

WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

Brian J. Molloy

General Counsel

Shareholder

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Practices

Business & Commercial Litigation

Appellate Practice

Professional Liability &
Responsibility Litigation

Casino Law

Education

J.D., Seton Hall University School
of Law, 1978

B.A., Kean University, 1975, *magna
cum laude*

Admissions

New Jersey, 1978

United States Supreme Court, 1987

United States District Court for the
District of New Jersey, 1978

United States Court of Appeals for
the Third Circuit, 1987

United States Court of Appeals for
the Tenth Circuit, 2000

United States Court of Appeals for
the Second Circuit, 2007

Membership

New Jersey Chamber of
Commerce, Board of Directors

Mr. Molloy concentrates his practice on business and commercial litigation, with an emphasis on defending professional malpractice claims. For more than 30 years, Mr. Molloy has served as lead counsel in complex commercial litigation in New Jersey and nationally. He has represented local, national and international law firms in litigation involving alleged malpractice, disputes concerning fiduciary duty, and ethics issues. Based on his success in these cases, many of these law firms have retained Mr. Molloy more than once.

Brian J. Molloy, Esq. is also General Counsel at Wilentz, Goldman & Spitzer, P.A., serving as the firm's key advisor concerning the law governing lawyers, governance issues, risk management, and policy implementation. He also serves as Chairman of the Board at Wilentz, Goldman & Spitzer, P.A., and served as President and Managing Director from 2008 until 2021.

He leads the firm's Appellate practice, Professional Liability & Responsibility Litigation practice, and Casino Law practice, and has been a shareholder since 1986.

Mr. Molloy is also the president of Pro Agents, a wholly-owned subsidiary of Wilentz that provides sports management services to professional baseball athletes.

Mr. Molloy is committed to playing a leadership role in his community, having served on the Westfield Zoning Board of Adjustment, President and Trustee of the Westfield College Men's Club, Trustee of the Westfield High School Boosters Association, and coached soccer and baseball teams for his two children.

Rankings/Recognitions:

- Certified, Civil Trial Attorney by the Supreme Court of New Jersey
- Fellow, American College of Trial Lawyers
- Fellow, American Bar Association
- Recipient of Middlesex County Bar Association's Chancery

- Appointed Special Ethics Master by the Supreme Court of New Jersey
- Listed in Chambers USA in Litigation: General Commercial, 2011 to present
- Selected for inclusion in the *Best Lawyers in America* list since 2005 in the practice areas of Bet-the-Company Litigation, Commercial Litigation, Ethics, and Professional Responsibility Law, Legal Malpractice Law-Defendants, Appellate Practice; 2021 and 2024 "Lawyer of the Year" list in Bet-the-Company Litigation, and 2024 "Lawyer of the Year" list in Appellate Practice
- Selected for inclusion in the New Jersey *Super Lawyers* list since 2005, including the "Top 100" list in 2008, 2013-2015, 2017, and 2021
- Martindale-Hubbell AV Preeminent Peer Review Rating

The American College of Trial Lawyers (<https://www.actl.com>) is an invitation only fellowship of trial lawyers of diverse backgrounds from the United States and Canada. See the membership criteria and requirements at: <https://www.actl.com/about-actl>.

Chambers USA® (<https://chambers.com/about-us/methodology>) is published by Chambers and Partners.

Best Lawyers in America® (<https://www.bestlawyers.com/methodology>) is published by Best Lawyers.

Super Lawyers® (http://www.superlawyers.com/about/selection_process_detail.html) is published by Thomson Reuters.

Martindale-Hubbell® (<https://www.martindale.com/ratings-and-reviews/>) is published by Internet Brands, Inc.

A description of the selection processes may be accessed via the above links. The aforementioned organizations are private peer review organizations, not court-specific, public certification vehicles. No aspect of this advertisement has been submitted to or approved by the Supreme Court of New Jersey.

Selected Matters

Results achieved in prior matters are not meant to be a guarantee of success as the facts and legal circumstances vary from matter to matter.

Professional Negligence

- Secured dismissal of a lawsuit seeking \$3 million in damages against a law firm based on a successful challenge to Plaintiff's expert report.
- The firm successfully represented an international law firm in obtaining a decision from the Appellate Division affirming the orders dismissing legal malpractice and fraud claims relating to alleged misrepresentations made in connection with the assignment of a judgment and efforts to collect on that judgment for which the plaintiff was seeking damages in excess of \$10

million.

- Secured dismissal of a lawsuit against a law firm alleged to have aided and abetted a whistleblower in obtaining documents used in a False Claims Act case; affirmed on appeal.
- Obtained a dismissal after depositions of the Plaintiff of misrepresentation and ethics charges against an Am Law 200 law firm.
- Summary judgment for law firm in legal malpractice action alleging fraud and aiding and abetting the client to breach fiduciary obligations to plaintiff; United States District Court decision affirmed by Third Circuit Court of Appeals.
- Summary judgment for law firm on claims of negligence and conflict of interest with damages alleged in excess of \$10 million; affirmed on appeal.
- Summary judgment for law firm in professional negligence case based on successful challenge to plaintiff's expert report as "net" opinion.
- Summary judgment for law firm in a professional negligence case, including allegations of fraud.
- Summary judgment for law firm in legal malpractice case based on the absence of proximate causation.
- Jury verdict for law firm on a professional negligence claim arising out of a matrimonial action.
- Judgment for law firm following 5-week bench trial on claims of professional negligence and fraud.

Complex Commercial Disputes

- In a reported New Jersey Appellate Division decision, the Court held that the challenged amendment to the New Jersey Debt Adjustment Act, J.S.A. 17:16G-1 et seq., was unconstitutional because it violated the separation of powers doctrine and void for vagueness, reversing the Trial Court decision.
- Obtained a hard-fought summary judgment win on behalf of the main Defendant in an international Shareholder dispute where the damage claim was in excess of \$25 million. Depositions were conducted in Israel and the United States.
- Jury verdict for world class golf course in defense of allegations of breach of the covenant of good faith and fair dealing in the manner and method of membership sales; judgment in favor of the golf course on its counterclaim, including an award of counsel fees and costs.
- Judgment following four week arbitration proceeding for former president and CEO of multi-national company who obtained both contract benefits and long-term incentive awards.
- Representation of real estate developers in litigation involving large redevelopment projects in Bayonne and Jersey City.