Greenbaum Litigators Obtain Summary Judgment Win in New Jersey Superior Court

Announcement

8.04.20

On July 22, 2020, Greenbaum litigators **Darren C. Barreiro**, **Luke J. Kealy** and **Alexander W. Raap** successfully obtained summary judgment on behalf of the firm's client, an accountant who investigated an Israeli company involved in operating movie theaters in Israel.

In the case *SKS Holdings LLC v. Kaplan*, our client was engaged by the plaintiffs to travel to Israel to conduct a comprehensive financial review of the company, during which he uncovered allegedly fraudulent activity including unapproved loans totaling more than 35 Million New Israeli Shekels (NIS), as well as the issuance of unrecorded checks totaling millions of NIS to serve as collateral for the loans, also without the approval of the company's Board of Directors. The accountant reported his findings to the company's owners, following which the Board of Directors terminated the company's CEO. The CEO subsequently accused the accountant of defamation, tortious interference, participating in a civil conspiracy, and intentional infliction of emotional distress based on alleged conduct that occurred during the course of the accountant's investigation.

After reviewing the briefs and hearing the firm's argument in New Jersey Superior Court, Bergen County, Judge Robert C. Wilson agreed with the firm's motion and dismissed all claims against the accountant. The Court applied New Jersey law rather than Israeli law, and held that the CEO failed to provide sufficient evidence to support any of his claims against the accountant, and that such claims were not available against the accountant, who had acted within the scope of his engagement.

Mr. Barreiro, who co-chairs the firm's Litigation Department, focuses his practice in the representation of individuals and businesses in complex commercial litigation, and is certified by the Supreme Court of New Jersey as a Civil Trial Attorney. Mr. Kealy is a partner in the Department, where his diverse experience in commercial litigation includes the resolution of complex business disputes. Mr. Raap, an associate in the Department, concentrates his practice in the area of commercial litigation.