



Davidoff Malito & Hutcher LLP

"From Wall Street to State Street"

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On behalf of Davidoff Malito & Hutcher LLP, we would like to personally welcome you to our e-newsletter of 2010 full of information, updates, and cases that will spark your interest and help you to gain a better overall understanding of what we here at DMH do. Please feel free to subscribe to our mailing list, or simply click through our highlighted articles for this month, where you will gain the understanding of our versatility and full service, with personal attention and expertise. Simple aspects that we here at Davidoff Malito & Hutcher pride ourselves in accomplishing.



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About Us

Davidoff Malito & Hutcher LLP is a full service law firm



DMH Transitions

Welcome Partner William Walzer to the DMH Firm.

Mr. Walzer has extensive experience in handling commercial real estate transactions which involve the needs of businesses and professional real estate entities. Such transactions include sales, leases, financings and exchanges. Mr. Walzer is knowledgeable of the real estate development process and of the laws which concern public offerings of real estate investments. To read more into the areas of practice and articles of Mr. Walzer, [click here](#) to visit him on his website.

Welcome Litigator Esther Rhee to the DMH Firm.

offering the expertise and scope of services of a large firm, as well as the personal service of a small firm. We pride ourselves in attention to detail, and assisting our clients in overcoming their challenges.

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Ms. Rhee worked on a broad variety of complex matters, including internal investigations, employment, intellectual property, securities, white collar, civil rights, and general contractual matters.

Promotions

David I. Lieser is now **Senior Counsel** in the DMH firm. He specializes in trust and estates and elder care law, and also has an extensive background in corporate and commercial litigation in federal and state courts. He has experience in all aspects of trial and appellate work, including the areas of employment, real estate, intellectual property, product liability and other civil litigation.

Michael A. Adler is now **Partner** in the DMH firm. He is a registered patent attorney who has practiced over fifteen years in the fields of intellectual property litigation and prosecution, patents, trademarks, trade dress, unfair competition, copyright and trade secrets. Encompassing successfully by defending and asserting charges of patent and trademark infringement, unfair competition, cancellation and opposition proceedings before the Trademark Trial and Appeal Board, and appeals before the Federal Circuit. His experiences spans across Fortune 500 companies, midsize and small companies throughout the United States and internationally.

→ Lobbying At Its Best

In January 2010, our New York State and City government relations groups successfully played a pivotal role in the New York City Board of Election ("NYCBOE") awarding of its \$55 million voting machine contract to our client Elections Systems & Software, ("ES&S"). The New York City voting machine contract is arguably the largest such contract in the United States. In January 2010, our government relations group was also directly responsible in ES&S being awarded the \$10 million Nassau County voting machine contract. As a result of the 2000 election, the United States Congress passed the Help America Vote Act, ("HAVA"), which required States to replace punch card and lever technology with electronic voting machines. New York State was the last state in the Union to comply.

ES&S's New York City contract was only made possible by our firm's joint litigation and lobbying effort in 2008, wherein, during the first round of procurement, the New York State Board of Elections ("NYSBOE") improperly determined that ES&S. In response to the NYSBOE's action, our litigation team obtained a temporary restraining order in Supreme Court Albany County which halted a NYCBOE meeting, then, our litigation team obtained a permanent injunction which restored ES&S a certified vendor. Two days after obtaining the permanent injunction, our lobbying team was successful in the NYCBOE's awarding of ES&S the initial New York City \$25,000,000 contract for voting machines for the disabled community.

Our lobbying efforts were led by Sid Davidoff and Bob Malito, and included Steve Malito, Sean Crowley, Arthur Goldstein and Charles Capetanakis. Our litigation efforts were led by Sid Davidoff and included Howard Weiss, Charles Capetanakis, Steve Malito, Sean Crowley and Dimitra Tzortzatos.

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Elections Systems and Software is the premiere voting machine vendor in the United States. ES&S is based in Omaha, Nebraska with manufacturing facilities in the United States.



Litigation

Our litigators recognize that litigation is not always the best resolution for our clients. For instance, Larry Hutcher, and the NYC team, recently represented the former chairman and officer of a bank who claimed they were terminated as a result of what they alleged was retaliation by the bank's ownership. Based on our thorough investigation and presentation of evidence to the bank's attorneys, we entered into settlement discussions with the bank and secured a confidential favorable settlement for our clients without even having to file a complaint.

Larry Hutcher, and the NYC team including Joshua Krakowsky, also recently represented Marc Perman, an agent for athletes and entertainers focusing on endorsement contracts. Mr. Perman left his agency, IMG Worldwide, to form his own agency. After leaving IMG, Mr. Perman got into a dispute with IMG concerning the right to future fees associated with contracts Mr. Perman's client, Charles Barkley, entered into while Mr. Perman was employed by IMG. When negotiations stalled, we filed a declaratory judgment action against IMG Worldwide, on behalf of Messrs. Perman and Barkley, and only after starting that action were we successful in securing a confidential settlement favorable to Mr. Perman.

On behalf of our attorneys and staff, we would like to thank you for being a subscriber to our newsletter full of updates and information. The purpose of this letter is to inform our clients and friends of recent developments in the law and within our firm. It is not intended nor should it be used as a substitute for specific legal advice or opinions, as legal counsel may only be given in response to inquiries regarding particular factual situations. If you require specific legal advice to your specific case, feel free to contact us via phone or email.

Sincerely,

Davidoff Malito & Hutcher LLP