

**Attorney
Biography**

Robert L. Haig



Practice Area:
Litigation

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Mr. Haig's practice focuses on commercial, personal injury, and other types of civil litigation in Federal and New York State courts at both the trial and appellate levels.

Representative Experience:
Commercial

Represented Union Carbide in *Created Gemstones, Inc. v. Union Carbide Corporation*, a case involving claims of breach of a contract for the sale of synthetic gems. During the representation Mr. Haig had two separate trials before a jury in the New York County Supreme Court; argued two separate appeals in the Appellate Division for the First Department; and argued another appeal in the Court of Appeals.

Represented Liberty Mutual Insurance Company in an insurance coverage litigation against the County of Onondaga relating to an Owners and Contractors' Protective Liability Policy issued by Liberty Mutual on behalf of the County. Argued motions for summary judgment in the Onondaga County Supreme Court and appeal to the Appellate Division for the Fourth Department.

Represented Guinness-Harp Corp. in *Guinness-Harp Corp. v. Jos. Schlitz Brewing Co.*, which included a claim by Guinness that Schlitz had improperly terminated the beer distributorship agreement between the parties. The representation included a preliminary injunction hearing in the United States District Court for the Eastern District of New York, an appeal to the United States Court of Appeals for the Second Circuit, and extensive arbitration hearings.

Represented manufacturer in litigation with investment bank over contract for investment banking services. Successfully opposed bank's motion for a preliminary injunction.

Represented Otis Elevator Company in litigation involving a claim of theft of trade secrets.

Successfully moved for summary judgment on behalf of a foreign bank dismissing an action against the bank on a letter of credit which it had issued.

Bench trial in New York County Supreme Court involving value of lease renewal for a commercial garage.

Represented hospital in litigation against operator of commercial parking

facilities. The representation included a jury trial in the New York County Supreme Court and subsequent bankruptcy proceedings of the defendant and related corporations.

Defended Greyhound Corporation against stockholder litigation in New York and Delaware alleging fraud, breaches of fiduciary duties, and market manipulation in connection with a merger in which Greyhound Computer Corporation was merged into a wholly-owned subsidiary of Greyhound Corporation.

Represented a global fast food company and the U.S. subsidiary of a German automobile manufacturer in franchise and other litigation.

Represented mining company in litigation in the United States District Court for the Eastern District of New York against Panamanian shipping company, Canadian freight forwarder, and related parties alleging breaches of contract and tortious acts in connection with a shipment of 2,300 tons of asbestos from Canada to Iran.

Represented various clients in connection with collection of debts and enforcement of judgments (including prejudgment investigation, disclosure, and provisional remedies, post-judgment disclosure and enforcement proceedings, and bankruptcy proceedings).

International

Represented Pan American World Airways in an action seeking an injunction restraining Citibank and an Iranian bank from making payments on letters of credit and bank guarantees they issued in connection with a contract entered into by Pan Am and the Imperial Government of Iran shortly before the Iranian revolution in 1979. Successfully argued motion for a preliminary injunction in the United States District Court for the Southern District of New York.

Defended Union Carbide in litigation in the United States District Court for the Southern District of New York in which the plaintiff, an Iranian corporation, contended that a shipment of plastics it had purchased was defective. In addition to product liability issues, the case presented various international law questions arising from its pendency during the Iranian revolution.

Trusts and Estates

Represented parties in will contests and objections to probate as well as in contested accounting proceedings and against charges of self-dealing. My work has included representation of the Personal Trust Department of Manufacturers Hanover Trust Company.

Real Estate

Six week bench trial in New York County representing Equitable Life Insurance Company in litigation with commercial tenant of 500 Park Avenue over extent of completion of construction. Court awarded judgment of \$2.3

million which was the precise amount Equitable had requested. Representation included involvement in subsequent bankruptcy proceedings of the defendant and related entities.

Two trials (one before a jury and one bench trial) on behalf of separate real estate brokers in New York County seeking payment of real estate brokerage commissions.

Represented Exxon Corporation in Article 78 proceedings challenging determinations by the New York City Buildings Department and Board of Standards and Appeals that the New York City Zoning Ordinance does not permit gasoline service stations and convenience stores to be combined on the same parcel of land.

Represented plaintiffs who instituted litigation against developer of proposed 460 unit condominium building in Orange County. Argued Article 78 proceedings and represented clients in hearing before Town Board.

Defended major oil company in a litigation brought by homeowners claiming personal injuries and property damage as a result of an alleged gasoline leak from service station premises onto their property. Successfully moved for summary judgment dismissing plaintiffs' claims and various cross-claims against the client.

Represented construction companies in various construction disputes including mechanics' lien litigation.

Represented landlords in various disputes and litigations with commercial and residential tenants.

Labor and Employment

Represented Union Carbide in *Whittlesey v. Union Carbide*, a case involving a claim by the Chief Labor Counsel of Union Carbide that he had been required to retire in violation of the Age Discrimination in Employment Act. Plaintiff contended that he did not fit within the statutory exemption for permissible compulsory retirement at age 65 for persons employed in "a bona fide executive or high policy making position". Representation included a preliminary injunction hearing and a trial in the United States District Court for the Southern District of New York.

Represented United Technologies Corporation and Otis Elevator Company in litigation brought by the Equal Employment Opportunity Commission in the United States District Court for the Southern District of New York on behalf of several hundred former Otis employees alleging that denial of severance benefits to laid-off workers because they were eligible for pensions constituted a willful violation of the Age Discrimination in Employment Act.

Defended a mining corporation against a charge of age discrimination.

Represented newspaper in litigation with unions relating to delivery of papers

Antitrust

Represented clients in antitrust litigations including Union Carbide, Austrian manufacturer of mining equipment, and CEO of television industry corporation.

Represented distributor in connection with California State antitrust and unfair competition claims.

Represented cement manufacturer in connection with Justice Department and Federal Trade Commission investigations of pricing.

Product Liability

Represented elevator manufacturer, chemical manufacturer, oil company, and other clients in numerous product liability cases.

Argued appeals for Otis Elevator Company in the Appellate Divisions for the First and Second Departments in cases involving elevator accidents.

Represented Union Carbide in case involving acetone explosion which included a jury trial in the United States District Court for the Eastern District of New York.

Counselled clients relating to various product liability issues (such as labelling, warnings, and design of products, insurance, and litigation and settlement strategies).

Defended Union Carbide in class action alleging defects in swimming pool liners in many of the swimming pools on Long Island. Successfully opposed plaintiff's motion for class certification.

Defended Union Carbide in case involving alleged toxic neuropathy as a result of plaintiff's exposure to industrial solvents. Argued appeal in the Appellate Division for the Second Department.

Defended the New York City Housing Authority against multiple actions brought by employees of a construction company alleging personal injuries as a result of exposure to PCBs. Represented Union Carbide in a toxic tort litigation in the United States District Court for the District of Maryland in which numerous plaintiff-employees of a chemical processing plant sued various chemical manufacturers for personal injuries allegedly resulting from exposure to the chemicals.

Represented Exxon in product liability actions, including cases relating to design of service station facilities, equipment (such as gasoline pump nozzles and machinery for inflating tires), and products (such as tires).

Represented Union Carbide in a lawsuit involving personal injuries allegedly sustained as a result of a fire caused by a consumer product.

Represented Union Carbide in proceedings in the United States Bankruptcy Courts in the Southern District of New York and the Southern District of Texas in which it sought recovery from the operator of a facility for the

storage of bulk chemicals in connection with a shipment of 500 tons of a chemical from Texas to Belgium which was contaminated and rejected by Union Carbide's customer.

ERISA

Represented the Trust Administrative Committee of the Eastern Airlines Pilots Pension Plan in litigation by pilots in the United States District Court for the Southern District of Florida alleging violations of fiduciary duties and participation in transactions prohibited under ERISA in connection with making certain investments and loans, alleged failure to diversify investments, and sale of certain properties.

Personal Injury

Supervised the defense of approximately 300 personal injury cases for the New York City Housing Authority including cases involving building security, elevator accidents, premises liability, automobile accidents, and other matters. Representation included successfully arguing an appeal in the Appellate Division for the First Department in a case involving the scope of the "zone of danger".

Represented Otis Elevator Company in personal injury litigation arising out of accident at a construction site.

Represented Exxon Corporation in numerous personal injury cases involving premises liability, automobile accidents, and other matters.

Tried a personal injury case on behalf of a plaintiff in the Westchester County Supreme Court.

Represented physician in connection with medical malpractice litigations and other matters.

Represented major railroad company in connection with personal injury and freight damage claims.

General

Represented the defendant in one of the first "palimony" cases. Successfully argued motion for summary judgment dismissing plaintiff's action in the New York County Supreme Court and appeal in the Appellate Division for the First Department. Conducted deposition of plaintiff which lasted for 46 full days and resulted in transcript of 6,700 pages.

Represented four partners of a major law firm in separate disputes with the firm relating to their departures from the firm. Also represented partner of small law firm in litigation in the United States District Court for the Southern District of New York relating to the dissolution of the firm.

Represented national not-for-profit organization in connection with various contractual, labor, trademark, and other matters.

Counselled corporate law departments with respect to various litigation management issues such as litigation plans and budgets.

Honors and Awards:

Listed in "New York Super Lawyers," 2009

Professional Activities:

President, New York County Lawyers' Association, 1992-94

Member, New York State Bar Association's Executive Committee, 1991-94

Chair, Committee on the Judiciary of the Association of the Bar of the City of New York, 1989-92, Council on Judicial Administration, 1996-99

Member, House of Delegates of the American Bar Association

Member, American Law Institute

Life Fellow of both the American Bar Foundation and the New York Bar Foundation

Member, Departmental Disciplinary Committee of the Appellate Division, First Judicial Department

Member, New York State Judicial Salary Commission

Director, Committee for Modern Courts

Publications:

Mr. Haig has written and lectured extensively on various litigation topics. He is the Editor-in-Chief of a six volume, 6,700 page book, published by West Group in 1998 in a joint venture with the American Bar Association Section of Litigation, entitled *Business and Commercial Litigation in Federal Courts*. He is also the Editor-in-Chief of a three volume, 3,600 page book, published by West Group in 1995, entitled *Commercial Litigation in New York State Courts*. He is the principal author of the *Corporate Counsel's Guide*, published by the New York State Bar Association as well as of numerous articles and book chapters.

Bar Admissions:

New York, 1971

Southern and Eastern Districts of New York

Second Circuit Court of Appeals

Education:

Harvard Law School, J.D., 1970

Yale University, A.B., 1967

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