

# Eric E. Lynch

SHAREHOLDER

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Eric Lynch works to turn complex problems into positive outcomes. He partners with clients to achieve timely and favorable results in and out of court. He combines his more than 30 years of experience as an advisor, litigator and trial attorney to address clients' business objectives.

His practice focuses on addressing a wide variety of litigation matters for clients in the software, manufacturing, construction, emerging technologies, real estate development, professional services, energy, health care, sports and retail industries.

Eric has substantial experience handling cases for clients concerning breach of contract, partnership obligations, fiduciary duties, professional liability, trademark and copyright disputes, unfair competition, fraud and trade secrets with a mix of plaintiff and defendant representation.

## Education

- The John Marshall Law School (J.D., 1992)
- Syracuse University (B.A., 1989)

## Bar Admissions

- Arizona, 2006
- Illinois, 1993
- New Jersey, 1992
- New York, 1995

## Court Admissions

- U.S. District Court, District of New Jersey
- U.S. District Court, Northern District of Illinois
- U.S. District Court, District of Arizona
- U.S. Court of Appeals, Ninth Circuit

## Capabilities

- Commercial Litigation
- Litigation
- Construction
- Restrictive Covenants & Trade Secrets Litigation

## Memberships

- Greater Phoenix Chamber
  - Board of Directors, 2022-present
- American Bar Association
  - Litigation Section, 2006-present
  - Torts and Insurance Section, 2006-present
- State Bar of Arizona
- Maricopa County Bar Association
  - Construction Law Section, 2011-present

## Recognition

- Selected for inclusion in *Best Lawyers in America*® for Commercial Litigation, 2019-2026

## Matters

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- Represented leading retail entity against False Claims Act damage claims in federal court related to Medicare obligations in connection with settlement of injury matters seeking billions in damages. Case was dismissed with prejudice against client through motion practice and upheld on appeal by the Second Circuit.
- Won dismissal with prejudice on motion practice for major prime contractor client (design/build) against insurer for municipality in subrogation seeking damages in excess of eight figures related to a 2017 storm.
- Obtained seven figures plus settlement for most of real estate developer client's own claims during a three week trial while removing nearly every claim against it at, and before on summary judgment, trial amounting to in excess of \$40,000,000 in alleged damage claims.
- Representing industry leading real estate development business, related entities and officers in state and federal actions against former vendor and executives related to eight figure damage claims related to numerous domestic and foreign projects.
- Obtained a pay nothing settlement for medical staffing company client days before trial against former physician employee seeking multiple seven figures in damages after successful motion practice removed most of the adverse claims and much of the evidence advanced by the opposition.
- Gained successful resolution of an action between a software developer client and a major former customer and allied entity over damages that amounted to a "bet the company" figure. The resolution included a substantial payment to the client on its counterclaims.
- Represented major energy company client against governmental entity concerning the operation of a coal mine and related facility implicating thousands of jobs and billions in damages.
- Procured a "walk away" settlement for software entity client against competitor claims for unfair trade practices and assorted business tort claims with damages claims that amounted to a "bet the company" figure after dismissal of majority of claims against client on successful summary judgment practice and defeat of all of the summary judgment arguments by adversary against client's counterclaims on the eve of trial.
- Gained favorable resolution of a declaratory judgment action brought by professional liability insurer attempting to deny coverage under its policies for an underlying liability action seeking in excess of \$30,000,000 to insured health care provider client through

successful motion practice, fact and expert discovery that undermined the insurer's coverage positions leading to the insurer dismissing its coverage action and making a substantial payment to settle the underlying action for our insured client.

- Representing software services client against former customer seeking seven figures plus in damages with counterclaims in the same range arising from implementation of an ERP system.
- Gained summary judgment on behalf of developer and general contractor against insurer for breach of its duty to defend and indemnify. The case was settled on appeal for an amount totaling most of the value of the pending judgments of over \$4,600,000.
- Obtained in excess of \$7,000,000 in recoveries from insurer and contractor defendants in a series of related construction defect coverage actions on behalf of a developer and general contractor.
- Won damages award for vendor client entity against major franchisor after multi-week arbitration.
- Secured a favorable settlement at mediation for a former CEO of a manufacturing entity facing significant damage claims for alleged dissipation of assets in relation to oversight of an ERISA subject company profit sharing plan which included a substantial damage payment to the client for his counterclaims.
- Procured favorable settlement for energy services company client against its insurer for environmental cleanup-related damages resulting from a pipeline spill loss in Texas after successful motion and discovery practice.
- Gained policy limits settlement for energy services provider against its insurer to address environmental spill losses at a treatment facility in Ohio at mediation after successful motion practice.
- Obtained favorable settlement at mediation on behalf of shareholder clients against corporation and its officers/board members through policy limits payment by D&O carrier after successful motion practice before district and bankruptcy courts.
- Represented product manufacturers/sellers in trademark and unfair trade practices lawsuit between competing entities in rapidly emerging area. Case featured substantial damage claims by both sides and active motion practice. Multiple victories in motion phase led to favorable settlement for clients.
- Won multiple summary judgment motions that removed the majority of claims against clients in action relating to the assets of a mining partnership entity while defeating all summary judgment motions against clients' affirmative claims leading to a favorable settlement for clients.
- Secured favorable ruling by Special Master in month-long evidentiary hearing barring key evidence and related discovery resulting in removal of adversaries' chief defenses from interrelated cases—leading to a favorable settlement for clients in a construction lawsuit.
- Obtained special action decision by Court of Appeals overturning key rulings by Special Master on evidentiary privilege issues that limited opponents' defenses and led to favorable resolution of real estate development case.
- Gained favorable business-driven settlement in a dispute between analytics company client and a major customer without litigation that led to a vastly increased relationship and avoided potentially business-ending litigation.
- Won arbitration award (which became a court issued judgment) for health care client against a former officer enforcing non-solicitation and non-disclosure terms of an employment agreement leading to a substantial damages recovery by the client.
- Represented a health care organization against a former physician employee to enforce a non-compete, non-disclosure and non-solicitation terms in an employment agreement with tortious interference claims against the former employee's new employer (a competitor). Obtained a favorable settlement to resolve claims with payment to client.