



Contact Information

Patrick J. McHugh
pmchugh@fdh.com
T: (203) 325-5036
F: (203) 325-5001

Alfred U. Pavlis
apavlis@fdh.com
T: (203) 325-5056
F: (203) 325-5001

Jeffrey Plotkin
jplotkin@fdh.com
T: (203) 325-5018
F: (203) 325-5001

Commercial Litigation

Finn Dixon & Herling's litigation practice ranges from the representation of large, sophisticated business clients in complex contract and fraud disputes to the defense of small, privately-held companies against claims for theft of trade secrets. Our litigators have extensive experience representing clients in trials, hearings and appeals in federal and state courts. We also represent clients in mediations, arbitrations and other alternative dispute resolution proceedings.

Contract Disputes

Our litigation group has represented clients in a wide variety of contract disputes. The types of contract cases that our attorneys have handled include suits to recover investment banking fees, claims involving the sale of goods under the Uniform Commercial Code, and cases alleging breaches of distributorship and sponsorship agreements.

Fraud, Business Torts and Unfair Trade Practices

We have considerable experience in litigating financial fraud, business torts and unfair trade practices cases. We have represented clients in securities class actions, cases alleging misrepresentations or omissions in the purchase or sale of a business or investment, actions to set aside fraudulent conveyances, and claims for defamation.

Working with intellectual property counsel, we have litigated trademark, copyright, patent and trade dress infringement actions.

Corporate Governance

We frequently represent clients in matters that result from the dissolution of business relationships, such as claims of minority shareholders and suits for breach of fiduciary duty. While much of this corporate governance litigation arises in the context of closely-held corporations, we also represent officers and directors of large publicly-held companies and shareholders in professional corporations.

Employment Litigation

Our employment litigation practice encompasses cases in court as well as matters before state and federal agencies. We have handled matters ranging from actions for breach of non-competition agreements and other employment contract claims to suits for wrongful discharge and employment discrimination. We also advise our clients on employment law issues apart from litigation, such as structuring severance arrangements and developing policy manuals to mitigate future litigation risk.

Creditors' Rights

We represent creditors in bankruptcy-related litigation. We represent creditors who are actively participating on creditors' committees, and we defend creditors who are named as defendants in adversary proceedings. We pursue actions on notes, mortgages, guarantees, and other instruments, enforce foreign and domestic judgments, challenge fraudulent transfers and foreclose mortgages. We also advise creditors in initiating involuntary bankruptcy proceedings or other actions to preserve assets. For more information on our Bankruptcy practice, [click here](#).

Consumer Finance

We represent institutional finance companies in state and federal court actions, including class action lawsuits, on consumer loans, retail installment contracts and consumer

leases. We defend these clients against claims relating to violation of truth-in-lending and fair debt reporting laws, allegations of unfair trade practices, and litigation arising out of the repossession and resale of consumer goods collateral. Our consumer finance litigation practice complements our corporate consumer finance and lending practice.

Administrative Proceedings

Our experience in administrative proceedings ranges from litigating personal property tax appeals involving complex public utility property to representing private complainants before state agencies. We defend wage and hour claims brought against our clients in agency proceedings and pursue remedies on behalf of our clients before industry self-regulatory organizations.

Appellate Practice

Our firm has significant experience in federal and state appellate courts. Our appellate record includes the successful representation of the petitioner before the United States Supreme Court in *Fort Gratiot Sanitary Landfill, Inc. v. Michigan Department of Natural Resources*, 504 U.S. 353 (1992), and the appellant before the Connecticut Supreme Court in *United Illuminating Co. v. City of New Haven*, 240 Conn. 422 (1997).

Alternative Dispute Resolution and Risk Management

Though we are experienced litigators, we have been successful in resolving disputes without litigation, finding business solutions to business disputes, and avoiding wasteful gamesmanship and escalation. Our Dispute Resolution and Risk Management team – which draws on the experience of our litigators and our transactional attorneys – approaches disputes with a primary emphasis on achieving our clients' overall business objectives, while at the same time asserting and safeguarding our clients' rights in litigation. We have helped clients settle disputes before claims are filed, resolve protracted litigation, manage litigation exposure from disputes involving portfolio companies and third parties, confront crises and special risks, and prepare for potential litigation by developing electronic discovery and document retention strategies.

Our professionals also have broad experience in alternative dispute resolution, including court-annexed mediation and arbitration under the rules of the American Arbitration Association and JAMS. Our attorneys have themselves served as neutrals, or fact finders, in commercial disputes, in such roles as mediators, special masters and attorney trial referees.