


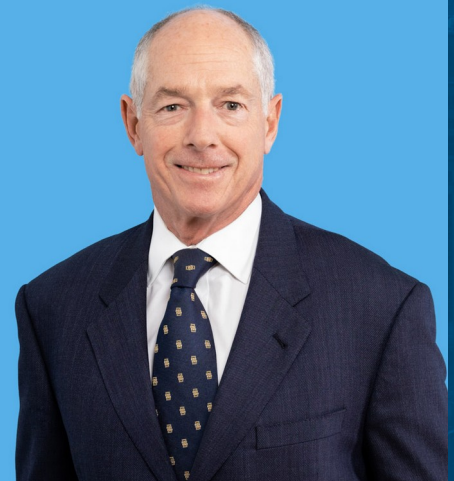
# James S. O'Brien, Jr.

Of Counsel

 New York, NY

 [jobrien@pryorcashman.com](mailto:jobrien@pryorcashman.com)

 212.326.0121



A seasoned litigator, James O'Brien, Jr. tries cases in federal and state courts throughout the U.S. for Fortune 500 corporations and their CEOs, directors and other executives.

His broad experience in complex commercial litigation and arbitration includes SEC proceedings and shareholders' class actions; entertainment, real estate and intellectual property disputes; malpractice, labor and employment actions; and product liability and toxic tort cases.

In addition, James co-chairs the firm's Americans with Disabilities Act (ADA) Defense + Consulting Practice.

## Major Litigation Victories

A veteran trial attorney, James has attained numerous wins for clients, including:

- Successfully defending a multi-national public pharmaceutical company against a multi-billion-dollar damages claim in a "bet the company" arbitration which, after lengthy hearings, resulted in a multi-million dollar award for the client;
- Successfully defending the directors of a Connecticut corporation in Ohio federal court against allegations of fraud, RICO violations, and securities law violations arising from an \$80 million stock and debenture fraud;
- Acting as trial counsel for client Castillo Grand LLC in a nine-week trial against Starwood Hotels' subsidiary Sheraton Operating Corp. in New York Supreme Court, which resulted in a \$55M judgment in Castillo Grand's favor;
- Successfully defending six scientists in New Hampshire federal court against Lockheed Martin Corporation's charges of theft of cutting-edge photonics technology;
- Representing the CEOs of two Fortune 500 companies in separate consolidated, multidistrict shareholder class actions in the Southern District of Florida federal court; and
- Recovering funds for Integro USA, Inc., one of the largest insurance brokers in the United States, in an AAA arbitration commenced by a former senior broker seeking a bonus and additional post-termination compensation. The arbitrator ruled that the broker violated Integro's non-compete clause and was required to return post-termination payments, plus costs and fees, to Integro.

James' bankruptcy litigation work involves representing indenture trustees of bond issues in federal bankruptcy court. For example, he represented the indenture trustees in Delaware in *In re Kaiser Aluminum Corporation* and in *In re American Business Financial Services, Inc.*, one of the first sub-prime bankruptcies.

James also routinely litigates real estate matters and was lead counsel in a number of construction law actions arising from the construction of a union-financed hospital in New York City. Experienced with product liability and

toxic tort litigation, James was lead counsel representing Boyle Drug Company in 242 DES (diethylstilbestrol) cases brought in New York County.

## **Legal and Accounting Malpractice**

James also litigates legal and accounting malpractice cases on both the defense and the plaintiff's side. Most recently, James served as lead plaintiff's counsel in *Bloostein v. Morrison Cohen*, where he worked to deny Morrison Cohen's summary judgment motion, which ultimately led to a pretrial settlement with favorable terms for his client.

## **Providing Defense Counsel and Advice on ADA Issues**

James has successfully defended owners and landlords of coffee shops, supermarkets, hotels, manufacturing plants and other businesses in ADA lawsuits related to accessibility matters and discrimination claims. His in-depth understanding of ADA mandates enhances his ability to provide his clients with counsel on how to comply with the law and avoid potential litigation. James works with corporations of all sizes, from small local and regional companies to large national corporations such as The Great Atlantic & Pacific Tea Company (A&P), Starbucks Corporation and Four Seasons Hotels Limited.

## **Services**

- ADA Defense + Consulting
- Financial Institutions
- Litigation
- Real Estate Litigation
- White Collar + Regulatory Enforcement

## **Education**

- Tulane University Law School (J.D., 1986)
- United States Merchant Marine Academy (B.S., *cum laude*, 1979)

## **Community**

- FAA Certified Private Pilot
- U.S. Coast Guard-licensed Master Mariner

## **Admissions**

- New York, 1987
- Connecticut

## **Professional Affiliations**

- New York State Bar Association

## **Academic Achievements**

- While at Tulane Law School, James was Articles Editor of the *Tulane Law Review*. He also won the Tulane Law School Writing Competition and the Moot Court Competition. He was a Senior Fellow, Legal Research and Writing.

## **Publications**

February 10, 2020

**O'Brien's Fresh Look at Precedent Could be a Lifeline to Victims of Tax Malpractice**

July 5, 2017

**What Businesses Need to Know When Defending Against ADA Lawsuits**

June 22, 2017

**What Real Estate Lawyers Need to Know About the ADA**

July 12, 2012

**The ADA and Access to Pools and Other Recreational Facilities**