



# Mark J. Oberstaedt

Partner

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Business Litigation



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## Overview

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Mark serves as the Assistant Chair of the Business Litigation Group. Pragmatic and business-minded, Mark is an advocate for his clients in all aspects of trial and appellate work relating to commercial litigation and business disputes in the federal and state courts in New Jersey, Pennsylvania and other courts throughout the country. He also represents clients in private and public arbitration and mediation matters.

A highly-regarded trial lawyer, Mark has extensive experience handling many types of complex commercial litigation matters, including, among others, shareholder and partnership disputes; breach of contract litigation; breach of fiduciary duty and other tort matters; fraud and civil RICO (federal and state); corporate governance and shareholder rights litigation; franchise termination litigation; ERISA litigation; employee benefit matters; securities litigation; and protection of trade secrets and unfair competition. Mark represents national and international businesses, as well as small and medium-size companies.

Mark takes great pride in helping clients obtain the results they desire - particularly when the desired result seems unattainable. He is highly valued for his ability to put a strategy in play that considers all options for a successful outcome, including pre-dispute resolution, negotiated settlement, arbitration, or taking a case all the way to trial. Where settlement can achieve a client's business goal, Mark understands the importance of timing in presenting their position and terms. He stays focused on his client's objectives and provides an experienced, steady hand in all manner of sophisticated negotiations. In litigation, Mark is deeply invested in the outcomes for his clients and their businesses. He places a high value on creating efficiencies and thinking outside of the box when preparing their arguments. He becomes fully knowledgeable about all the underlying facts, takes control of the process, and keeps his clients informed at all times. Mark's attention to detail and clarity of thought and purpose have netted positive results over the years and earned him many loyal client relationships.

Dedicated to community involvement, Mark volunteers his time to help produce local music festivals and benefit concerts, such as the Medford, NJ Oktoberfest & Music Festival, the Medford Celebrates Independence Day Fireworks and Concert, and the Raising Dignity Cabaret Benefit for Joseph's House of Camden. He also created and operates House Concerts for a Cause, which matches musicians and charities to raise money through private house concerts.

Mark's viewpoints on cutting-edge legal issues have appeared in publications such as Forbes, Bloomberg, the National Law Journal, Law 360, and others.

## Representative Experience

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- Won \$29M award for a footwear manufacturer in New York City arbitration against a major brand licensor for breach of an exclusive license agreement.
- Won affirmative liability summary judgment, which led to sizeable settlement in action for breach of UCC requirements contract against one of the world's largest envelope manufacturers.
- Won multiple summary judgment motions leading to favorable settlement for in-patient, long-term care facility against insurance company.
- Won a defense liability verdict in lengthy federal court bench trial representing major manufacturers in CERCLA contribution case.
- Successfully represented many licensees of the BlueCross BlueShield Association and other third-party benefits administrators in state and federal courts across the country in ERISA and other contract matters
- Won federal court temporary restraining order and preliminary injunction applications in bet-the-company franchise termination litigation against one of the world's largest engine manufacturers.
- Successfully argued before numerous appellate tribunals including the Third Circuit Court of Appeals, the *en banc* Superior Court of Pennsylvania, and the New Jersey Appellate Division
- Successfully represented one of world's leading financial brokerage firms in more than 100 separate litigation matters.
- Trial counsel for a Fortune 500 provider of enterprise communications systems in a series of antitrust and intellectual property cases involving software access issues.

## Professional and Community Involvement

- New Jersey Bar Association
- Camden County Bar Association
- Trustee, Misericordia University



- Cherry Hill Citizens' Advisory Cabinet
- Former President, Misericordia University Alumni Association
- Former Member, New Jersey Supreme Court Special Committee on Electronic Filing
- Former President, Cherry Hill East Music Boosters Association
- Former President, Haddonfield School of Performing Arts
- Former President, Haddontowne Swim Club
- Former President, Cherry Hill High School Soccer Club
- Former Editorial Board Member, New Jersey Law Journal
- Camden County Bar Association Mock Trial Coordinator (1993-1999)
- Former Coach, Youth Soccer, Baseball, and Basketball

## Select Articles

- [“Justices’ FBAR Ruling May Shift Feds’ Enforcement Approach,”](#) *Law360 Tax Authority* (March 2023)
- [“Tax Attorneys Welcome SCOTUS Ruling on Foreign Investment Reporting Rules with Cautious Optimism,”](#) *National Law Journal* (March 2023)
- [“Appellate Division Ruling on ‘Fake Sales’ Likely to Spawn Class Action Claims Against Retailers,”](#) *National Law Journal* (March 2023)
- [“New U.S. Supreme Court Decision is a Big Win for Taxpayers Who Unintentionally Failed to File Reports of Foreign Bank and Financial Accounts,”](#) *Archer Client Advisory* (March 2023)
- [“How Do I Bind Thee \(to an LLC Operating Agreement\)? Let Me Count the Ways,”](#) *New Jersey Law Journal* (July 2021)
- [“Taxpayers on Both Coasts Win Non-Willful Foreign Account Reporting Penalty Cases,”](#) *Bloomberg Daily Tax Report* (June 2021)
- [“FBAR Penalty Stacking: A Clear Coast for Taxpayers?,”](#) *Tax Notes* (May 2021)
- [“Court Denies IRS ‘Stacking Penalties’ on FBARs,”](#) *Accounting Today* (March 2021)
- [“For New Jersey LLC Members, Silence Can Have Serious Ramifications,”](#) *New Jersey Law Journal* (February 2021)
- [“United States: A \(Foot\) Note About Sandbagging in M&A Transactions,”](#) *Mondaq.com* (August 2018)
- [“Proposed State Senate Bill Would Substantially Change Restrictive Covenant Law in New Jersey,”](#) *South Jersey Chamber of Commerce Newsletter* (2017)



## Past Speaking Engagements and Seminars

- “Being Right Isn’t Always Enough: Strategies for Presenting Persuasive Complex Damages Testimony,” American Institute of Certified Public Accounts Forensic and Valuation Services National Conference (November 2021)
- “The Intersection of Law and Damages,” American Institute of Certified Public Accounts Forensic and Valuation Services National Conference (November 2021)
- “Contractual Damages and Indemnities in Plain English,” National Business Institute (November 2021)
- “Damages & Remedies in Business Litigation,” National Business Institute (April 2021)
- “Misericordia University Lawyers’ Association Workshop,” Misericordia University (March 2020)
- “Enforceability of Restrictive Employment Covenants,” South Jersey Employment Law Inn of Court (October 2018)
- “Business Contracts – Top 10 Most Costly Mistakes,” National Business Institute (June 2017)
- “Limited Liability Company Litigation,” Camden County Bar Association (April 2016)

## In the News

- “Justices’ FBAR Ruling May Shift Feds’ Enforcement Approach,” Law360 (3/9/23)
- “Appellate Division Ruling on ‘Fake Sales’ Likely to Spawn Class Action Claims Against Retailers,” NJ Law Journal (3/6/23)
- “Tax Attorneys Welcome SCOTUS Ruling on Foreign Investment Reporting Rules With Cautious Optimism,” NJ Law Journal (3/6/23)
- “Top U.S. International Tax Cases of 2021,” Law360 (7/6/21)

## Credentials

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### Education

- Seton Hall University, JD, *magna cum laude*
- Misericordia University, BA, *summa cum laude*

### Bar Admissions

- Michigan
- New Jersey
- Pennsylvania



- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for Eastern District of Michigan
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Middle District of Pennsylvania

## Offices

- Voorhees, NJ

## Areas of Focus

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### Practice

- Business Litigation

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