ELMAN FREIBERG PLLC



Robert A. Freilich

Counsel

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Education

- Fordham University Law School, J.D. 2004
- Cornell University, B.S. 2001

Bar Admissions

- New York

Court Admissions

- US Court of Appeals, Second Circuit
- US District Court, Southern District of New York
- US District Court, Eastern District of New York

Rob is a seasoned litigator with twenty years of experience. He handles a variety of complex commercial disputes on behalf of private clients, law firms and businesses including those concerning lawyer malpractice, trust and estates disputes, breach of contract, breach of fiduciary duty, business torts and employment-related disputes. Rob has also litigated numerous real estate-related disputes such as those stemming from rights of first refusal and commercial leases.

Rob is also a trusted advisor to his clients. He often acts as “consiglieri” to help them navigate day-to-day problems as well as various thorny legal issues. Rob focuses on achieving efficient results with a commonsense business-first approach. Rob helps advise clients on both legal issues as well as potential business risks that accompany those legal issues. Critically, he helps clients focus not just on the question “can we do this?” but on the more important question “should we do this?”

Rob also negotiates employment, equity, restrictive and other related agreements on behalf of clients (both on the employer and employee side). Rob also advises clients on restrictive-covenant issues to help avoid litigation. Rob has also successfully litigated various employment related issues for clients.

Selected Experience

- Represented executor of estate in connection with dispute with beneficiary over title to a valuable artwork.
- Defended lawyers and law firm against civil claims brought by the New York State Attorney General alleging fraudulent and deceptive practices in connection with the filing of thousands of debt collection actions on behalf of a client.



Selected Experience continued

- Represented co-executor of estate in myriad disputes with other co-executor, including valuations of estate property and appropriateness of distributions from estate.
- Defended a prominent New York art gallery in federal court against claims brought by French gallery alleging interference with the French gallery's project with a prominent Chinese-born artist.
- Obtained favorable result on behalf of executive and his employer from claims by former employer for breach of restrictive covenant, theft of trade secrets, breach of fiduciary duty and tortious interference with contract.
- Secured a favorable trial verdict dismissing all claims of fraud and aiding and abetting breach of fiduciary duty in state court against a prominent art gallery owner in connection with the purchase and resale of a valuable painting by a well-known artist.
- Prosecuted a multi-day bench trial before a referee to determine the appropriate allocation of membership interests among members of a limited liability company resulting in a favorable ruling that clients held a substantial majority interest.
- Successfully prosecuted claims on behalf of commercial condominium unit owner in state trial and appellate court to enjoin the board of managers' sale of a unit to another unit owner in violation of client's right of first refusal. Rob obtained summary judgment at the trial level and obtained affirmance on appeal.
- Prevailed on behalf of a high-level executive and his public company employer from claims of, among other things, violation of breach of restrictive covenant by a former employer in federal court. The case resulted in a confidential settlement.
- Obtained a confidential settlement in the prosecution of claims in a confidential arbitration by a high-frequency trading firm against a former employee for violation of restrictive covenants as well as claims against employee's subsequent employer for theft of trade secrets.