



Jay D. Marinstein

Partner

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A member of Fox Rothschild's firmwide Management Council, Jay has spent more than three decades representing public and private companies and nonprofit organizations in high-stakes litigation in state and federal courts across the U.S.

In his role on the Management Council, which supports firm leadership in key areas of management and oversight, and as member of the firmwide Strategic Growth Committee, Jay helps to develop growth strategy, focusing on recruiting new partners and attorney groups to enhance service offerings, expand existing offices and enter new legal markets.

Jay holds other leadership positions at the firm, including chairing the Income Partner Evaluation Committee. In addition, Jay served two five-year terms as the Pittsburgh Office Managing Partner, where he nearly doubled the attorney count, added key rainmakers and guided the office through an economic downturn and the pandemic.

Business and legal news media frequently interview Jay to obtain his insights into law firm recruitment, legal trends and changing market conditions.

Commercial Litigation

In his litigation practice, Jay provides strategic advice informed by decades of experience helping clients resolve their most intractable business disputes. He has forged long-term partnerships with manufacturers, retailers, and service providers, working with them to achieve their long-term business and financial goals while defending their interests in bet-the-company cases involving:

- Trade secrets
- Restrictive covenants
- Uniform Commercial Code
- Breach of contract
- Fraud and breach of fiduciary duties
- Partnership and shareholder actions
- Piercing the corporate veil
- Tortious interference
- Executive compensation

Services

- Litigation

- Directors' & Officers' Liability & Corporate Governance
- Pharma & Biotech
- Retail Industry
- Trade Secrets & Restrictive Covenants

Beyond Fox Rothschild

Jay has presented continuing legal education seminars and authored articles on trade secret protection, enforcing restrictive covenants and on the pros and cons of alternative dispute resolution proceedings. He has been quoted in local and national newspapers and has appeared on radio and television newscasts regarding high profile commercial litigation matters.

Bar Admissions

- Pennsylvania

Education

- Cornell Law School (J.D., 1988)
- University of Rochester (B.A., 1985)

Memberships

- American Bar Association
- Pennsylvania Bar Association
- Allegheny County Bar Association

Litigation Successes

When litigation is unavoidable, Jay is a tenacious, highly skilled trial attorney with a track record of courtroom success:

- Successfully defended over a dozen claims asserted against an international company and its U.S.-based subsidiary and prosecuted counterclaims arising out of the parties' contribution agreement, operating agreement and employment agreements containing noncompete provisions. Also established a multitude of breach of fiduciary duty claims, including the failure of an insider to disclose to the company's management committee the insider's intention to sell a competitive business to a relative. In this bet-the-company case, after a 33-day trial, the judge issued a 117-page decision and awarded the clients more than \$17 million. The result was obtained through aggressive cross examination of the opposing side's lay and expert witnesses and the trial team's implementation of a litigation plan that weaved numerous facts together, which resulted in a compelling and victorious presentation.
- Represented clients employed by a *Fortune* 100 company accused of breaching noncompete agreements and misappropriating trade secrets in one of the first cases litigated under the Pennsylvania Uniform Trade Secret Act. After an extensive injunction hearing, the court denied the injunction and awarded the clients their attorney's fees. Later, the clients pursued a counterclaim and obtained a very significant monetary settlement.
- Successfully defended a lawsuit against a *Fortune* 500 company and prosecuted counterclaims arising out of a long-term supply agreement involving the pricing for chlorine and titanium tetrachloride. Based upon aggressively taking depositions, our client was able to prove that the pricing it was charged violated the implied duty of good faith and fair dealing and the open price term under the Uniform Commercial Code. A significant settlement was achieved after jury selection.
- Successfully prosecuted multimillion-dollar breach of contract and piercing the corporate veil claims on behalf of a *Fortune* 500 company against a real estate developer.
- Successfully defended a *Fortune* 500 company against claims that its operation of a variety store violated restrictive covenants covering grocery stores, food stores, and supermarkets.
- Successfully prosecuted appeals filed in the Department of Public Welfare on behalf of a large nonprofit organization regarding rates and reimbursements.
- Successfully defended large nonprofit organizations against claims made by the Attorney General regarding the reasonableness of executive compensation.
- Obtained a defense verdict by discrediting an executive plaintiff and establishing that the executive was fired for cause.

- Obtained a defense verdict in a multimillion-dollar contract dispute by establishing the unenforceability of a liquidated damages provision.

Events

December 4, 2018

Overview of Pennsylvania's Adoption of the Uniform Arbitration Act, Effective Arbitration Provisions and Other Important Considerations

Rivers Club

News

March 20, 2023

Fox Rothschild IP Chair Tapped As 1st Chief Growth Strategist

March 17, 2023

Fox Rothschild Names Dianna El Hioum Chief Growth Strategist

May 19, 2022

Roskovski's Motion Flatly Denied in Thursday Hearing

February 10, 2022

Fox Rothschild Adds 5 Litigation Partners In Pittsburgh

February 9, 2022

Fox Rothschild Expands Pittsburgh Office with Group of Five Commercial Litigation Partners

February 8, 2022

Five Partners Join Fox Rothschild in Pittsburgh

June 10, 2021

'an Empire of Lies': Former Butler Health COO and Her Ex-Detective Husband Sentenced for Embezzlement Scheme

June 24, 2020

How Remote Work and Pandemic Concerns are Changing Pittsburgh Law Firm Offices

June 3, 2020

Here's What Green Means at Pittsburgh Law Firms as Region Transitions From Yellow Phase

January 22, 2020

Finding the Right Size: Firms Grapple With How Big to Grow

March 26, 2019

Fox Adds High-Profile Toxic Tort/Product Liability Litigation Duo in Pittsburgh

March 25, 2019

Fox Rothschild Hires Two Partners in Pittsburgh

September 17, 2018

Litigation Pro John Hansberry Joins Fox Rothschild in Pittsburgh

September 13, 2018

Fox Rothschild Hires Litigation Partner

December 18, 2017

Fox Rothschild's Pittsburgh Office Expands With Immigration Attorney

June 5, 2017

Fox Rothschild Lands Affordable Housing Team in Pittsburgh

June 1, 2017

Real Estate Lawyers Join Fox Rothschild from Cohen & Grigsby

June 1, 2017

Fox Rothschild's Pittsburgh Office Welcomes Prominent Real Estate Partner Michael Syme

May 22, 2017

People on the Move

April 18, 2017

People on The Move

March 21, 2017

Fox Rothschild Announces New Office Leadership in Six Locations

March 16, 2017

Marinsein Succeeding Stang at Helm of Fox Rothschild's Pittsburgh Office