

# JOHN A. STONE

## ATTORNEY AT LAW

John Stone is a partner in the Teaneck and New York City offices of DeCotiis. He joined the firm as a partner in 2008 and is a member of the Litigation and Construction practice groups.

Mr. Stone's practice focuses on complex business and commercial matters, including trade secret and intellectual property litigation, unfair competition and tortious interference claims, insurance coverage cases, construction disputes, and financial litigation and intra-company disputes, as well as Constitutional claims and Section 1983 cases.

Mr. Stone also has a substantial Chancery Court practice, successfully litigating a broad array of claims for injunctive and other equitable remedies in both New Jersey and New York's Supreme Court, Commercial Division. He has tried lender liability, tortious interference, fraudulent conveyance, and oppressed shareholder cases.

Mr. Stone has litigated complex commercial and financial matters including prosecuting "put-back" litigation based on fraud, breach of contract and warranty, and failure-to-cure claims arising from multi-million dollar sales of mortgage "pools," pursuant to a Master Purchase and Sale Agreement which governed a Real Estate Mortgage Investment Conduit, and litigated high-end collection and commercial consumer fraud cases and bankruptcy issues.

Mr. Stone has also litigated construction delay, negligent design, breach of warranty, breach of contract and wrongful or exaggerated lien claims concerning highway bridge repairs, sewage treatment plant and commercial office buildings.

Mr. Stone also litigated complex insurance cases including a dispute between parties claiming an exclusive insurable interest and resulting right to recover fire insurance proceeds, and against insurance companies regarding replacement value of a multi-unit apartment building, and defending claims against risk retention groups based on federal and state risk retention group and insurance statutes.

Mr. Stone also devised and prosecuted an unconventional and winning undue influence claim for insurance proceeds based on an enabler-beneficiary's control over alcoholic-decedent, and forensic psychiatric analysis, despite decedent's lucidity when naming his beneficiary.



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Mr. Stone is the author or co-author of three published articles, *Managing Discovery to Prevent Fishing Expeditions in Trade Secret Litigation*, New Jersey Lawyer Magazine, June 2009/No. 258, *Sub-Prime Market Crisis Challenges Fiduciaries to Account to Investors; Court Alters Landscape in Which Fiduciaries Operate*, New Jersey Law Journal, June 23, 2008 and *Attorneys Fees for the Surety When Surety and Principal Retain Separate Counsel*, New Jersey Insurance Law & Regulation Reporter, Volume 3, No. 2, March 1993.

Mr. Stone received his B.A. from Franklin & Marshall College in 1982 and his J.D. from the University of Richmond, Virginia in 1985. He has also studied International Law at Cambridge University in Cambridge, England.

### **Bar Admissions:**

New Jersey (1985)

New York (1987)

U.S. District Court for the District of New Jersey (1985)

U.S. District Court for the Southern District of New York (1987)

U.S. District Court for the Eastern District of New York (1987)

U.S. Court of Appeals for the Third Circuit (2005)

### **Published Decisions:**

American Millennium Insurance Co. v First Keystone Risk Retention Group, 2009 U.S. App. LEXIS 11981 (3<sup>rd</sup> Cir. 2009)

American Millennium Insurance Co. v First Keystone Risk Retention Group, 2008 U.S. Dist. LEXIS 19619 (D.N.J.2008)

Egan vs. Holmes, 2008 WL 238947 (App. Div. 2008)

Bailey vs. Palladino, 2006 WL 2068136 (App. Div. 2006)

Bullock vs. Dressel, 435 F.3d. 294, 178 L.R.R.M. (BNA) 2935 (3<sup>rd</sup> Cir. 2006)

Cacciatore vs. County of Bergen, 2005 WL 3588489 (D.N.J. 2005)

Schundler vs. Donovan, 377 N.J. Super. 339 (App. Div. 2005), aff'd, 183 N.J. 383 (2005)

Rella vs. North Atlantic Marine, Ltd., 2004 WL 2480409 (S.D.N.Y. Nov. 3, 2004)

Rella vs. North Atlantic Marine, Ltd., 2004 WL 1418021, 53 UCC Rep. Serv.2d 806 (S.D.N.Y. Jun. 23, 2004)

State vs. Township of Lyndhurst, 278 N.J. Super. 192 (Ch. Div. 1994)

Petition of Shearson Lehman Bros. Inc., 594 N.Y.S. 2d 593 (S. Ct. New York County 1993)

In Re Rosen, 151 B.R. 648 (Bkrctcy. E.D.N.Y. 1993)