

Commercial Litigation

PRACTICE LEADER



Howard Fensterman

Managing Partner

High-Stakes Litigation. Relentless Trial Advocacy. Results That Move the Needle.

Abrams Fensterman represents businesses, entrepreneurs, shareholders, developers, and professionals in high-stakes business and commercial litigation across New York. Our attorneys handle complex contract disputes, partnership conflicts, fiduciary duty claims, fraud matters, and emergency injunction proceedings in the Commercial Division of the New York State Supreme Court and in federal courts. We combine deep courtroom experience with industry insight to protect financial interests, corporate control, and long-term business stability.

Trial Ready Representation for Complex Commercial Conflicts

Commercial litigation is make-or-break for companies, executives, and investors. When everything is on the line — corporate control, valuation, IP, contracts, earn-outs, and reputations — clients turn to Abrams Fensterman's commercial litigators to deliver decisive courtroom victories and strategic leverage at the negotiating table.

Led by seasoned trial lawyers with a proven record of multimillion-dollar wins, our Commercial Litigation Practice represents public and private companies, startups, founders, boards, hospitals and healthcare systems, financial institutions, manufacturers, real estate enterprises, and high-net-worth business owners across New York and nationwide.

Our lawyers are **trial-ready**. We prepare every matter as if it will be tried to verdict — a philosophy that consistently produces stronger settlements, sharper strategies, and litigation outcomes that protect and enhance our clients' business objectives.

Our attorneys have successfully resolved a wide range of complex and high-stakes business matters in state and federal courts and in arbitrations.

Our Approach

We are not just litigators — we are **trial lawyers**. Our courtroom experience allows us to:

- Deliver clear, grounded, contract-based arguments that resonate with judges and juries.
- Recalibrate strategy as evidence unfolds, witnesses evolve, or adversaries shift positions.
- Use trial readiness to obtain favorable settlements earlier, faster, and on our terms.
- Communicate complex business issues in a way decision-makers understand.

Our teams are intentionally lean, highly coordinated, and multidisciplinary — allowing us to staff efficiently while drawing on the depth of the firm's corporate, healthcare, real estate, intellectual property, employment, and regulatory practices whenever a dispute demands cross-specialty firepower.

SERVICES

Our trial lawyers handle the full spectrum of commercial disputes, including:

Core Commercial Litigation

- Breach of contract and business torts
- Fraud, misrepresentation, and unfair competition
- **Corporate** governance, partnership disputes, and dissolutions
- Disputes involving non-competition agreements and confidentiality protections
- Shareholder derivative actions
- Earn-out, valuation, and post-acquisition disputes
- Trade secret misappropriation and restrictive covenant litigation
- Complex asset purchase and stock purchase agreement disputes

Industry-Specific Litigation

- **Healthcare** provider, hospital system, and medical group disputes
- Technology and software development disputes
- **Commercial real estate** and development litigation
- Construction disputes
- Insurance coverage and insurer litigation
- **Employment**-related commercial claims
- **Intellectual property** matters

Regulatory & Government-Related Proceedings

- **Governmental enforcement** actions
- Internal investigations
- Parallel civil–regulatory matters

REPRESENTATIVE RESULTS

Our commercial litigators have secured **industry-shaping verdicts and multimillion-dollar recoveries** in bet-the-business matters. Highlights include:

\$3 Million Trial Verdict — Complex Asset Purchase Agreement Dispute

Serving as lead trial counsel, Abrams Fensterman won a **\$3 million judgment** in the New York County Commercial Division on behalf of a business seller in a dispute over post-closing holdback provisions. The Court also awarded attorneys' fees — a complete victory validating our client's interpretation of the contract.

\$19+ Million Recovery in Bet-the-Business Corporate Governance Dispute

We secured more than **\$19 million** for a client in a litigation battle with a former business partner involving management control, contested valuation, and fiduciary breaches.

\$7.5 Million Federal Trial Verdict — Breach of Contract

After a full federal trial, our trial team obtained a **\$7.5 million judgment** in a significant contract dispute.

Defense Win + \$300,000 Counterclaim Award

As lead defense counsel in a complex contract case, not only did we secure dismissal of all claims against our client, but we also won more than **\$300,000 in damages** based on our counterclaims.

Worldwide Non-Compete Injunction for Technology Client

In an exceptionally rare ruling, our team obtained a **global injunction** enforcing a restrictive covenant against a former employee, preventing competition *anywhere in the world*.

Five-Month Trial for Healthcare Provider in Government Enforcement Action

Serving as trial counsel, we defended a healthcare enterprise in a prolonged enforcement proceeding seeking to revoke its operating license — successfully navigating complex regulatory and evidentiary challenges.

Valuation & Earn-Out Litigation for Technology Startup

Represented a fast-growth startup in a dispute with a former owner involving ownership interest valuation and a multimillion-dollar earn-out provision.

Trade Secret & Unfair Competition Case for Advertising Company

Lead counsel in high-stakes litigation against a competitor involving alleged trade secret theft and unfair business practices.

Hospital System Employment-Related Dismissals

Secured a series of “take-nothing” dismissals for multiple hospital systems in actions involving whistleblowing and employment-related commercial claims.

Internal & Government Investigations

Represented corporate clients responding to government inquiries and conducting confidential internal investigations tied to compliance, operations, and financial integrity.

Contact Our Law Firm

Our Business and Commercial Litigation practice spans multiple industries, jurisdictions, and forums, and we have steered our clients to major victories as both plaintiffs and defendants. We stand ready to deploy our unique blend of skill, judgment, and attention to effectively advocate for our clients in their most important business matters.

For more information about our Business and Commercial Litigation practice, please [contact our law firm](#) on Long Island at [516-328-2300](#), in Brooklyn at [718-215-5300](#), White Plains at [914-607-7010](#), Rochester at [585-218-9999](#) or Albany at [518-535-9477](#) to schedule an initial consultation.