



Craig R. Tractenberg

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Craig is a skilled international litigator who handles complex business disputes involving intellectual property, licenses, business torts and insolvency issues. He focuses on franchise companies' development and expansion. He has represented individuals, companies and governments in litigation before state and federal courts and in international arbitration forums such as AAA, the International Centre for Dispute Resolution (ICDR) and the International Centre for Settlement of Investment Disputes (ICSID).

His practice centers on developing and protecting the financial and brand equity of franchise companies, real estate projects and energy projects. For franchise companies, he regularly structures new franchise programs, many of which are international. He also defends and enforces franchise agreements. He has also served as special counsel to franchise companies.

Craig has successfully prosecuted several injunctions against unfair competition and trademark infringement in federal courts. He also has more than 30 years of experience defending franchise companies against claims by franchisees for fraud and business torts.

Craig obtained a favorable jury trial verdict in a complex fraud scheme. After the jury trial success, related cases were mediated into settlements totaling several millions of dollars.

Craig has prosecuted or defended fraud, defamation and unfair competition cases and also enforces and defended trade secrets and restrictive covenants in state and federal courts.

In international work, Craig successfully defended the Republic of Turkey against an investor claim before the International Centre for Resolution of Investor Disputes in Paris. This followed the successful defense of the Republic of Turkey before the International Chamber of Commerce Court of Arbitration in Geneva. He also successfully represented a claimant U.S. company in an intellectual property licensor's claim brought against a Brazilian licensee before the ICDR. He has also taken U.S. franchises overseas.

Representative Matters

- Secured judgment against franchisee for lost future royalties and defeated RICO counterclaims.
- Represented licensor of brand, patents and equipment to Brazilian entity before the International Center for Dispute Resolution.

- Defended governmental real estate investment trust entity before International Centre for Settlement of Investment Disputes in Paris.
- Represented the Republic of Turkey, Ministry of Energy, before the International Chamber of Commerce in Geneva, Switzerland in a power plant case.
- Developed new franchise program for iconic brand.
- Represented the Ground Round restaurant system in a hostile acquisition by 60 franchisees.
- Represented KnowledgePoints education system in an amicable acquisition by 30 franchisees.
- Provided bankruptcy advice for U.K.-based law firm acquiring German offices of a U.S.-based law firm.
- Defended manufacturer against scaffold collapse.
- Defended successor liability in toxic tort cases.
- *School of Rock v. Smith* (3d. Cir.) - Represented School of Rock in affirming arbitration award appeal for franchise breach and trade secret violations, awarding damages, injunctive relief and counsel fees.
- *School of Rock v. Rock Nation LLC* (Cal. Super. Ct.) - Represented School of Rock in confirming arbitration award granting injunctive relief, damages, and counsel fees for unfair competition and cybersquatting.
- *Keepers of Eden v. Historical Media* (S.D.N.Y.) - Represented the plaintiff in confirming arbitration award with counsel fees in motion picture distribution dispute.
- *Philips Services Corp. v. Luntz* (D. Del.) - Represented Luntz in successful defense of preference action and asserted \$1 billion fraudulent conveyance defense.
- *Lakes Gas Co v. Fencil Oil & L.P. Co., Inc., et al.* (N.D.Iowa) - Secured a unanimous \$2.7 million jury verdict in contract action involving propane distribution on behalf of Lakes Gas Company.

Before Fox Rothschild

Prior to joining Fox, Craig was a partner at an international law firm.

Honors & Awards

- Named to Who's Who Legal "Franchise" list (2018)
- Named to "The Best Lawyers in America" lists for Franchise Law in New York and Philadelphia by Best Lawyers (2009-2019)*
- Named a "Lawyer of the Year," Franchise Law, Philadelphia, by Best Lawyers (2018)*
- Named a "Lawyer of the Year," Franchise Law, New York, by Best Lawyers (2012)*
- Recognized in Chambers USA (2010-2018)*
- Martindale-Hubbell "AV" rated*
- Named a "Super Lawyer" for Franchising in New York by *New York Super Lawyers Magazine* list (2004-2018)*
- Named to Who's Who Legal "International Who's Who of Franchise Lawyers" list (2017)*
- Recognized by Franchise Times in its listings of "Legal Eagles" (2005-2018) and "Legal Eagles Hall of Fame" (2013-present)*

*Best Lawyers® is an independent journal, and its selection methodology can be found at www.bestlawyers.com/methodology. Chambers USA is a publication of Chambers and Partners, and its selection methodology can be found at www.chambersandpartners.com/methodology. Martindale-Hubbell's rating methodology can be found at www.martindale.com/ratings-and-reviews/consumers. The Super Lawyers lists are issued by Thompson Reuters, and its selection methodology can be found at https://www.superlawyers.com/about/selection_process_detail.html. Who's Who Legal is a publication of Law Business



Research Limited and its selection methodology can be found at <http://lbresearch.com/www>. Franchise Times® is a national business publication and its methodology for selection of “Legal Eagles” and “Legal Eagles Hall of Fame” can be found at <http://www.franchisetimes.com/resources/legal-eagles>. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.



Practice Areas

- Franchising & Distribution
- International
- International Arbitration
- Litigation
- Private Equity
- Emerging Companies & Venture Capital

Bar Admissions

- Pennsylvania
- New York
- New Jersey
- Florida

Court Admissions

- U.S. Supreme Court

Education

- Temple University James E. Beasley School of Law (J.D.)
- La Salle University (B.A., *cum laude*)

Memberships

- American Bar Association, Business Law and Forum Committee on Franchising
- International Franchise Association
- Law360 International Arbitration Editorial Advisory Board
- New Jersey Bar Association
- New York State Bar Association (member of the Business Law Section Executive Committee and Special International Task Force Subcommittee)
- Pennsylvania Bar Association (Corporate, Bus and Banking Section, Chair, Franchise Law Committee)

- Philadelphia Bar Association

Publications

September 18, 2018

Franchisors Face Growing Scrutiny Over 'No Poaching' Provisions

Franchising Alert

August 23, 2018

No-Poach Agreements in Franchising: Suggestions and Best Practices

The Legal Intelligencer

August 1, 2018

The Bankruptcy Handbook for Franchisors & Franchisees

ABA Forum on Franchising

July 19, 2018

Who Breached First? Unpublished Opinion Helps Clarify Rule

The Legal Intelligencer

April 26, 2018

Collecting That Foreign Arbitration Award in Franchising or Other Transactions

The Legal Intelligencer

March 26, 2018

Franchisors and Unplanned Exits: A Succession Plan Is a Good Idea

The Legal Intelligencer

February 22, 2018

Let's Help Build a Franchise Company: 5 Things Attorneys Should Consider

The Legal Intelligencer

January 25, 2018

State of the Franchising Union: A Balance of Unique and Simple

The Legal Intelligencer

December 29, 2017

After 'Browning-Ferris,' Is It Now Safe for Franchises and Small Businesses?

The Legal Intelligencer

November 20, 2017

What Restaurant Franchising Tells Us About the Future

The Legal Intelligencer

October 26, 2017

No More Mr. Nice Guy When It Comes to Franchisee, Says the Court

The Legal Intelligencer



October 3, 2017

Superior Bargaining Power Loses in 'Zounds' Decision

The Legal Intelligencer

August 28, 2017

Franchise Releases and Settlements Require Attention

The Legal Intelligencer

June 22, 2017

Ownership Integrity—An Important Control in Franchising

The Legal Intelligencer

May 26, 2017

What's in Store for Franchises in the Future?

The Legal Intelligencer

April 28, 2017

Arbitration Where the Franchisor is Intentionally Excluded

The Legal Intelligencer

March 28, 2017

Should Joint Employment and Wage and Hour Disputes Be Arbitrated?

The Legal Intelligencer

2017

Bankruptcy Issues in Franchising: An Overview

February 17, 2017

Lesson Learned: You Rarely Lose When You File the Motion

The Legal Intelligencer

January 6, 2017

Breach of Oral Agreement Results in Punitive Damages

The Legal Intelligencer

December 12, 2016

Litigating the Implied Covenant of Good Faith

The New York Law Journal

2016

Anatomy of a Franchise Dispute: Lessons for Transactional Lawyers Drafting Franchising Agreements

International Journal of Franchising Law, Vol 14 – Issue 5

October 19, 2016

Recent Decisions Are Eroding the Economic Bedrock of the Economy

The Legal Intelligencer

September 23, 2016

The Franchisor's Duty to Police the Franchise System

Franchise Law Journal

January 2016

Can an Applicant With a Criminal History Buy a Franchise?

September 2015

State, Federal Law Differ on Franchisors as Joint Employers

The Legal Intelligencer

August 2015

Avoiding Vicarious Liability for Accident Resulting from Delivery

The Legal Intelligencer

August 2015

Encroachment and Franchisee Claims of Constructive Termination

The Legal Intelligencer

May 2014

Business as Usual for Franchisors During Class Action Litigation

The Legal Intelligencer

2014

Collateral Agreements in Franchising, Chapter on 'Assignments, Terminations and Renewals

American Bar Association

May 1, 2012

International Arbitration in Franchise and Distribution

Commercial Leasing and Strategy

March 23, 2012

Ways to Avoid Vicarious Liability for Franchisors

The Legal Intelligencer

2012

Preliminary Injunctions and TRO's in Commercial Litigation

Lorman Educational Services

2012

Covenants Against Competition

American Bar Association

December 2011

Scrutinizing Franchise Legal Claims Under Pennsylvania Law

The Legal Intelligencer

September 2011

The Role of Motive and Intent in Franchise Terminations

The Legal Intelligencer

2008



Keeping Your Arbitration Agreements Enforceable

New York Law Journal

Events

Avoiding the Accidental Franchise When Structuring Licenses or Distribution Agreements

September 13, 2018 at 1:00pm – 2:30pm

CLE Webinar

Hosted by: Strafford

FTC Franchise Disclosure Rules and Regulations

May 16, 2018 at 1:00pm – 2:30pm

Webinar

Hosted by: Lorman

Enforcing Judicial Decisions & Arbitration Workshop

May 7, 2018

JW Marriott

Hosted by: International Franchise Association

FTC Franchise Disclosure Rules and Regulations

March 7, 2018 at 3:00pm – 4:15pm

Webinar

Hosted by: Clear Law Institute

IFA 2018 Convention

February 11, 2018 at 8:00pm – 11:00pm

District American Kitchen & Wine Bar at the Sheraton Grand Phoenix

Hosted by: International Franchise Association

FTC Franchise Disclosure Rules and Regulations

November 8, 2017 at 1:00pm – 2:30pm

Webinar

Hosted by: Lorman

An Overview of International Litigation & Arbitration

October 19, 2017 at 10:00am – 11:00am

Webinar

Hosted by: Lawline

Avoiding the Accidental Franchise When Structuring Licenses or Distribution Agreements

March 2, 2017 at 1:00pm – 2:30pm

Webinar

Hosted by: Strafford

FTC Franchise Disclosure Rules and Regulations

January 26, 2017 at 1:00pm – 2:30pm

Webinar

Hosted by: Lorman Education Services

Anatomy of a Franchise Dispute: Lessons for Transactional Lawyers Drafting Franchising Agreements

September 21, 2016

Washington D.C

Hosted by: International Bar Association's Annual Conference

The Inadvertent Franchise

January 1, 2015

Hosted by: Stafford Conferences

Franchise Law-What the Practitioner Needs to Know

August 1, 2014

Hosted by: Pennsylvania Bar Institute

Operation During Class Actions

May 1, 2014

Hosted by: International Franchise Association Legal Symposium

News

August 27, 2018

How To Start a Franchise: Advice for Mobile Service Companies

Vonigo

August 15, 2018

115 Fox Attorneys Recognized by Best Lawyers 2019

June 24, 2018

In Franchising Change Is Inevitable And Some Requires Special Handling

Forbes

April 10, 2018

Five Fox Attorneys Named by Franchise Times "Legal Eagles"

March 22, 2018

Law360's 2018 International Arbitration Ed. Advisory Board

Law360

February 21, 2018

Chambers USA Recognizes More Than 55 Fox Attorneys

October 18, 2017

12 Entrepreneurs Share Their Thoughts on Franchising

Rescue a CEO

August 15, 2017



More Than 100 Fox Attorneys Named 'Best Lawyers' for 2018

April 13, 2017

Four Fox Attorneys Named 2017 Legal Eagles by Franchise Times

February 22, 2017

Chambers USA Recognizes More Than 50 Fox Attorneys as Leaders in the Law

November 7, 2016

People on the Move

Philadelphia Inquirer

November 1, 2016

On the Move

New York Law Journal

October 26, 2016

People in the News

The Legal Intelligencer

October 19, 2016

Fox Welcomes Franchising Pro Craig Tractenberg to Philadelphia Office

October 19, 2016

Fox Rothschild Adds Litigation Partner

Law360

October 3, 2016

Leaping Laterals

The Litigation Daily

September 22, 2016

Lateral Moves

The American Lawyer

July 30, 2016

Planet Fitness Member Contract Class Action Trimmed In NJ

Law360

April 22, 2016

Enforcement of Court Orders and Contempt Proceedings

The Legal Intelligencer

March 25, 2016

Former Franchisee Relocates and Avoids Exposure in Aamco Case

The Legal Intelligencer

June 26, 2015

The Differences in the Diligence Process for Franchisors

The Legal Intelligencer

April 24, 2015

The Pendulum Swings in Two Massachusetts Franchise Cases

The Legal Intelligencer

October 31, 2014

Credit Card Information Security Issues in Franchising

The Legal Intelligencer

September 26, 2014

Franchisors Should Stay Out of Franchisee Personnel Management

The Legal Intelligencer

September 3, 2014

NLRB Considering New Standards for Joint-Employer Status

Compliance Week

July 25, 2014

Minimum-Wage Increase Attacks Advantages of Franchising

The Legal Intelligencer

May 23, 2014

Business as Usual for Franchisors During Class Action Litigation

The Legal Intelligencer

March 28, 2014

Differing Types of Fraud and the Franchise Relationship

The Legal Intelligencer