



Adam J. Kaiser

Partner

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Related Services

Class Action & Multidistrict Litigation ■ Business Litigation ■ Insurance Litigation & Regulation ■ Litigation ■ Insurance ■ Policyholder Class Action Defense ■ High Exposure Claims, Coverage & Bad-Faith Defense ■ Insurance Regulatory Guidance ■ Insurance-Related Antitrust Defense ■ Policy Drafting & Product Development

Well known for his creative legal work and ground game in the financial services, insurance and sports industries, Adam has a proven track record of winning tough bet-the-company cases.

Adam J. Kaiser focuses on the preparation and trial of complex commercial cases, principally in class actions, insurance, sports and entertainment, real estate and arbitration. Adam has taken on cases involving a wide range of issues, enjoying the challenge of learning and mastering new substantive areas of the law in myriad fields.

With more than 20 years' experience representing insurance companies in complex litigations and arbitrations throughout the country, Adam has a proven track record of defeating class certification. He was the first lawyer in the country to do so in a "modal premium" class action. Adam vigorously defends his insurance clients at every stage of the case, has tried cases to verdict and has argued numerous appeals for insurers before state supreme courts.

Adam represents a variety of financial institutions and other corporations in a wide assortment of complex litigations. He has represented large banks in fraud, fiduciary duty, UCC and consumer class actions, and owners, contractors and others in significant real estate matters.

Adam is also a well-known sports lawyer who has represented sports unions, sports agencies and individual agents, and athletes in a variety of matters, including challenging on behalf of NFL players league-imposed discipline, noncompete "poaching" cases between and among sports agencies, agent discipline, privacy rights and collective bargaining. He is even praised for his football knowledge in Terrell Owens's autobiography.

Representative Experience

Insurance/Class Actions

- Won a dismissal, at the pleading stage, of all class allegations in a "claims mishandling" class action against an insurer.
- Served as lead counsel in cases covering claims mishandling, repricing cost of insurance rates and expense charges, modal premiums, contract interpretation, state consumer protection laws, fraud and breach of fiduciary duties, annuity sales practices, alleged misuse of master policies, use of alleged improper groups and unfair business practices.
- Convinced a district court to strike class allegations in a claims mishandling case, while at the same time obtaining a dismissal with prejudice of all of the elder abuse, fraud and statutory claims asserted in the complaint.
- Argued numerous class certification motions in courts throughout the country, as well as on appeal, including before the Florida Supreme Court.

- Forced large-scale insurance disputes into arbitration when arbitration was required under the terms of the operative agreements.
- Represented insurers in internal investigations and market conduct examinations.
- Represented insurers in disputes concerning large-scale, retrospectively rated workers' compensation, general liability and employer liability programs.
- Represented a liquidator of an insolvent insurance company, briefing an appeal before the New Jersey Supreme Court.
- Defeated a motion for class certification in arbitration before the American Arbitration Association (AAA).

Complex Commercial Cases

- Co-counsel in a month-long trial between two former Goldman Sachs partners who formed their own investment fund, obtaining a multimillion-dollar judgment for his client.
- Defended Mitsubishi Heavy Industries in a four-year case in which the plaintiff sought hundreds of millions of dollars over the construction of an allegedly defective steel mill.
- Defended more than 50 individuals in cases involving restrictive covenants.
- Advised companies, including Goldman Sachs, on issues pertaining to noncompete and antisolicitation covenants to avoid litigation.
- Defended a large German financial institution and its U.S. subsidiary in dozens of disputes concerning allegedly fraudulent tax shelters.
- Defended numerous debtors in bankruptcy cases in adversary proceedings.

Sports & Entertainment

- Represents numerous sports agencies and agents in litigations and arbitrations, including Excel Sports, WMG and MVP Sports.
- Represented many well-known athletes as well as hundreds of lesser-known professional athletes. Served as lead counsel in numerous arbitrations, representing both players and agents, before the Major League Baseball Players Association and the National Football League Players Association, as well as neutral arbitrators appointed under the National Football League Collective Bargaining Agreement.

Real Estate Litigation

- Represented real estate developers in class actions brought by condominium owners challenging sales practices and fees.
- Obtained a complete defense verdict for a large Lower East Side cooperative after a months-long trial in a novel case involving claims of adverse possession and prescriptive easements asserted by a neighboring cooperative.
- Represented owners in suits against major construction companies in projects as diverse as the removal of underground storage tanks, the deconstruction of a 50-story tower, a crane collapse in Manhattan, a botched refurbishment of a community center and a bad cement pour at a prestigious private school.
- Arbitrated "rent reset" cases for offices in New York City trophy buildings.
- Represented tenants in rent disputes arising from Superstorm Sandy.
- Represents the Lower Manhattan Development Corporation in a matter concerning the deconstruction of the Deutsche Bank building following the 9/11 terrorist attacks.

- Representing Spruce Peak Realty (owned by AIG) in a class action in Vermont concerning allegedly fraudulent sales and other practices concerning the five-star Stowe Mountain Lodge condominium development. As lead counsel, convinced the court to dismiss most of the plaintiff's claims while sending the remaining claims to arbitration.
- Represented loan originators in "buy back" litigation.

Professional & Community Engagement

- New York Civil Liberties Union (NYCLU)
- Animal Legal Defense Fund
- World Parkinson's Coalition

Education

- The George Washington University (J.D., 1992)
- State University of New York at Binghamton (B.A., 1989)

Admitted to Practice

- New York
- New Jersey