

Yonatan Y. Jacobs

Counsel

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Education

Brooklyn Law School, J.D., 2010, magna cum laude; Articles Editor, *Brooklyn Law Review*
Baruch College, M.P.A., 1999
Brooklyn College, B.A., 1995, summa cum laude; Phi Beta Kappa; Ford Colloquium Honors Program

Admissions

New York
New Jersey
U.S. District Courts for the Eastern and Southern Districts of New York
U.S. District Court for the District of New Jersey
U.S. Court of Appeals for the Second Circuit



Yonatan provides effective advocacy across a broad spectrum of business litigation issues, from risk mitigation counseling to disputes in state and federal courts. His clients range from publicly traded companies to small business owners and individuals.

A seasoned litigator, Yonatan represents clients in complex commercial matters including contract, tort, employment, corporate governance, and real estate disputes. Clients value his meticulous research and analytical skills as well as his ability to steadfastly manage high-stakes, high-stress legal battles.

Yonatan also has a strong track record in alternative dispute resolution and has represented clients in both U.S. and international mediations and arbitrations. Beyond the courtroom, he helps clients structure their businesses to minimize exposure to litigation and – when litigation is inevitable – positions them for success.

Experience

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Winning a contract dispute on appeal: Represented a group of consumer electronics retailers in a contract dispute against former employers. The employers moved to dismiss, inter alia, because the retailers had executed the contract as members of their LLC, which had not actually been formed, arguing that the retailers could not themselves enforce a contract they had never entered into in their individual capacities. The New York Supreme Court denied the motion. On appeal, the Second Department upheld the trial court decision despite the dearth of binding case law in the jurisdiction, agreeing that the retailers could enforce their individual rights under the contract.

Settling a case pending in international arbitration: Defended a former refrigeration equipment manufacturer in an international arbitration held at the Singapore International Arbitration Centre. The claimant was an Indian air conditioning and heating vendor that had purchased certain licenses from the manufacturer, which then assigned its business to third parties. The vendor claimed that the manufacturer violated its obligations under the relevant license agreement. During the pendency of the arbitration, the vendor agreed to drop its claims against the manufacturer and proceed only against the manufacturer's assignees.

Securing a payout for fraud: Represented a publicly traded apparel company in multiple New York state actions against financing companies and their agents for fraud, breach of contract, conversion, and related claims associated with the financing companies' alleged failure to return the apparel company's funds or cause the contractually required financing of the apparel company. The apparel company received judgments against the defendants and, after successfully putting the financing company's principal's personal residence up for auction and attaching other assets, received a very favorable settlement payout.

Helping to register a medical marijuana company: Represented a New York medical marijuana company as intervenor in an action by an industry association against the New York State Department of Health to enjoin the state from registering additional medical marijuana companies in New York. On summary judgment, the New York Supreme Court agreed with the company's contention that the relevant laws do not prohibit the state from registering additional medical marijuana companies.

Obtaining highly favorable settlement in multinational arbitration dispute : Represented European vegetable oil company and various individuals contesting a multi-million dollar international arbitration award in federal and state courts in multiple jurisdictions. Successfully obtained remand from two federal courts, dismissal from a federal court on subject matter jurisdiction grounds, and an abatement of the case in Florida state court, while vigorously appealing the award in New York, leading to a highly favorable settlement.

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Winning arbitration over termination of \$175 million acquisition: Secured a complete arbitration victory, including an award of attorneys' fees, on behalf of the client, an operator of nursing facilities. Defended the client against claims that it had breached a series of agreements relating to a \$175 million acquisition of twelve nursing facilities in Pennsylvania. The seller alleged that the client had improperly backed out of the deal because of unfavorable economic conditions caused by the global pandemic. The client denied this allegation and countered that the seller had breached its representations and warranties when one of the twelve facilities was placed on a "special focus facilities" list, which subjected the facility to heightened regulation due to a history of violations. The arbitrator found that the seller had, in fact, breached its representations and warranties, entitling the client to terminate the deal. The arbitrator awarded the client the return of its multimillion-dollar deposit and directed the seller to pay attorneys' fees and expenses.

Obtaining highly favorable settlement in dispute over unpaid loan : Defended a multi-billion-dollar real estate investment company from a claim by a lender that the company defrauded the lender into making a substantial business loan to a food services business that ultimately defaulted. Uncovered critical evidence in discovery that decimated the lender's claim and resulted in a favorable settlement for the company.

Recognitions

Selected to the Rising Stars in Business Litigation list, Thomson Reuters' *Super Lawyers* (2014-2020)