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Connecticut

Practice Areas

- » Complex Litigation
- » Intellectual Property Litigation

Thomas G. Rohback

PARTNER

Thomas Rohback is the Chair of AV&H's Complex Litigation Group. He is an experienced trial and appellate lawyer.

His cases have involved diverse subjects, including class actions and complex commercial litigation ranging from antitrust to anti-terrorism litigation. The industries in which Mr. Rohback has represented clients range from manufacturing to insurance and telecommunications. He has handled intellectual property and complex commercial cases throughout the United States. During one year, Mr. Rohback tried three federal court jury cases in a three-month period and obtained a directed verdict in each case.

Representative Cases Tried to Verdict Include:

Artie's Auto Body, Inc., et al. v. The Hartford Fire Insurance Company, (Conn. Super. Court. Complex Docket 2009): This is one of the very few class action cases ever to have gone to trial. This case involves allegations of unfair trade practices in which the plaintiff class claimed over \$300 million in treble damages. In addition, plaintiffs sought to close down The Hartford's entire "direct repair" program. AVH was brought in as substitute counsel to try this class action after the class had been certified, and after class certification was affirmed by the Connecticut Supreme Court. After jury selection and trial lasting two months, the jury rejected almost all of plaintiffs' claims and awarded plaintiffs less than 5% of their treble damage claim. Reflecting their disappointment in the verdict, Plaintiffs have announced their intention to appeal. We will also appeal the verdict since our position is that the class should have no recovery at all.

Barrett v. Toroyan, et al., (N.Y. Sup. Ct., Commercial Division, 2008): Won a jury verdict rejecting multimillion dollar claims of breach of fiduciary duties by directors and officers. Defending this decision on appeal before New York Appellate Division.

Pereira v. Cogan, 294 B.R. 449 (S.D.N.Y. 2003): Won a \$40,000,000

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verdict in favor of bankruptcy trustee involving privately held corporation for breaches of fiduciary duties by directors and officers.

Taylor v. PECO Hyperion, (E.D. Pa. 2006): Won a jury verdict rejecting claims of age and sex discrimination involving a failure to promote and subsequent discharge of top sales person.

American States v. Flippo, (Cir. Ct., Kanawha Co. 2003): Won a jury verdict in state court in West Virginia on behalf of insurance company voiding life insurance policy for the deceased wife and mother of two West Virginia residents.

Eastern Natural Gas Corp. v. Alcoa, (S.D. Ind.), *aff'd*, 126 F.3d 996 (7th Cir. 1997): Won a jury verdict rejecting claims for breach of contract involving oil and gas exploration, and awarding damages on counterclaim for fraud.

Representative Summary Judgment Decisions Include:

Combined Energies, a division of Energy East Corp. v. CCI (D. Me. 2009): As Plaintiff, we defeated motions for summary judgment in U.S. District Court for District of Maine in case alleging tortious interference and breach of contract involving the raid on a company's entire work force in the field of energy conservation. Before reaching this stage, defendant had moved (unsuccessfully) to dismiss the case based on an arbitration provision. That issue was appealed to the 1st Circuit, where we won an affirmance. Subsequently, the District Court denied Defendant's motion for summary judgment. Faced with a jury trial and a demand for punitive damages based on allegations of raiding an entire work force, the defendant settled the case for a large dollar amount on the eve of trial on September 2, 2009.

United Technologies Corp. v. Mazer, et al., (11th Cir. 2009): Obtained decision from 11th Circuit Court of Appeals in Miami, FL on February 5, 2009, reversing dismissal and reinstating claims for theft of proprietary airplane tooling blueprints. The case settled promptly on remand.

Kargo Inc. v. Pegaso PCS, S.A. de C.V., S.A., et al., 2008 U.S. Dist. 57472 (S.D.N.Y. 2008): Obtained dismissal of \$112,000,000 claim of alleged tortious interference involving a disputed software licensing and hosting agreement.

State of Connecticut v. Energy East Corporation, 2008 Conn. Super. LEXIS 769 (Conn. Super. 2008): Defeated State of Connecticut's claims for temporary injunction to prevent State's office buildings from being deprived of heat and air conditioning in multi-million dollar action. The State's

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emergency appeals to the Appellate Court and the Connecticut Supreme Court were dismissed.

Barrett v. TEMA Development (1988), Inc., 463 F. Supp. 2d 423 (S.D.N.Y. 2006), aff'd, 251 Fed. Appx. 698 (2d Cir. 2007): Obtained dismissal of multimillion dollar breach of contract and breach of fiduciary duty claims for lack of personal jurisdiction.

Asch Webhosting, Inc. v. Adelphia Business Solutions Investment, LLC, (D.N.J. 2007): Obtained dismissal of multimillion dollar claims for breach of contract involving the willful discontinuance of Internet service. This decision was affirmed by the 3rd Circuit Court of Appeals; rehearing en banc was denied.

Universal Communications Systems, Inc. v. Lycos, Inc., et al., (D. Mass. 2005), aff'd, 478 F. 3d 413 (1st Cir. 2007): Obtained dismissal of \$100,000,000 claim in putative class action involving short sellers' attempts to manipulate securities prices through derogatory postings on defendant's Internet message board.

Net2Globe International, Inc. v. Time Warner Telecom of New York, 273 F. Supp. 2d 436 (S.D.N.Y. 2003): Time Warner Telecom had entered into a ruinous contract that was causing it to lose \$2 million a month. After defeating plaintiff's motion for a TRO seeking to prevent Time Warner Telecom from stopping service, the parties submitted cross-motions for summary judgment. The court granted Time Warner's motion and dismissed plaintiff's multi-million dollar complaint. In its lengthy, published opinion, the court also denied the plaintiff's cross motion for summary judgment, thereby allowing Time Warner to proceed to trial on its counterclaims against the plaintiff.

B.F. Goodrich v. United States Filter Corp., 245 F. 3d 587 (6th Cir. 2001): Defeated Goodrich's motion for summary judgment; won cross-motion; when court of appeals determined contract was ambiguous, Goodrich collapsed in the face of a jury trial having argued unsuccessfully that its contract was so clear as to eliminate the need for any trial.

Legal Asset Funding, L.L.C., et al. v. Travelers Casualty & Surety Co., et al., 155 F. Supp. 2d 90 (D.N.J. 2001): Successfully defended application of Connecticut statute in New Jersey in face of challenges under Commerce Clause, Contract Clause, and Due Process Clause.

Townsend v. Hartford Life Ins., 1999 U.S. Dist. LEXIS 21783 (N.D. Ala. June 30, 1999): Court granted summary judgment enforcing anti-assignment provision in structured settlement annuity.

Representative Class Actions Include:

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Murphy, et al. v. United Services Auto Assn., et al., 2005 Del. Super. LEXIS 159 (Del. Sup. Ct., 2005): Represented Hartford Underwriters Ins. Co. in successful motion to dismiss class action where class representatives were found to lack standing regarding claims that defendant insurance companies unfairly denied full payment for medical expenses.

Greiff v. Cellco Partnership d/b/a Verizon Wireless, No. GD 01-14629 (Ct. of Common Pleas, Allegheny County, PA 2004): Negotiated phone card settlement of four putative class actions brought by purchasers of cell phone insurance against Asurion and cellular phone service providers, including Verizon, Spring, and Cellular One, and served as lead counsel for the defendants in the settlement, which included approximately 40 million class members.

Conti v. Adelphia, No. 99-12602 (Ct. Of Common Pleas, Delaware County, PA 2002): Based on a defense of the Voluntary Payment Doctrine, the court dismissed three consolidated class actions brought by subscribers in Pennsylvania, challenging the company's late fee policy.

Green v. Adelphia, 443-8-99-WNCV (Washington Superior Ct., Washington County, VT 2002): Won summary judgment in three consolidated putative class actions in Vermont based on the Filed Rate Doctrine despite a previous order from the Vermont Public Service Board which held that Adelphia's late fees were "unlawful" and found that Adelphia's late fees had never been approved by the Public Service Board.

Baskins v. Culligan International Co., No. BC 186154 (L.A. Superior Ct. 2001) and Garcia v. Culligan International Co., No. BC 177201 (L.A. Superior Ct. 2001): In two putative class actions, with plaintiffs represented by Los Angeles' "Trial Lawyer of the Year," seeking \$160 million in damages for violations of California consumer protection laws, court denied class certification where each of seven named class representatives was found to be an inadequate class representative.

Representative Arbitrations Include:

Airbus – Represent Airbus in confidential ICC Arbitration seated in Geneva, Switzerland. Hearings are scheduled for July 2010.

In re Delma Power, (2006) (Prof. Hans Smit, Arb.): Successfully defending clients against claims of diversion of corporate opportunity involving independent power projects to be built in Gaza and Yemen (with some witnesses testifying via video teleconference).

CCS Financial Services, Inc. v. Trumbull Services, LLC and Hartford Financial Services Group,

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(2006): Defeating claims by disgruntled joint venture partner for breach of exclusivity provisions of software licensing agreement concerning patented software involving collection and subrogation.

Noteworthy

- » Chambers & Partners USA 2009, Connecticut Leaders, Litigation, General Commercial
- » Chambers & Partners USA 2008, Connecticut Leaders, Litigation
- » Chambers & Partners USA 2007, Connecticut Leading Lawyers, Litigation
- » Chambers & Partners USA 2006, Leaders in Connecticut, Employment

Bar & Court Admissions

- » Connecticut
- » New York
- » Pennsylvania
- » U.S. Supreme Court
- » U.S. Court of Appeals for the First Circuit
- » U.S. Court of Appeals for the Second Circuit
- » U.S. Court of Appeals for the Third Circuit
- » U.S. Court of Appeals for the Sixth Circuit
- » U.S. Court of Appeals for the Seventh Circuit
- » U.S. Court of Appeals for the Eighth Circuit
- » U.S. Court of Appeals for the Eleventh Circuit
- » U.S. District Court District of Connecticut
- » U.S. District Court Northern District of Illinois
- » U.S. District Court Eastern District of New York
- » U.S. District Court Northern District of New York
- » U.S. District Court Southern District of New York
- » U.S. District Court Western District of New York

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- » U.S. District Court Eastern District of Pennsylvania
- » U.S. District Court Western District of Pennsylvania
- » U.S. District Court Eastern District of Tennessee

Education

- » Columbia University Law School, New York, NY, 1978, J.D. Honors: Harlan Fiske Stone Scholar.
- » Columbia University, New York, NY, 1974 M.A.
- » Union College, Schenectady, NY, 1973 B.A. summa cum laude. Honors: Nott Scholar. Phi Beta Kappa.

Recent News

- » AV&H Attorney Named to Super Lawyers Corporate Counsel Edition - March/April 2010
- » AV&H Attorneys Named Connecticut Super Lawyers 2010
- » AV&H Attorneys Named New England Super Lawyers 2009