

John C. Kessler | Associate

Business Litigation

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John concentrates his practice on complex business litigation in state and federal courts nationwide and before arbitration panels. His trial and litigation experience includes representing companies and individuals in disputes involving breach of contract, commercial real estate, breach of fiduciary duty, fraud, securities violations, and director and officer liability.

During law school, John interned for the New York State Attorney General's Organized Crime Task Force and served as an associate editor for the *Fordham Environmental Law Review*.

Outside The Firm

John enjoys skiing, mountain biking, and hiking in Vermont, rooting for the Yankees, and spending time with his wife, Catherine, and their beloved beagle, Archie.

Select Engagements

- Represented a commercial real estate developer in a jury trial involving claims for fraud and breach of fiduciary duty related to the breakup of real estate joint venture (New York State Supreme Court).
- Represented a commercial real estate company in numerous retail leasing disputes related to one of New York City's largest transit hubs (New York State Supreme Court).
- Represented officers and directors of a bankrupt manufacturing entity in an action to recover more than \$400 million in assets related to alleged breaches of fiduciary duty and fraudulent transfers (Bankruptcy Court for the Northern District of Georgia).

- Represented the co-owners of a hotel in a dispute with their business partners concerning loan agreements, personal guarantees, and capital contributions (New York State Supreme Court).
- Represented a private company in a three-week jury trial involving claims for fraud and civil RICO violations (District of Kansas).
- Represented the CEO of a public company in a putative class action and parallel derivative actions brought by shareholders alleging violations of the Securities Exchange Act of 1934 (Southern District of New York).
- Represented a bank in a putative class action alleging civil RICO violations related to the bank's alleged participation in a fraudulent tax sale scheme, obtaining dismissal at the pleading stage (Southern District of Indiana).
- Obtained a multimillion-dollar settlement on behalf of a venture capital firm related to the firm's sale of stock in a technology company to corporate insiders (pre-litigation settlement).
- Represented a commercial real estate developer in a contract dispute with its joint venture partner related to the construction of a large mixed-use building in Manhattan, obtaining summary judgment (New York State Supreme Court).
- Represented an investor in an action for breach of stock purchase agreements, obtaining a full recovery on summary judgment (Middle District of Pennsylvania).
- Represented an employer sued under federal and state wage laws alleged to have underpaid the company's CFO, obtaining dismissal of the action (Southern District of New York).

Admissions

- New Jersey
- U.S. District Court - New Jersey
- New York
- U.S. District Court - Eastern District of New York
- U.S. District Court - Southern District of New York

Education

- Fordham University School of Law, JD
- Ithaca College, BA, magna cum laude

Recognitions

- 2024, Ones to Watch, Commercial Litigation, listed in *Best Lawyers in America*©
- 2015-2023, New York "Rising Star" in Business Litigation, listed in *Super Lawyers*