

## **Saiber Helps Secure Dismissal of Corporate Tortious Interference Suit**

December 5, 2016

Saiber LLC, along with co-counsel at Ropes & Gray LLP, successfully moved to dismiss a tortious interference suit seeking millions of dollars in damages brought by the sellers of a financial products company in connection with the failure of their former business to meet performance targets that would have netted them additional monies.

Accepting our client's arguments, the Honorable Joseph P. Quinn, P.J.Cv. held that the sellers lacked standing to sue because the claim for tortious interference with prospective business opportunities belonged to their company, which the sellers sold to another entity, and not the sellers individually, and because they did not allege malice on the part of the defendants. The Court also determined that the claim failed because the two defendants – a corporate subsidiary and its principal – could not be held liable as the sellers failed to allege that the principal was acting outside the scope of his employment and that the subsidiary was acting in “bad faith.” Given these deficiencies, Judge Quinn dismissed the matter in full with prejudice.

The sellers had previously filed a similar tortious interference claim in federal court, which Saiber also helped dismiss in March 2014 and which dismissal was upheld by the Third Circuit Court of Appeals. Following dismissal of the federal action, the sellers had filed a second suit in the Superior Court of New Jersey.

Along with Robert Fischler of Ropes & Gray LLP, who argued for the dismissal, Saiber attorneys Jennine DiSomma, Jakob B. Halpern and Vincent C. Cirilli assisted on the successful brief.