



Jay D. Marinstein

Partner

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Jay D. Marinstein is the Office Managing Partner for the Pittsburgh Office and is a member of the firm's Executive Committee. Jay also leads the firm's commercial litigation group in Pittsburgh. Jay serves midsize to large publicly and privately held for profit companies and nonprofit organizations in complex and high-stakes commercial litigation in state and federal courts across the country. Serving in a strategic advisory role, Jay focuses on long-term partnerships to achieve his clients' business and financial objectives. He has represented manufacturers, retailers, and service providers in a variety of cases involving:

- Trade secrets
- Restrictive covenants
- Uniform Commercial Code
- Breach of contract
- Fraud and breach of fiduciary duties
- Partnership and shareholder actions
- Piercing the corporate veil
- Tortious interference
- Executive compensation

Among his professional successes, Jay has:

- Represented clients employed by a *Fortune* 100 company accused of breaching noncompete agreements and misappropriating trade secrets in one of the first cases litigated under the Pennsylvania Uniform Trade Secret Act. After an extensive injunction hearing, the court denied the injunction and awarded Jay's clients their attorney's fees. Later, his clients pursued a counterclaim and obtained a very significant monetary settlement;
- Successfully defended a lawsuit against a *Fortune* 500 company and prosecuted counterclaims arising out of a long-term supply agreement involving the pricing for chlorine and titanium tetrachloride. Based upon aggressively taking depositions, our client was able to prove that the pricing it was charged violated the implied duty of good faith and fair dealing and the open price term under the Uniform Commercial Code. A significant settlement was achieved after jury selection;
- Successfully prosecuted multimillion-dollar breach of contract and piercing the corporate veil claims on behalf of a *Fortune* 500 company against a real estate developer;



- Successfully defended a *Fortune* 500 company against claims that its operation of a variety store violated restrictive covenants covering grocery stores, food stores, and supermarkets;
- Successfully prosecuted appeals filed in the Department of Public Welfare on behalf of a large nonprofit organization regarding rates and reimbursements;
- Successfully defended large nonprofit organizations against claims made by the Attorney General regarding the reasonableness of executive compensation;
- Obtained a defense verdict by discrediting an executive plaintiff and establishing that the executive was fired for cause;
- Obtained a defense verdict in a multimillion-dollar contract dispute by establishing the unenforceability of a liquidated damages provision.

In 2012, Jay completed a five-year term as managing partner of the Pittsburgh office. During his first term, the Pittsburgh office revenues and income grew significantly, “even though it encompassed the economic downturn,” said the *Pittsburgh Business Times*. He accomplished this growth by attracting top talent, growing client relationships and watching costs.

Jay is frequently sought by the business and legal news media for insights into law firm administration, legal trends and changing market conditions.

Beyond Fox Rothschild

Jay has presented continuing legal education seminars and authored articles on trade secret protection, enforcing restrictive covenants and on the pros and cons of alternative dispute resolution proceedings. He has been quoted in local and national newspapers and has appeared on radio and television newscasts regarding high profile commercial litigation matters.

Client Resources

Arbitration Provisions and Alternative Dispute Resolution in a Changing Legal Landscape - PowerPoint

Jay presented on selecting arbitration and the best practices regarding the types of provisions to address the number of arbitrators, scope of discovery, and permissible motions.

[View the PowerPoint that accompanied the presentation.](#)

Honors & Awards

- Named a "Super Lawyer" by *Philadelphia Magazine* and *Law & Politics Magazine* (2005-2012; 2015-2016)
- Named to “Super Lawyers Business Edition” in the area of Business Litigation (2013)

Practice Areas

- Litigation
- Directors' & Officers' Liability & Corporate Governance
- Retail Industry

Bar Admissions

- Pennsylvania



Education

- Cornell Law School (J.D., 1988)
- University of Rochester (B.A., 1985)

Memberships

- American Bar Association
- Pennsylvania Bar Association
- Allegheny County Bar Association