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Shawn P. Thomas, Senior Associate

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Shawn represents businesses and individuals in a broad and diverse range of complex commercial litigation matters. He has extensive experience advising in all stages of commercial litigation, mediation, and arbitration. Mr. Thomas assists clients through dispute, including initial claims, pleadings, discovery, motions practice, trial and appeal, providing a zealous defense.

Representative Matters

EMPLOYMENT LITIGATION

- Represented an online independent financial research company, as plaintiff, in asserting claims in the Federal District Court for the Southern District of New York for breach of a noncompetition agreement, fraudulent inducement, fraud, and breach of contract against a terminated co-founder and board member. Settled on the eve of trial after obtaining summary judgment on defendant's liability on the breach of contract claims.
- Represented a medical device manufacturer as plaintiff in a suit against a former contractor alleging misappropriation of trade secrets, breach of fiduciary duty, and several business torts. Settled after discovery, providing for significant ongoing protection of plaintiff's intellectual property.
- Defended a financial services startup and two of its principals against several breach of contract and business tort claims, including conspiracy claims. Settled for significantly less than the cost of defense after eliminating ten of twelve counterclaims via motion to dismiss, and prevailing against plaintiff's motion for summary judgment on the remaining claims.
- Defended a nationwide hotel chain in a wage and hour class action brought in the Federal District Court for the Southern District of New York in which the plaintiffs asserted claims under New York wage and hour statutes and the federal Fair Labor Standards Act. Settled the case for a fraction of the potential damages and significantly less than the cost of defense during deposition of the lead plaintiff.

- Defended a prominent New York luxury hotel in a lawsuit brought by a former manager alleging wrongful termination, racial and gender discrimination, and violations of the Family Medical Leave Act. Settled prior to filing a responsive pleading for significantly less than the cost of defense.
- Defended a New York boutique resort hotel in a lawsuit alleging violations of state wage and hour statutes in its restaurant and catering operations. Settled the case at the pleadings stage for much less than the cost of a motion to dismiss.

PROJECT AND HEAVY MANUFACTURING DISPUTES

- Represented a Japanese steel importer asserting claims against a buyer who refused to pay millions of dollars it owed for hundreds of tons of galvanized steel. After six days of AAA arbitration hearings, the importer was awarded millions of dollars in damages and all of the buyer's counterclaims were dismissed.
- Represented a railcar manufacturer in a dispute with a prominent interstate commuter rail operator related to allocation of fault for project delays. In the face of adverse case law precedent, via both informal negotiation and mediation, we obtained a settlement in which the manufacturer was assessed no delay damages and was granted critical project schedule adjustments.
- Represented an aircraft manufacturer in a suit brought by buyer seeking damages for alleged nonconformities of a business jet with the specifications in the purchase agreement. Case settled after discovery for less than the cost of bringing a motion for summary judgment.
- Represented an aircraft manufacturer in a suit brought by potential buyer seeking specific performance of a draft purchase agreement and unspecified damages. Eliminated claims via motion to dismiss.

MISCELLANEOUS COMMERCIAL LITIGATION

- Defended an orthopedic device manufacturer in an AAA arbitration brought by its parent company alleging fraud and fraud in the inducement in connection with the sale of the manufacturer several years prior. The arbitral panel dismissed the claims after being convinced to entertain and subsequently granting a motion to dismiss.
- Represented a Swiss Government official and IMF board member who was served with a third-party subpoena while he was in the United States on official IMF business. Successfully argued diplomatic and sovereign immunity to have the subpoena quashed.
- Defended a law firm in a suit brought by its former client's expert witness seeking to have the firm pay funds owed to the expert by the former client. Disposed of all claims via motion to dismiss.

SEC INVESTIGATIONS/THIRD PARTY SUBPOENAS

- Represented a hedge fund in responding to subpoenas brought by the defendant in a high-profile insider trading prosecution. Negotiated a limited scope of production, executed document collection and review, and produced documents to the defendant and prosecutors without exposing the hedge fund or its executives to further scrutiny or involvement.
- Represented a corporate tax preparation firm in responding to a third-party subpoena served by the SEC seeking information about a client. Negotiated document retrieval parameters with the SEC and executed and produced documents efficiently and without further government inquiry.
- Represented a foreign bank in responding to SEC subpoenas seeking information related to alleged tax evasion by a bank client. Successfully limited the scope of production, collected and reviewed documents, and produced them to the SEC. Prepared a bank executive for deposition by the SEC.

Education

2008 J.D., Brooklyn Law School, Brooklyn, New York

1999 B.A., Political Science, University of California, Santa Barbara, CA

Admissions

California

New York; U.S. District Court, Southern District of New York