dismissal of \$112 million claim of alleged tortious interference involving a disputed software licensing and hosting agreement. (S. D.N.Y.)
- Defeated State of Connecticut's claims for temporary injunction to prevent State's office buildings from being deprived of heat and air conditioning in multi-million dollar state antitrust action. The State's emergency appeals to the Appellate Court and the Connecticut Supreme Court were dismissed. (Conn. Supr. Ct) *aff'd* Conn. Sup. Ct.
- Dismissal of multimillion dollar breach of contract and breach of fiduciary duty claims on behalf of LLC for lack of personal jurisdiction. (S.D.N.Y.) *aff'd* 2d Cir.

## More

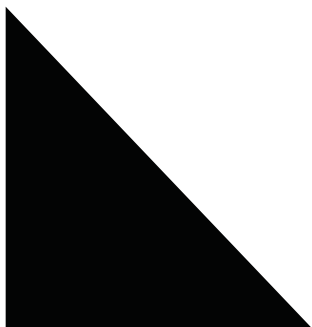
- Dismissal of multimillion dollar claims for breach of contract against Adelphia Cable involving the willful discontinuance of commercial Internet service. (D. N.J.) *aff'd* 3rd Cir.
- After defeating plaintiff's motion for a TRO seeking to prevent Time Warner Telecom from stopping service on a contract that was causing it to lose \$2 million a month, the court granted Time Warner's motion and dismissed plaintiff's multi-million dollar complaint. (S.D.N.Y.)
- On behalf of U.S. Filter, defeated B. F. Goodrich's motion for summary judgment, and won cross-motion for summary judgment. (N. D. Ohio)
- Dismissal of complaint alleging patent infringement regarding use of patented health debit card processing system. (D. Conn.) appeal pending before Fed Cir.
- Summary judgment granted for ITT in age and disability discrimination case in which senior ITT in-house lawyer (Annapolis and Harvard Law) was discharged at age 63 after having been diagnosed with cancer. (S.D.N.Y.) *aff'd* 2d Cir.



- Summary judgment granted for Alcoa dismissing claims of age and gender discrimination. (E.D. TN)
- Successfully defended application of out-of-state statute in New Jersey in face of challenges under Commerce Clause, Contract Clause, and Due Process Clause. (D.N.J.)

Representative Class Actions and Multi District Litigation (“MDL”) cases:

- Won multiple motions to dismiss on behalf of The Hartford in consolidated antitrust cases involving auto body industry. *In re Auto Body Antitrust Lit.* (M.D. Fla.)
- Successfully defended The Hartford in multiple collective actions under the Fair Labor Standards Act (“FLSA”) involving call center wage and hour claims. (M.D. Fla.)
- Represented Travelers in multi-defendant putative class action involving insurance law compliance issues. Defeated challenge to CAFA jurisdiction, won a 55-page decision dismissing Complaint against Travelers. (D. N.M.)
- Represented Hartford Underwriters Ins. Co. in successful motion to dismiss class action where class representatives were found to lack standing regarding claims that defendant insurance companies unfairly denied full payment for medical expenses. (D. Md.)
- Successfully moved for denial of class certification on behalf of The Hartford before expert depositions and before plaintiff moved for class certification in case claiming violations of New Mexico insurance law regarding Uninsured and Underinsured liability policy notice provisions. (D.N.M)
- Negotiated phone card settlement of four putative class actions brought by purchasers of cell phone insurance against Asurion and cellular phone service providers, including Verizon, Spring, and Cellular One, and served as lead counsel for the defendants in the settlement, which included approximately 40 million class members. (Pa. Ct. of Common Pleas)
- Won dismissal of three consolidated class actions brought by Adelphia subscribers in Pennsylvania, challenging the company’s late fee policy under Voluntary Payment Doctrine. (Pa. Ct. of Common Pleas)
- Won summary judgment in three consolidated putative class actions in Vermont based on the Filed Rate Doctrine despite a previous order from the Vermont Public Service Board which held



that Adelpia's late fees were "unlawful" and found that Adelpia's late fees had never been approved by the Public Service Board.

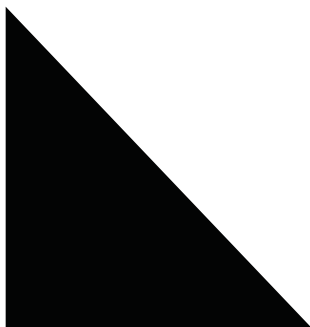
- Defeated class certification in two putative class actions, with plaintiffs represented by Los Angeles' "Trial Lawyer of the Year," seeking \$160 million in damages for violations of California consumer protection laws, where the court found each of seven named class representatives to be an inadequate class representative. (Cal. Superior Ct.)
- Defeated motion for consolidation before the Judicial Panel on Multidistrict Litigation (JPML) on behalf of an insurance company in one of five cases all dealing with a patent for health debit card transactions. (D. Conn.; JPML)

## More

- Represented inventor of pharmaceutical product in antitrust class action. (M.D. TN)
- Obtained permission from Eleventh Circuit Court of Appeals to take interlocutory appeal pursuant to Federal Rule 23(f) of district court's order granting class certification after predecessor firm briefed unsuccessful opposition to class certification; successfully argued motion before Judicial Panel on Multidistrict Litigation to consolidate eight class actions alleging Mead Johnson engaged in false advertising. (S.D. Fla., 11th Cir.)

## Representative Arbitrations:

- Obtained voluntary dismissal of malpractice claim against Am Law 100 law firms in connection with a failed attempt to acquire a fleet of Greek ocean tanker vessels valued at \$74 million. Dismissal came before any depositions or hearing occurred.
- Represented Airbus as claimant in confidential multimillion dollar ICC Arbitration seated in Geneva, Switzerland involving long term supply contract dispute for aircraft manufacture and sale. Confidential award issued in favor of Airbus after one week of hearings in New York.
- Successfully defended subsidiary of Energy East in confidential, multimillion dollar AAA Arbitration. All discovery and hearings occurred within one month from the appointment of arbitrator.



- Successfully defended clients against claims of diversion of corporate opportunity involving independent power projects to be built in Gaza and Yemen (with some witnesses testifying via video teleconference).
- On behalf of The Hartford, defeated claims by disgruntled joint venture partner for breach of exclusivity provisions of software licensing agreement concerning patented software involving collection and subrogation.

## HONORS

- Senior Fellow of Litigation Counsel of America, The Trial Lawyer Honorary Society
- U.S. District Court for the District of Connecticut Pro Bono Honor Roll (2023)
- *Connecticut Law Tribune*, Professional Excellence Award (2016)
- *National Law Journal* "Winning" Litigator (2011)
- *Benchmark Litigation* – CT Litigation Star: Commercial Litigation (2022 - 2024)
- *Chambers USA* – Connecticut: Litigation (2005 – 2023)
- *Best Lawyers* (2022 – 2024)
- *Super Lawyers* (2006, 2009 – 2023)

