



Benjamin R. Kurtis

Partner

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Benjamin is a strategic litigator who vigorously represents clients in state and federal courts in a variety of complex commercial matters, including disputes involving shareholders, contracts, noncompete agreements and emergent matters. He also represents executors and beneficiaries in all aspects of estate litigation, including contested wills and violations of fiduciary duties. A pragmatic and creative problem-solver, Benjamin represents medical practices in a broad range of disputes, including noncompete agreements and contracts, denials of reimbursement claims and other payment disputes.

Representative Matters

Commercial Litigation

- Secured summary judgment for pharmaceutical company on breach of fiduciary duty claim against individual who unlawfully disclosed confidential information.
- Represented shareholder of tradeshow display fabrication company in shareholder oppression case.
- Represented pharmaceutical company in multiple bet-the-company contractual disputes involving contractual and fraud claims.
- Secured injunction against construction disrupting client's commercial property and ultimately secured summary judgment awarding client prescriptive easement.
- Represented seller of business/commercial landlord in contractual dispute.
- Obtained summary judgment for subcontractor in claim for insurance covering project.

Wills & Estate Litigation

- Represented executor in contentious, high-stakes high-net-worth estate that included a will contest, defeating all claims against client.
- Secured injunction preventing disbursement of trust proceeds in will contest.
- Defended challenge to client's power of attorney appointment in substantial estate dispute.
- Secured dismissal of entire will challenge based on laches doctrine.

Physicians and Medical Practices

- Represented shareholders in large-scale ownership dispute over closely held medical institution.
- Recovered millions of dollars for medical practice after its Medicare billing privileges were improperly deactivated.
- Represented physician against hospital in noncompete lawsuit.

- Defended medical practice in multimillion-dollar insurance fraud lawsuit.

Services

- Litigation
- Fiduciary Litigation

Before Fox Rothschild

Prior to joining Fox, Benjamin worked in the financial services litigation group of an international law firm. He also served as a judicial law clerk to the Honorable Gail L. Menyuk of the Tax Court of New Jersey.

While in law school, Benjamin worked for the Labor and Employment Law Division of the U.S. Department of Transportation, Federal Aviation Administration. He also was a teaching assistant for the Appellate Practice Course. Additionally, he was the president of the Big Brothers Big Sisters Organization at the law school.

Bar Admissions

- New Jersey
- Pennsylvania

Court Admissions

- U.S. District Court, District of New Jersey

Education

- Case Western Reserve University School of Law (J.D., *magna cum laude*)
 - Order of the Coif
- Boston University (B.A., *summa cum laude*)
 - Phi Beta Kappa

Memberships

- Voorhees Breakfast Rotary Club
- Jewish Business Network of Southern New Jersey - Executive Committee
- Business Network International (BNI), Haddonfield Chapter

Publications

September 2018

New Jersey Law Adopts the Daubert Expert Witness Standard – Same Gatekeeping Process, or a New Gate Altogether?

The Barrister

September 13, 2016

Baxter Revisited for Misappropriation Claim

Garden State Gavel Blog

August 12, 2016

Navigating the New Jersey Trade Secrets Act And Other Claims Against Departing Employees

Garden State Gavel Blog

April 20, 2016

Entering a Business Transaction with Your Lawyer? Proceed with Caution

Garden State Gavel Blog

May 2016

The New Jersey Trade Secrets Act: Navigating Misappropriation Claims

The Barrister

News

March 5, 2020

New Partners Yearbook 2020

August 1, 2019

Law360 Names Attys Who Moved Up The Firm Ranks In Q2

July 11, 2019

On the Move

May 13, 2019

Fox Elevates Attorneys Nationwide to Partner

August 12, 2016

Top 10 in Law Blogs: Navigating the New Jersey Trade Secrets Act And Other Claims Against Departing Employees