

## James H. S. Levine

Partner

Wilmington

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A first-chair trial attorney with a nationwide practice, James develops and executes tailored strategies in high-stakes breach of contract, fiduciary duty, fraud, and trade secret cases to help maximize value and client satisfaction.

### OVERVIEW

James represents clients in complex corporate and commercial litigation, with a particular focus on breach of contract and fiduciary duty claims arising under Delaware law. Combining zealous advocacy with the creativity of a third-party neutral, clients rely on his experience as a court-appointed special magistrate and ability to develop effective solutions to the most complex legal problems to achieve their litigation goals. James also serves as lead Delaware counsel in high stakes patent and trademark litigation.

He has extensive experience in corporate and commercial litigation, including:

- Breach of contract and fraud actions, including claims arising out of merger agreements, asset purchase agreements, stock purchase agreements, and other commercial agreements.
- Breach of fiduciary duty actions against corporate officers and directors, LLC members and managers, and partners and limited partners.
- Actions seeking injunctive relief, including motions for temporary restraining orders and preliminary injunctions.
- Restrictive covenant and trade secret litigation.
- Statutory proceedings including books and records actions, advancement and indemnification proceedings, and actions to determine corporate directors and LLC managers.

### REPRESENTATIVE MATTERS

#### Commercial Litigation

- *Royce Management, Inc., et al. v. Bank of America, N.A., et al.*, C.A. No. OCN L 001353-21 (N.J. Super.) – secured complete summary judgment victory for national financial institution in dispute over compliance with subpoena for depositor records, where depositor alleged breach of contract, breach of fiduciary duty, conspiracy, and violation of privacy rights.
- *CBV, Inc. v. ChanBond, LLC, et al.*, C.A. No. 21-1456-MN (D. Del) – secured summary judgment in favor of

patent monetization agent against breach of contract claims and confirmation of arbitration award.

- *P5 Logis LLC v. Treviño Zambrano*, C.A. No. N24C-07-072 PRW CCLD (Del. Super.) – represent global port operator in breach of contract action over defendant's failure to meet \$25 million funding obligation.
- *Longshot Holdings, Inc., et al. v. Quaker Chemical Corp.*, A. No. N22C-04-129 MAA CCLD (Del. Super.) – successfully defended sellers of business interests against summary judgment in dispute over gross-up tax payments arising from asset sale.
- *Trintech, Inc., et al. v. Fiserv, Inc., et al.*, C.A. No. 2025-005-MTZ (Del. Ch.) – defend seller of financial services technology products against claimed breaches of representations and warranties, and for specific performance under sale agreement.
- *American Alternative Insurance Corp. v. Commercial Insurance Associates, LLC et al.*, C.A. No. 25-037-SAG (D. Md.) – represent insurance company in action for breach of contract and fraud in connection with unauthorized issuance of surety bonds.
- *GlassHive LLC v. AppDirect, Inc.*, C.A. No. N23C-03-278 MAA CCLD (Del. Super.) – defended subscription commerce platform provider in breach of contract/misappropriation dispute with former contract partner.

### **Corporate/Fiduciary Litigation**

- *In re Neofocal Systems, Inc.*, C.A. No. 2018-0304-NAC (Del. Ch.) – represent specialty semiconductor manufacturer in breach of fiduciary duty litigation concerning alleged misconduct by controlling stockholder.
- *Freeman v. Hurst, et al.*, C.A. No. 22-01433-RFB-VCF (D. Nev.) – represent pharmaceutical research and development companies in breach of fiduciary duty, breach of contract, and fraud action alleging improper share distributions.
- *Exit Strategy, LLC v. Festival Retail Fund BH, L.P., et al.*, C.A. No. 2017-0017-JTL (Del. Ch.) – secured complete defense trial victory (affirmed on appeal by *en banc* Delaware Supreme Court) of general partner and fiduciaries of a real estate holding company against breach of contract and fiduciary duty claims in connection with interpretation of limited partnership agreement.
- *Milligan v. Salamone, et al.*, Adv. No. 16-01078-tmd (W.D. Tex. Bankr.) – defended former financial services holding company CEO and director against breach of fiduciary duty and fraudulent transfer claims.
- *In re Freeport-McMoran Copper & Gold Inc. Derivative Litig.*, C.A. No. 8145-VCN (Del. Ch.) – defended independent directors of acquirer mining company against fiduciary duty claims in connection with \$20 billion acquisition of two publicly traded oil and gas exploration corporations.

### **Corporate Statutory Proceedings**

- *Baum v. MilAdvisor Inc.*, C.A. No. 2022-0538-KSJM (Del. Ch.) – represent stockholders in action to compel production of books and records to investigate potential misconduct by corporate fiduciaries.
- *Salomon v. Kroenke Sports & Entertainment, LLC, et al.*, C.A. No. 2019-0858-JTL (Del. Ch.) – represented former limited liability company officer in action securing and enforcing indemnification and advancement rights.
- *Alpine Hill Capital, LLC v. DeLee Development LLC*, C.A. No. 2023-0360-LWW (Del. Ch.) – defended limited liability company manager in removal dispute and related claims.
- *Ephrat, et al. v. medCPU, Inc., et al.*, C.A. No. 2018-0852-MTZ (Del. Ch.) – secured advancement for founders and former executives of medical technology company for fees incurred in business divorce and trade secret misappropriation action.
- *Danenberg v. Fittracks, Inc.*, C.A. No. 6454-VCL (Del. Ch.) – secured advancement for former footwear technology company CEO in underlying action alleging misrepresentations in merger negotiations.

### **Restrictive Covenants/Trade Secrets**

- *WorkCo, Inc. d/b/a Toku v. LiquiFi, Inc.*, C.A. No. 2024-1334 (Del. Ch.) – successfully defended trade secrets preliminary injunction motion that would have substantially restricted crypto token management company's ability to compete lawfully with plaintiff competitor.

- *AMETEK, Inc. v. Sorelle, et al.*, C.A. No. 2021-1065-VCZ (Del. Ch.) – represented global manufacturer of electronic instruments and electromechanical devices in action to enforce confidentiality and noncompetition restrictions against former executive who accepted CEO position with competitor.
- *Automatic Apartment Laundries Inc. v. Delange, et al.*, C.A. No. 2022-0342-SG (Del. Ch.) – represented coin-operated laundry services provider in action to enforce noncompetition and nonsolicitation covenants against former employee who accepted executive position with direct competitor.
- *U.S. Legal Support, Inc. v. Lucido, et al.*, C.A. No. 2021-0289-MTZ (Del. Ch.) – successfully defended preliminary injunction motion that would have prevented former employee from lawfully competing.
- *CSC ServiceWorks, Inc. v. Rozsa, et al.*, C.A. No. 2021-0864-LWW (Del. Ch.) – successfully defended injunction motion that would have prevented former employee from working in same industry but in a different capacity.
- *iBio, Inc. v. Fraunhofer-Gesellschaft Zur Forderung Der Angewandten Forschung, E.V.*, C.A. No. 2017-0790-TMR (Del. Ch.) – obtained dismissal of \$300 million trade secret misappropriation lawsuit against a leading application-oriented research organization.

### **Escrow/Earnout/Working Capital Disputes**

- *Fellerman v. Collections Acquisition Company, Inc.*, C.A. No. 2024-0363-EMD (Del. Ch.) – defend acquirer payment processing company in dispute over release of holdback following company acquisition.
- *Exhibits USA, Inc. et al v. PGEX Acquisition, LLC et al.*, C.A. No. 24-412-GBW (D. Del.) – represented asset sale buyers in dispute over payment of seller note and working capital calculation.
- *Thorp v. PerkinElmer Holdings, Inc.*, C.A. No. 8060-VCP (Del. Ch.) – represented stockholder representative in action concerning calculation of post-closing earnout payment.
- *NewSpring Mezzanine Capital II, L.P. v. Hayes, et al.*, C.A. No. 14-1706-GAM (E.D. Pa.) – represented post-closing purchaser in action for indemnification, fraud, and breach of contract claims, including defending cross-claims by sellers for fraud, breach of contract, and securities law violations.

### **Business Divorce**

- *Universal Life Insurance Co. v. Lindberg*, C.A. No. 2024-441-NAC (Del. Ch.) – represent judgment creditor in action to unwind fraudulent conversion by debtor of corporation into limited liability company.
- *Weiss v. Preston, et al.*, C.A. No. 2017-0818-MTZ (Del. Ch.) – represented LLC member in suit to compel judicial dissolution of two joint ventures that operate continuing care retirement communities.
- *Auritec Pharmaceuticals, Inc. v. Eupraxia Holdings, Inc.*, C.A. No. 2017-0019-TMR (Del. Ch.) – represented stockholder in suit to compel judicial dissolution of joint venture pharmaceutical company, including assertion of counterclaims for breach of contract, fraudulent inducement, and negligent misrepresentation.

### **Intellectual Property Litigation**

- *Selene Finance, LP, et al. v. Zeta Services, Inc.*, C.A. No. 2025-459-JLH (D. Del.) – represent finance company in trademark infringement action for infringing use of plaintiff's established marks by defendant marketing company's AI platform.
- *Bunge Lodgers Crokiaan USA, LLC v. Cargill, Inc.*, C.A. No. 24-884-RGA (D. Del.) – represent edible oil manufacturer in action against global direct competitor for infringement of patent employed in premium shortenings.
- *Glanta Ltd. v. Soapy Care Ltd., et al.*, C.A. No. 24-365-RGA (D. Del.) – obtained dismissal of asserted independent claims of handwashing monitoring system technology as unpatentable on Section 101 motion.
- *Design with Friends, et al. v. Target Corp.*, C.A. No. 21-1376-SB (D. Del.) – represented owner of online room design tool in suit for copyright and trade dress infringement, resulting in favorable settlement.
- *Scrub Daddy, Inc. v. 3M Company*, C.A. No. 24-509-JLH (D. Del.) – represented patent owner cleaning product manufacturer in infringement dispute with competitor over cleaning product technology.

- *Align Technology, Inc. v. 3Shape A/S, et al.*, multiple actions (D. Del) – represented developer and manufacturer of dental 3D scanners and software solutions in multiple actions for patent infringement.

## AWARDS

- *Best Lawyers in America*®: Commercial Litigation (2026), Corporate Law (2026)
- *Best Lawyers in America*®: *Ones to Watch*: Commercial Litigation (2021-2025), Corporate Law (2022-2025)
- Rated AV Preeminent by *Martindale-Hubbell*® (2014-2024)
- Selected for inclusion on the 2017 *Delaware Rising Stars* list

## TOP AREAS OF FOCUS

- Business Litigation
- Corporate Governance
- Delaware Court of Chancery Litigation
- Litigation + Trial
- Patent Litigation

## ALL AREAS OF FOCUS

- Business Litigation
- Class Action
- Corporate Governance
- Delaware Court of Chancery Litigation
- Emerging Companies + Venture Capital
- Litigation + Trial
- Noncompete + Trade Secrets
- Patent Litigation
- Securities Litigation

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Co-editor-in-chief, *Delaware Lawyer* (2012-present)
- Member, *Law360* Delaware Editorial Advisory Board (2024-present)
- Member, Delaware Board of Bar Examiners (2023-present)
- Chair, Swarthmore Borough Planning Commission (2017-present)
- Immediate past chair, E-Discovery & Technology Law Section; council member, Litigation Section; member, Corporation Law Section, Delaware State Bar Association
- Immediate past president of the Delaware Chapter, Villanova Law Alumni Association
- Benchler, Richard S. Rodney American Inn of Court (2010-present)

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- Villanova University Charles Widger School of Law, J.D., *magna cum laude*, 2007, articles editor, *Villanova Law Review*; chairman, Honor Board; Order of the Coif
- University of Delaware, B.A., 2000, criminal justice; president, Kappa Sigma Fraternity; Delaware Undergraduate Student Congress

## **BAR ADMISSIONS**

- Delaware
- New Jersey
- Pennsylvania

## **COURT ADMISSIONS**

- U.S. District Court, District of Delaware
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Third Circuit

## **CLERKSHIPS**

- Hon. Lawrence F. Stengel, U.S. District Court, Eastern District of Pennsylvania, 2006

## **SPEAKING ENGAGEMENTS**

- Panelist, "[Connecting the Dots: From Custodian Interview to the Review Platform](#)," The Delaware Institute, December 11, 2025.
- Panelist, "[Recent Developments in eDiscovery](#)," Delaware State Bar Association Technology and the Law Section, November 18, 2025.
- Moderator, "A View from the Bench," Judicial Intern Opportunity Program Orientation, American Bar Association, Litigation Section, June 4, 2025.
- Moderator, "[Unilateral Conduct: Companies in the Danger Zone?](#)," Troutman Pepper Annual Antitrust CLE Event, December 5, 2024.
- Speaker, "[Ethics and Professionalism: The Delaware Way](#)," Delaware State Bar Association CLE, November 21, 2024.
- Speaker, "[Delaware Court of Chancery Practice](#)," Delaware State Bar Association's Fundamentals of Civil Litigation 2024, Delaware State Bar Association, November 6, 2024.
- Panelist, "[Technology and the Law](#)," Delaware State Bar Association, October 2, 2024.
- Panelist, "[Recent Developments in E-Discovery](#)," Recent Developments in Privacy and Data Security, E-Discovery and AI 2023, October 4, 2023.
- Speaker, "[Delaware Court of Chancery Practice](#)," Delaware State Bar Association's Fundamentals of Civil Litigation 2022 CLE, November 9, 2022.
- Speaker, "[Maximizing Legal Analytics as a Competitive Advantage in Delaware State Trial Courts 2022](#)," Delaware State Bar Association and Trellis, March 29, 2022.
- Panelist, "[Recent Developments in Data Security and E-Discovery 2021](#)," Delaware State Bar Association, December 15, 2021.
- Presenter, [Troutman Pepper's Annual Antitrust CLE Event](#), December 8, 2021.
- Moderator, "[Hot Topics in Blockchain Technology 2021](#)," Delaware State Bar Association, July 13, 2021.

- Panelist, “Recent Developments in Data Security and E-Discovery,” Delaware State Bar Association, November 18, 2020.
- Panelist, “The Litigator and Corporate Counsel—Who Needs What?,” Delaware State Bar Association, November 10, 2020.
- Co-speaker, “What Delaware Lawyers Need to Know About Privacy Law,” Delaware State Bar Association, June 22, 2020.
- Speaker, “Recent Developments in Data Security and E-Discovery,” Delaware State Bar Association, October 8, 2019.
- Speaker, “Recent Developments in Data Security and E-Discovery,” Delaware State Bar Association, November 14, 2018.
- Speaker, “Sophisticated Deposition Strategies,” National Business Institute, October 19, 2018.
- Moderator, “Blockchain II: Where No Contract Has Gone Before,” Delaware State Bar Association 2018 Bench and Bar Conference, June 15, 2018.
- Speaker, “Sophisticated Deposition Strategies,” National Business Institute, November 17, 2017.
- Speaker, “Recent Developments in Data Security and E-Discovery,” Delaware State Bar Association, November 14, 2017.
- Speaker, “Preparing for Electronic Discovery in Litigation,” National Business Institute’s Advanced Employment Law Seminar, December 14, 2016.
- Moderator, “Managing E-Discovery Effectively: Meeting the Expectations of Your Clients and the Court,” Delaware State Bar Association, October 15, 2015.
- Moderator, “E-Discovery for the Mid-Size Case,” Delaware State Bar Association, April 30, 2015.

## PUBLICATIONS

- Co-author, “Delaware Court of Chancery Rules Noncompetition Clause Unenforceable By Subsidiaries Unless Identified in Agreement,” *Troutman Pepper*, September 8, 2023.
- Co-author, “Common M&A Provision Precludes Private Equity Buyer From Escaping an Aiding and Abetting Claim,” *Troutman Pepper*, December 10, 2021.
- Co-author, “Legal or Not, It’s Working: Mandatory Board Diversity for Publicly-held Companies Headquartered in the Golden State,” *Westlaw Today*, April 7, 2021.

## MEDIA COMMENTARY

- Quoted, “Skilled in the Art With Scott Graham: Judge Connolly Is Taking Names on Litigation Funding,” *Law.com*, April 22, 2022.