

Robert N. Feltoon

Partner

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Practice Areas

- Business & Insurance
- Class Actions
- Complex Commercial Litigation
- Employment
- Intellectual Property

Education

- The John Marshall Law School (J.D., *with highest distinction*, 1980)
 - Editor in Chief of The John Marshall Law Review
- Drew University (B.A., 1976)

Bar and Court Admissions

- New Jersey
- New York
- Pennsylvania

Biography

Robert Feltoon's practice covers a broad spectrum of complex business litigation on behalf of Fortune 500 companies as well as smaller companies and individuals. A significant percentage of Bob's practice is conducted in New Jersey. He also continues to practice in New York, where he spent the first 10 years of his career as a litigation associate at Cravath, Swaine & Moore LLP.

Since joining Conrad O'Brien in 1990, Bob has represented IBM Corporation continually in cases in Pennsylvania and New Jersey and, more recently, in New York. His cases for IBM have involved, among other areas, contract disputes with vendors and customers, employment claims by former employees, and environmental claims. Bob successfully represented IBM in a case brought by potential subcontractor under a "teaming agreement" entered into a connection with a contract between IBM and the Department of Defense. *Trianco, LLC v. IBM Corp.*, 466 F. Supp. 2d 600 (E.D. Pa. 2006), *aff'd in relevant part*, 2008 WL 876355 (3d Cir. 2008). Upon remand, the district granted IBM's motion to dismiss the one claim sent back for further consideration, and that decision was upheld on Trianco's further appeal. 583 F. Supp. 2d 649 (E.D. Pa. 2008), *aff'd*, 2009 WL 3182920 (3d Cir. 2009). Bob was similarly successful in obtaining dismissal of the principal claims asserted by the plaintiff in *GlassHouse Systems, Inc. v. IBM Corp.*, 607 F. Supp. 2d 709 (E.D. Pa. 2009).

Bob also represents the Progressive Group of Insurance Companies in numerous cases in Pennsylvania, New Jersey and New York. Many of those cases involve class action claims raising significant issues under various "no fault" automobile insurance programs. Bob took the lead on behalf of a group of insurer defendants in a New York case involving reimbursements for multiple MRI's conducted at a single session. The trial court granted defendants' motion for summary judgment. Pending the plaintiffs' appeal to the Second Circuit, a favorable settlement was reached. *Brentwood Pain & Rehab. Serv., P.C. v. Allstate Ins. Co.*, 508 F. Supp. 2d 278 (S.D.N.Y. 2007). In another successful defense, a class action complaint seeking to recover on behalf of a class of Pennsylvania massage therapists was dismissed on the basis that the plaintiffs were required to hold the equivalent of a physical therapist's license in order to seek insurance benefits for the claims at issue. That ruling was affirmed on

appeal. *Keiper v. Progressive Casualty Ins. Co.*, 2007 WL 3236702 (Com. Pl. 2007), *aff'd*, No. 2409 EDA 2007 (Super. Ct. 2009).

In 2010, Bob and other members of the firm were retained by Cravath, Swaine & Moore LLP to represent it in a lawsuit filed by a former client, Airgas, Inc. seeking, *inter alia*, to enjoin Cravath from representing Air Products, Inc., in connection with a possible acquisition of Airgas by Air Products. The lawsuit, originally brought by Airgas in the Philadelphia Court of Common Pleas, sought an emergency disqualification order precluding Cravath from representing Air Products in a first-filed lawsuit pending in Delaware Chancery Court and from advising Air Products in connection with a possible acquisition of Airgas. Bob and his partners successfully defeated the request for a special injunction. Following that hearing, the case was removed to the U.S. District Court for the Eastern District of Pennsylvania and the firm then filed a motion asking that court to stay the proceedings pending the outcome of the first-filed Delaware lawsuit. On February 22, 2010 the court granted the motion for stay. 2010 WL 624955 (E.D. Pa. Feb. 22, 2010). Cravath thereafter successfully defeated Airgas's attempt to disqualify it from representing Air Products in the Delaware Chancery Court before Chancellor William B. Chancellor, III, who ruled against disqualification on March 5, 2010.

Bob's notable additional clients include Qualcomm Inc., CitiGroup Global Markets, Inc., Barnes & Noble, Inc., and senior officers of Merck & Co., Inc.