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Robert P. Donovan

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Bergen County

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Practice

Litigation

Robert represents clients in complex commercial litigation, consumer class actions, wage and hour class actions, business torts, labor and employment matters, tort claims and municipal law. He has tried cases in both federal and state courts. He also has extensive experience on the appellate level, including having successfully argued the foundational case of *Cameco v. Gedicke*, 157 NJ Super 504 (1997), where the New Jersey Supreme Court held that an at-will employee owes a common law duty of loyalty to the employer.

For more than a decade, Robert has been national lead trial counsel for Arizona Beverages, defending the company against putative consumer fraud class actions filed in federal courts in California, Florida, Illinois, New York and New Jersey. He has a depth of experience with beverage labeling claims and compliance issues arising under the Federal Food, Drug and Cosmetic Act, FDA regulations and state consumer protection statutes. Robert also represents a number of other private companies in similar complex commercial litigation matters.

Experience

Notable Class Action Cases

- *Meyers v. Arizona Beverages USA LLC*, No. 1:20-cv-05543 (N.D. Ill. December 2020) (a putative multi-state class action concerning calorie content, voluntarily dismissed after filing a motion to dismiss)
- *Kubilius et al v. Arizona Beverages USA LLC, et al*, No. 18-cv-09075 (S.D.N.Y. February 2019) (obtained a voluntary dismissal, with prejudice, of a proposed nation-wide class action concerning the presence of high fructose corn syrup, citric acid and ascorbic acid in beverages)
- *Ries v. Arizona Beverages USA LLC, et al*, No. 10 01139 RS , 2013 WL 1287416 (N.D. Cal. March 28, 2013) (decertifying class certification of all natural claims and granting summary judgment in

defendants' favor)

- *Robinson v. Hornell Brewing Co., et al*, No. 11-2183, 2012 WL 1232188 (D. N.J. April 11, 2012) (denying class certification)
- *Coyle v. Hornell Brewing Co., et al*, 08-2797, 2011 WL 2147218 (D. N.J. May 26, 2011) (reconsideration denied, 2011 WL 3859731) (denying class certification)
- *Covington v. Arizona Beverage Co., LLC , et al*, 08-21894, 2011 WL 11796786 (S.D. Florida August 25, 2011) (granting defendants attorneys' fees after entry of summary judgment)
- *Hitt v. Arizona Beverage Co., LLC et al*, 08 cv 809, 2009 WL 4261192 (S.D. Cal. Nov. 24, 2009) (denying plaintiff's motion seeking leave to amend complaint leading to dismissal of action)

Affiliations

- International Association of Defense Counsel
- Essex County Bar Association
- Union County Bar Association

Education

- Rutgers University School of Law – Newark, J.D.
- Villanova University, B.A., *magna cum laude*

Bar Admissions

- New Jersey

Court Admissions

- U.S. District Court for the District of New Jersey
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit