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Rob Quirk is an Associate in the Firm's Litigation department, where he represents clients in a variety of litigation matters, including pharmaceutical patent litigation, biotechnology licensing disputes, anti-counterfeiting actions, and complex commercial disputes. He also represents clients in connection with investigations—both internal and external—regarding employment matters and regulatory compliance. Mr. Quirk also maintains an active *pro bono* practice, including the representation of clients pursuing asylum and veterans seeking discharge status upgrades. From 2015 to 2017, Mr. Quirk served as a law clerk to the Hon. Wendy Beetlestone of the United States District Court for the Eastern District of Pennsylvania. Prior to his legal career, Mr. Quirk was a high school teacher. At Patterson he is active in the Firm's sponsorship and mentoring of the Flushing High School Law Team.

Education

- Stanford Law School (J.D., 2014)
 - Senior Editor, *Stanford Law Review*
 - Editor-in-Chief, *Stanford Law and Policy Review*
- University of Pennsylvania (M.S., 2010)
- University of Chicago (B.A., *with honors*, 2008)

Admissions

- U.S. Court of Appeals, Second and Ninth Circuits
- U.S. District Court, Southern and Eastern Districts of New York
- New York

Publications

Co-author, "[NY Fraud Ruling Shows High Bar To Prove Director Liability](#)," *Law360* (March 31, 2020)

Co-author, "[Declaratory Judgments Do Not Always Protect NY Debtors](#)," *Law360* (January 23, 2019)

Co-author, "[Unfair Competition and Trade Secrets Damages Limited to Plaintiff's Losses](#)," *New York Law Journal* (June 26, 2018)

Co-author, "[Applying The Business Judgment Rule To Director Pay Claims](#)," *Law360* (April 2018)

Co-Author, "[Bringing Cayman Derivative Claims In NY Just Got Easier](#)," *Law360* (December 5, 2017)

Publications

March 31, 2020

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Applying The Business Judgment Rule To Director Pay Claims

December 5, 2017

Bringing Cayman Derivative Claims In NY Just Got Easier

NY Commercial Division Blog

Patterson Belknap's Commercial Division Blog covers developments related to practice and case law in the Commercial Division of the New York State Supreme Court. The Commercial Division was formed in 1993 to enhance the quality of judicial adjudication and to improve efficiency in the case management of commercial disputes that are litigated in New York State courts. Since then, the Division has become a leading venue for judicial resolution of high-stakes and every-day commercial disputes. This Blog reviews key developments in the Commercial Division, including important decisions handed down by the Commercial Division, appellate court decisions reviewing Commercial Division decisions, and changes and proposed changes to Commercial Division rules and practices. Our aim is to provide you with thoughtful and succinct analysis of these issues. The Blog is written by experienced commercial litigators who have substantial practices in the Commercial Division.

Commercial Division Reiterates Broad Scope of ERISA Preemption and Difficulty of Pleading Breach of Fiduciary Duty and Conversion Claims Alongside Breach of Contract Claims

March 16, 2022

The Commercial Division's decision in *Rockmore v. Plastic Surgery Associates, LLP*[1] demonstrates the broad scope of ERISA preemption and the difficulty of pleading breach of fiduciary duty and conversion claims alongside breach of contract claims. In *Rockmore*, Albany County Supreme...

Royalty Agreement Does Not Entitle Bob Dylan's Co-Songwriter Share Proceeds of Dylan Catalog Sale

September 1, 2021

Does an assignment by a co-songwriter of that co-songwriter's rights in exchange for a performance and use royalty entitle the co-songwriter to a share of the sale proceeds when the rights are later sold by the other co-songwriter to a...

Commercial Division Enforces Forum-Selection Clause

April 23, 2021

Can the purchasers of promissory notes containing non-New York forum-selection clauses enforce the notes in the Commercial Division? Not without an extraordinary showing as to why the clauses should be set aside, according to Commercial Division Justice Elizabeth Emerson's recent...

Commercial Division Holds that Reliance and Inducement are Not Required Elements of Unjust Enrichment

August 11, 2020

When the funds invested by one victim of a Ponzi scheme are used to pay the scheme's debts to an earlier investor, can the later investor recover those funds from the earlier investor through an unjust enrichment claim? Yes, if...

Commercial Division Justices Discuss Litigating During COVID-19

May 18, 2020

On Monday, May 11, 2020, three Commercial Division justices from across the state participated in a virtual panel to discuss the state of litigating in the Commercial Division during COVID-19. Justices Saliann Scarpulla (New York County), Timothy Driscoll (Nassau County),...

Commercial Division Reiterates That Claims Based on Harm to All Members of LLC are Derivative

May 14, 2020

The issues related to the bringing of claims involving a cancelled LLC were addressed in the Commercial Division's recent decision in Hopkins v. Ackerman. In November 2019, Justice Saliann Scarpulla dismissed most of Hopkins's and his co-plaintiffs' claims as derivative,...

Commercial Division Holds that Imposition of Direct Liability on Directors Who Oversaw Fraudulent Conveyance Requires Piercing the Corporate Veil

March 19, 2020

Do the directors who oversaw the fraudulent conveyance of a corporation's assets face direct liability for it? Not unless the entities were shams and the directors exerted total dominion and control, according to Commercial Division Justice Andrew Borrok's recent decision...

Commercial Division Allows Successor Liability Claims to Proceed on "Mere Continuation" Theory

December 2, 2019

A corporation that acquires the assets of another is generally not liable for the pre-existing liabilities of the acquired corporation. However, as the Commercial Division's recent decision in 47 East 34th Street (NY), L.P. v. BridgeStreet Worldwide, Inc.[i] demonstrates, there is...

Commercial Division Closes Door to Derivative Claims on Behalf of Cancelled LLC

November 21, 2019

The Commercial Division recently ruled, in a case captioned as Hopkins v. Ackerman,[1] that derivative claims on behalf of an LLC need to be brought before the LLC ceases to exist. In Hopkins, Justice Saliann Scarpulla granted a motion to...

Commercial Division Advisory Council Highlights the Benefits of the Commercial Division to the State of New York

July 11, 2019

The Commercial Division Advisory Council recently released a memorandum describing the benefits that the Commercial Division offers to the State of New York. The memorandum highlights the many advantages of having a dedicated business court for the state and business...

First Department Holds that Declaratory Judgment Against Creditor’s Principal Does not Preclude Claims By the Creditor Itself

January 9, 2019

Can a debtor obtain declaratory judgment shielding himself from liability to a creditor’s officers or associates personally and then use that judgment to preclude subsequent claims by the creditor itself? Not in the First Department, following the recent decision in...

Unfair Competition and Trade Secrets Damages Limited to Plaintiff’s Losses Under New York Law

May 14, 2018

When a defendant avoids the cost of developing its own technology by stealing proprietary information, can that defendant be required to re-pay the cost it saved as compensatory damages? Not under New York trade secret or unfair competition law. In...

Business Judgment Rule Applies to a Board’s Response to Take “All Necessary Actions”

April 3, 2018

What legal standard applies to assess a corporate board’s refusal to pursue litigation in response to a shareholder’s demand to take “all necessary actions” to correct alleged director misconduct? In *Solak v. Fundaro*, [i] Commercial Division Justice Charles Ramos applied the...

Stealing Data Without Depriving the Owner of Access Does Not Amount to Conversion

January 18, 2018

New York recognizes conversion claims based on intangible property, such as electronically stored information or trade secrets.[1] But does a conversion claim exist when the theft of the intangible property does not deprive the rightful owner of unfettered access to...

Preliminary Hurdle for Cayman Derivative Claims Does Not Bar Suit in New York

November 27, 2017

A shareholder bringing a contested derivative claim in the Cayman Islands must seek leave from the court before proceeding. This litigation prerequisite -- imposed by Rule 12A of the Rules of the Grand Court of the Cayman Islands (“Rule 12A”)...