



*“As litigators, we are entrusted with our client’s hopes, fears and expectations. Our goal as legal advisors is to listen, guide, lead – and win.”*

**Douglas A. Cooper, Esq.**  
Chairman, Litigation Department

# SMART COUNSEL STRAIGHT TALK

## Spotlight on Litigation

### Disciplined. Focused. Value-Driven.

Our Litigation Department – one of Long Island’s largest – is widely regarded as the best commercial litigation practice in the region. We regularly handle high-profile cases on behalf of major corporations, government agencies and institutions. Due to our preeminence in the field, we have been involved in many of the landmark suits commenced in the region and countless complex litigations. Banks and other financial institutions, hospitals, governmental entities and regional utility providers – as well as entrepreneurs and medium-sized businesses – routinely turn to us for bet-the-farm litigations. Each of our partners is a consummate courtroom professional, experienced in judicial and non-judicial forums alike.

### In the Trenches: Recent Litigation Victories

#### Expanding National Retailer Turns to RMF to Oversee Zoning and Permit Issues, Overcome Siting Challenge

- ▶ RMF was retained to assist a Fortune 500® retailer seeking to expand its presence in Suffolk County
- ▶ RMF applied for change of zone, modification of existing covenants and restrictions and applied for special permits to pave the way for establishment of new location
- ▶ Subsequently, a town resident filed an Article 78 petition/declaratory judgment action in Suffolk County Supreme Court seeking to vacate prior approvals and enjoin our client from construction based on purported traffic concerns
- ▶ RMF’s Litigation Department immediately opposed the motion for a temporary restraining order and preliminary injunction and moved to dismiss the Article 78 petition
- ▶ Adopting RMF’s argument of “no standing,” the Court found in favor of RMF’s client on all counts
- ▶ As a result, the client was free to pursue its expansion plans unencumbered

#### RMF Prevails for Business Client on Appeal of OSHA Complaint

- ▶ A major trucking company was hit with a Department of Transportation complaint from a former employee who alleged termination for reporting on-the-job safety concerns
- ▶ Following a trial, the Administrative Law Judge recommended dismissal of the complaint
- ▶ The employee then escalated his efforts by appealing the decision to OSHA’s Administrative Review Board
- ▶ RMF was retained to handle the appeal and was able to successfully prove that the company was unaware of the employee’s complaints at the time he was dismissed
- ▶ Further, RMF advanced essential legal arguments and properly documented and presented the legitimate grounds for the employee’s termination to the Review Board, which were unrelated to safety concerns
- ▶ As a result of this victory, the company avoided potentially significant liability for back pay and other damages

**RMF**  
RUSKIN MOSCOU FALTISCHEK P.C.

**Smart Counsel. Straight Talk.**

Prior results do not guarantee a similar outcome.