

Nipun J. Patel

SHAREHOLDER

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Nipun J. Patel has a national trial practice counseling and representing clients in major litigation in a wide variety of areas, including business torts, employment law, ERISA, commercial contract disputes, restrictive covenants, trade secrets, data privacy and putative class actions. Nipun has led trial and arbitration teams tackling complex and difficult cases, with great success for his clients. Nipun's dedication to serving the needs of his clients recently garnered recognition as a "*Client Service All-Star*" by BTI Consulting.

Education

- Temple University Beasley School of Law (J.D., *cum laude*)
- Temple University, Fox School of Business and Management (B.B.A., *magna cum laude*)

Bar Admissions

- New Jersey
- Pennsylvania

Court Admissions

- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Middle District of Pennsylvania
- U.S. District Court, Western District of Pennsylvania
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, First Circuit

Memberships

- South Asian Bar Association of Philadelphia, Past President, 2017-2020
- Philadelphia Diversity Law Group, Board of Directors, 2017-2024
- Philadelphia Bar Association, Board of Governors, 2019-20
- Philadelphia Bar Association, Commission on Judicial Selection and Retention, 2019

Capabilities

- Litigation
- Class Action & Multidistrict Litigation
- Commercial Litigation
- Financial Services Litigation
- Real Estate Litigation
- ERISA Litigation
- Employment Litigation, Arbitration & Dispute Resolution
- Labor & Employment

- Legacy Youth Tennis and Education, Board of Directors, General Counsel, 2013-2016

Recognition

- Named BTI Client Service All-Star, 2024
- Recognized by *Philadelphia Business Journal*, Best of the Bar, 2022
- Selected by *Philadelphia Business Journal*, Millennial Lawyers to Watch, 2017
- Leadership Council on Legal Diversity Fellow, 2015
- Recognized by *The Legal Influencer*, “Lawyers on the Fast Track,” 2014; “Unsung Hero,” 2008

Publications

December 16, 2025

Court Dismisses ERISA Fee Suit Against Kellogg, Reinforcing Pleading Standards for Plan Sponsors

May 7, 2025

Supreme Court Revives ERISA Litigation Dismissed in Second Circuit: Will the Supreme Court’s Adoption of a Liberal Pleading Standard Increase ERISA Class Actions Under Section 406?

Matters

Class Action Defense

- *Enslin v. The Coca-Cola Company*, et al., Case No. 2:14-cv-06476 (E.D. Pa.): Obtained summary judgment, and affirmance on appeal, in a putative class action alleging privacy violations under federal and state law in connection with the theft of 55 laptops containing employee information.
- Led defense of a national bank in a putative class action alleging violations of the Americans with Disabilities Act (ADA).
- Led defense of a national bank in a putative class action alleging mortgage servicing violations.
- Led defense of multiple putative class actions filed under the Telephone Consumer Protection Act (TCPA).
- In multiple cases, obtained dismissal with prejudice of putative class actions under the Fair Debt Collection Practices Act (FDCPA). *Kevin Parrish v. Verizon Pennsylvania, Inc.*, 2:12-cv-05575 (E.D. Pa.): Convinced district court to strike with prejudice nationwide class claims in a putative Fair Labor Standards Act (FLSA) collective action alleging failure to pay overtime.
- Defended a Fortune 500 services company in a putative class action alleging failure to comply with regulations of the Fair Credit Reporting Act (FCRA).

Commercial Litigation

- *Bergen Beverage Distribs. LLC v. Coca-Cola Refreshments USA, Inc.*, et al., No. 2:17-cv-04735 (D.N.J.): As lead counsel, obtained complete dismissal of fraud, negligence and conspiracy claims arising out of commercial distribution agreement.
- As lead counsel, represented NBA franchise in a commercial contract dispute with a former marketing partner.
- As lead counsel, represented an international natural gas company in a commercial contract dispute with a former joint venture partner.
- Represented managed care organization in multiple commercial contract disputes.
- Defended against multimillion-dollar breach of contract/warranty claims arising out of the failure of a power transformer at a nuclear power plant.
- Represented a petroleum manufacturer as plaintiff in a complex tort case seeking recovery of lost production revenue from a neighboring industrial manufacturer that was a customer of the same public utility.
- *Checker Cab Phila., Inc. v. Uber Techs., Inc.*, No. 14-7265 (E.D. Pa. 2015): Defeated a motion for preliminary injunction based on the Lanham Act and unfair competition claims seeking to halt Uber's operations in Philadelphia County; decision subsequently affirmed at 643 F. App'x. 229 (3d Cir. 2016).
- *VBR Tours, LLC v. Nat'l R.R. Passenger Corp.*, No. 14-cv-804, 2016 WL 4945015 (N.D. Ill. Sept. 15, 2016).
- Obtained dismissal of Sherman Antitrust Act and Illinois Antitrust Act claims alleging unlawful monopolization of alleged market for intercity rail vacations, as well as refusal to deal, conspiracy to restrain trade and price discrimination.
- In *Re Mission Construction*, No. 10-cv-04262 (S.D.N.Y.): Defended the Permanent Mission of the Republic of Namibia in a complex, multiparty construction dispute raising novel issues under the Foreign Sovereign Immunities Act (FSIA).
- Obtained dismissal of fraud and related breach of contract claims arising out of commercial contract for health care information technology service for a health care provider client.
- Represented a global advertising and media company as plaintiff in a commercial contract dispute and successfully defended against alleged multimillion-dollar tortious interference claims.

Trade Secret, Restrictive Covenant, Whistleblower and Employment Litigation

- Following a five-day jury trial as lead counsel in the U.S. District Court for the Southern District of Florida, defeated claims brought by former employer against employee and his new employer for alleged violations of the federal Defend Trade Secrets Act (DTSA).
- Defeated severance pay claim brought by former CEO of international technology company, and after six-day jury trial as lead counsel, obtained favorable verdict on breach of fiduciary duty counter claims.
- Obtained dismissal with prejudice of putative whistleblower claims brought under the Sarbanes-Oxley Act (SOX) by former in-house lawyer.
- As lead counsel, represented a global pharmaceutical company in defending putative whistleblower claims under the New Jersey Conscientious Employee Protection Act (CEPA).
- For a global pharmaceutical company, obtained dismissal of SOX whistleblower claim filed before Administrative Review Board.
- Obtained, on multiple occasions, temporary restraining orders, preliminary and/or permanent injunctions against former employees who were in violation of post-employment restrictive covenants.
- For a national health care company, successfully defended against trade secret and

breach of contract/restrictive covenant claims filed in multiple jurisdictions.

- Represented companies facing a wide array of employment-related disputes, including discrimination, retaliation, harassment, wrongful discharge, wage and hour, employee benefits (ERISA) and breach of contract claims.
- Experience includes more than 80 cases in federal and state courts throughout the country.
- Routinely counsel and advise employers on restrictive covenant agreements, employee handbooks and workplace policies.

Financial Services Litigation

- Represented a national investment adviser in multiple suits alleging securities fraud and breach of fiduciary duty.
- Litigated claims under the Trust Indenture Act (TIA) on behalf of trustees and financial institutions.
- Successfully tried securities fraud claims on behalf of a national investment adviser to verdict before a Financial Industry Regulatory Authority (FINRA) arbitration panel.
- As lead counsel for a national mortgage servicer, successfully tried lender liability defenses/counterclaims to verdict.
- *Lesley Banks v. Beneficial Consumer Discount Co.*, Case No. 081103799 (Phila. Ct. Comm. Pleas): As lead counsel, successfully tried to verdict novel claims brought by a consumer seeking to rescind a mortgage loan under the Pennsylvania Unfair Trade Practices and Consumer Protection Law (UTPCPL); subsequently authored winning appellate brief and argued appeal.
- *DiCostanzo v. Wells Fargo Bank, N.A.*, No. 040903023 (Phila. Ct. Comm. Pleas): Successfully tried to verdict a consumer claim for rescission of a mortgage loan under the Truth in Lending Act (TILA).
- In dozens of cases, defended financial institutions facing Fair Debt Collection Practices Act (FDCPA), TILA, Telephone Consumer Protection Act (TCPA), UTPCPL, Real Estate Settlement Procedures Act (RESPA) and Fair Credit Reporting Act (FCRA) claims.