Joseph N. Froehlich

Partner

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OVERVIEW

Joe has more than 25 years experience representing clients in complex, high-stakes commercial and business litigation in state, federal, and bankruptcy courts in New York, New Jersey, North Carolina, and throughout the U.S. He has extensive experience representing business interests — including financial institutions, educational institutions, and insurance companies — throughout every step of the litigation process, including pre-suit investigation, pre-trial proceedings, trials, appeals, and post-judgment proceedings.

Joe also counsels insurance and reinsurance clients on complex coverage cases.

REPRESENTATIVE MATTERS

Commercial Litigation

- Represented client in successful Supreme Court appeal on seminal issue of alienage diversity jurisdiction. *JP Morgan Chase Bank v. Traffic Stream (BVI) Infrastructure LTD.*, 122 S.Ct 2054 (2002).
- Represented a national bus company in defense of a claim for breach of contract by a local bus company regarding the meaning of “interlining” between bus companies.
- Obtained dismissal of securities and common law fraud claims brought against client that sponsors exchange-traded funds (ETFs). *Greenberg v. Pro Shares Trust*, No. A-0759-10T3, 2011 WL 2675821 (N.J. Super. Ct. App. Div July 7, 2011).
- Represented an international public relations firm in multiple disputes with a construction vendor for a traveling exhibition, including a two-week jury trial in Ohio federal court.
- Represented an armored car carrier in defense of breach of contract and accounting claims related to ATM accounts.
- Obtained dismissal of plaintiff’s claim for age discrimination on the basis that New Jersey law did not apply to the plaintiff’s claim.
- Obtained a vacatur of a TRO and a denial of a motion for a preliminary injunction, allowing a medical college client to change educational policies for fellows.
- Represented a mutual bank client in claims against out-of-state depositors for breach of the implied covenant of good faith and fair dealing, tortious interference, fraud, and conspiracy.

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Financial Services Litigation

- Obtained dismissal of Fair Debt Collection Practices Act (FDCPA) and Fair Credit Reporting Act (FCRA) claims against a mortgage servicing client on the basis that the client did not qualify as a “debt collector” under the FDCPA and had properly accessed the plaintiff’s credit report under FCRA. *Raciti v. Rushmore Loan Management Services, LLC,* 412 F. Supp. 3d 462 (D.N.J. 2019).
- Represented national mortgage servicer clients in class action claims asserting violations of FDCPA, TILA, TCPA, and RESPA.
- Represented a mortgage servicing client in numerous cases involving New York’s Foreclosure Abuse Prevention Act (FAPA).
- Represented a mortgage servicing client in trial defending claims by municipality that the client had violated New York’s “zombie property” statute. Obtained favorable settlement after demonstrating that municipality had not properly complied with notice provisions of statute.
- Represented a national mortgage servicer and related companies in action brought by residual investors in mortgage-backed securities.
- Obtained trial verdict for judgment of foreclosure and sale after court had previously denied summary judgment.
- Represented multiple indenture trustee clients in various disputes, including interpleader actions, related to collateral debt obligations (CDOs).

Insurance/Reinsurance

- Represented a private mortgage insurer in defense of class action claim for alleged violation of the Homeowners Protection Act (HoPA).
- Represented an insurer client in defense of multiple claims under Contingent & Possessed (C&P) policies by aircraft lessors for coverage related to the Russian invasion of Ukraine.
- Represented an insurance company in first-party property claims brought as a result of the 9/11 World Trade Center Disaster.
- Represented a reinsurer in arbitrations for claims brought by ceding company on directors and officers insurance policies and auto residual value insurance contracts.
- Obtained summary judgment for excess-policy-carrier client on the basis that there was no coverage because there were multiple occurrences under New York’s “unfortunate events” test for determining the number of occurrences.
- Represented reinsurers in an action against a reinsurance intermediary that violated its fiduciary obligations and converted in excess of $40 million of fiduciary funds.
- Represented comprehensive general liability carriers in coverage cases involving environmental claims, asbestos claims, and other mass tort claims.

Bankruptcy

- Represented an insurance carrier in defense of a preference action in which the debtor attempted to recover premium payments on general liability and auto policies.
- Represented an indenture trustee in an interpleader counterclaim to a debtor’s adversary proceeding.
- Represented a bank client in a claim hearing in which the court granted the client’s claim for utilization fees on a credit facility, despite the debtor’s objection that such fees were not allowed under the debtor’s approved bankruptcy plan.

AWARDS

- *Super Lawyers*® New York, Business Litigation (2012-2023)

TOP AREAS OF FOCUS

- Consumer Financial Services
- Financial Services Litigation
- Litigation + Trial

ALL AREAS OF FOCUS

- Consumer Financial Services
- Financial Services Litigation
- Insurance + Reinsurance
- Insurance Commercial Litigation
- Litigation + Trial
- Reinsurance

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Committee member, Boy Scouts of America, Troop 284, Copiague, NY
- Inducted, Copiague High School Hall of Achievement (2005)

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of North Carolina School of Law, J.D., *with honors*, 1996, Order of the Coif; note and comment editor, *North Carolina Law Review*
- Fairfield University, B.A., *magna cum laude*, 1993

BAR ADMISSIONS

- New Jersey
- New York
- North Carolina

COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York

- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District of North Carolina