

## Thomas B. Fiddler

Partner

Chair, Commercial Litigation Department

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Tom works tirelessly to advocate for his clients, utilizing the trial, litigation and negotiation skills that he has honed over a career devoted to resolving business disputes.

### OVERVIEW

For more than 30 years, Tom Fiddler has represented clients in business disputes arising out of contractual breaches, complex financing transactions, investment fraud, real estate acquisition and development, corporate mergers and acquisitions, misappropriation of trade secrets, corporation/partnership relationships, bank and check fraud, accounting malpractice, commercial foreclosures, commercial landlord-tenant relationships, franchise and distributorship relationships and restrictive covenants.

Tom believes the key to creating a successful litigation strategy lies in understanding the businesses of his clients and the motivations of his opponents. He works hand-in-hand with clients to enable them to meet their business litigation goals, whether through trial, arbitration, pre-trial disposition or mediation. Tom works tirelessly to advocate for his clients, utilizing the trial, litigation, and negotiation skills that he has honed over a career devoted to resolving business disputes. He has tried numerous cases in federal and state courts throughout the country.

While in law school, Tom was Managing Editor of the *Journal of Law and Commerce*.

### RECOGNITION AND INVOLVEMENT

Tom has a strong commitment to providing pro bono legal services to clients unable to afford legal representation. Over the last several years he has devoted hundreds of hours of time to pro bono matters, which include successfully prosecuting Civil Rights claims, successfully defending mortgage foreclosure actions, and advising not-for-profit corporations.

### PRACTICES

Commercial Litigation  
Intellectual Property  
Professional Liability  
Technology Transactions

### BAR AND COURT ADMISSIONS

Supreme Court of Pennsylvania  
Supreme Court of New Jersey  
U.S. Court of Appeals for the Third Circuit  
U.S. District Court for the Eastern District of Pennsylvania  
U.S. District Court for the Western District of Pennsylvania  
U.S. District Court for the District of New Jersey

### EDUCATION

University of Pittsburgh School of Law, JD, 1990  
Indiana University of Pennsylvania, BA, *magna cum laude*, 1986

### MEMBERSHIPS

American Bar Association; Litigation Section, Commercial and Business Litigation Committee, Trial Evidence Committee, and Trial Practice Committee

Tom is AV® peer review rated by Martindale Hubbell.

## REPRESENTATIVE MATTERS

White and Williams Team Prevails in Enforcement of Foreign Arbitration Award  
6.4.19

White and Williams Secures Domestic Confirmation of Six-Figure Foreign Arbitration Award  
8.24.18

Defended a lender liability suit and expeditiously obtaining a multimillion dollar judgment against the borrower and guarantor

Prosecuted an investor's claims against a large brokerage house resulting in a multimillion dollar settlement

Obtained injunctive relief to prevent the misappropriation of confidential and trade secrets information and violations of restrictive covenants

Prosecuted a real estate developer's claims against a municipality and municipal officials, resulting in a \$10 million verdict

Successfully defended a manufacturing company in the Court of Common Pleas of Lehigh County, Pennsylvania from claims that it misappropriated trade secrets relating to the electroplating of metals

Defended and prosecuted claims arising out of withdrawal of shareholders from corporations

Obtained preliminary injunctive relief in Delaware Chancery Court to prohibit further use and dissemination of trade secrets relating to internet-based business and interference with customer relationships

Successfully defended claims in the United States District Court for the Eastern District of Pennsylvania relating to alleged theft of confidential, proprietary and trade secrets information contained in electronic files and violations of the Computer Fraud and Abuse Act

Represented technology company in connection with breaches of customer contracts

Represented customers in connection with alleged breaches of contracts with technology companies

Represented manufacturing company in connection with breach of software license agreement and copyright law relating to modification of source code

Defended claims against a municipality for allegedly exceeding its municipal powers, resulting in the court's denial of requests for injunctive relief

Defended claims in the United States District Court for the Eastern District of Pennsylvania relating to alleged improper use of trade secrets consisting of business strategies and customer lists

Prosecuted an entrepreneur's breach of contract claims against a large corporation, resulting in a \$1.9 million verdict

Obtained preliminary injunctive relief in the Court of Common Pleas of Montgomery County, Pennsylvania to prohibit use of trade secrets relating to personal service business and interference with customer relationships

Prosecuted a food manufacturing company's claims against a municipality and municipal officials, resulting in a multimillion dollar settlement

Prosecuted breach of contract and breach of fiduciary duty claims, arising out of an agreement to purchase a franchise, resulting in a \$900,000 verdict

Prosecuted a distributor's claims against a large manufacturer, resulting in a \$400,000 verdict

Prosecuted and defended claims arising out of accountant malpractice

Prosecuted and defended business disparagement and defamation claims

Prosecuted and defended successor liability claims

Obtained the appointment of receiver over hotel after a contested hearing

Defended a financial institution against conversion and constructive trust claims arising from the transfer of funds, resulting in a defense verdict

Defended successfully check fraud cases brought against financial institutions

Defended claims against banks by real estate developers and other businesses for breach of non-loan related contractual obligations and alleged tortious acts by bank employees

Prosecuted investors' claims arising from an alleged Ponzi scheme, resulting in multimillion dollar settlements

Prosecuted claims arising out of fraud in connection with purchase of business and sale of stock

Defended claims for misappropriations of trade secrets and violations of restrictive covenants

Obtained a defense verdict on multimillion dollar misappropriation of trade secrets claim

Defended and prosecuted claims for violations of the Computer Fraud and Abuse Act

## EVENTS

Buyer Beware: Issues and Strategies for Addressing Dangers in Acquiring Financially Distressed Companies  
Webinar, 11.12.20

Coverage College 2020  
10.22.20

## PUBLICATIONS

Breaking Up (a Business) Is Hard to Do: How to Plan Ahead to Ease the Pain  
*Corporate and Securities Alert*, 3.1.21

When Actions Speak Louder Than Words: Implied Assumption of Debt of an Acquired Business  
*The Real Estate Finance Journal*, 12.20

Key Takeaways From "Buyer Beware: Issues and Strategies for Addressing Dangers in Acquiring Financially Distressed Companies"  
11.20

Hidden Costs in Bargain Acquisitions of Businesses: Exposure to Fraudulent Transfer Claims  
*Commercial Litigation Alert*, 8.18.20

Successor Liability in the Pandemic Era  
*Commercial Litigation Alert*, 8.5.20

Real Problems with Virtual Jury Trials: The Shallowing of Jury Pools  
*Commercial Litigation Alert*, 7.21.20

Parties to Private Commercial Arbitrations Held Overseas May Not Be Able to Utilize US Courts to Obtain Discovery  
*Commercial Litigation Alert*, 7.9.20

Evaluating Alternative Avenues to Verdict in the COVID-19 Legal Atmosphere  
*Litigation Alert*, 7.7.20

M&A Wars Continued: Does the Seller Have an Exit Strategy?  
*Corporate and Securities Alert*, 6.5.20

Non-Signatories to Foreign Arbitration Agreements May Be Able to Compel Arbitration  
*Commercial Litigation Alert*, 6.3.20

M&A Litigation Rising Amidst COVID-19 Uncertainty: Considerations for Litigators and Deal-Makers  
*Commercial Litigation Alert*, 4.10.20

*Conduent v. Skyview*: Closed Courts Challenge Party's Need for Urgent Relief  
*Commercial Litigation Alert*, 4.6.20

Recent Cases Shed Light on Enforcement of Foreign Arbitration Awards  
*The Legal Intelligencer*, 1.10.19