

## Susan J. Schwartz

### Partner

[sschwartz@foley.com](mailto:sschwartz@foley.com)

New York

212.338.3404



Susan J. Schwartz focuses her practice on complex commercial litigation. Sue is the former chair of the New York office's Litigation Department, and she is a partner in the firm's Commercial Litigation and Insurance & Reinsurance Litigation Practices.

### Representative Experience

- Represented a ski pass insurance company in a multidistrict class action litigation brought by season ski pass holders, involving claims stemming from the COVID-19-related closure of ski resorts; succeeded in obtaining dismissal with prejudice, which was affirmed by the 8<sup>th</sup> Circuit.
- Represented a credit union service organization that funded student loans for a for-profit university, in connection with coordinated settlements with the Consumer Financial Protection Bureau, multiple State Attorneys General, and the school's trustee in bankruptcy.
- Represented an insurance company in a corporate raid litigation; succeeded in obtaining summary judgment dismissing the case.
- Represented a law firm involved in a fee sharing dispute relating to the prosecution of mass tort claims asserted on behalf of 9/11 first responders; succeeded in obtaining an arbitration award.
- Represented an acquirer of a business in a dispute with its former shareholders concerning the parties' rights and obligations with respect to certain litigation in which the business was involved; succeeded in obtaining dismissal in federal court, partial dismissal in state court, and summary judgment dismissing the balance of the state court case.
- Represented a lyricist and composer in a dispute with a producer concerning the right to create a Broadway musical based on a motion picture.
- Represented a reinsurance company in an action relating to the hiring of several employees who had been at a competitor and who were alleged to have misappropriated trade secrets.
- Represented a monoline insurer of residential mortgage-backed certificates in disputes with the loan originator and loan servicer.

- Represented an insurance company in an arbitration brought by the trustee of several trusts comprised of subprime automobile loans, concerning the terms and conditions of a risk default insurance policy.
- Represented a secured creditor in a litigation with the debtor, involving case-within-a-case management, pension plan termination, and liquidation of collateral; succeeded in obtaining a series of partial summary judgments dismissing critical portions of the complaint.
- Represented a partner in a sunglass company in an arbitration with his partner concerning rights to the company's intellectual property; succeeded in obtaining arbitration award.

## Affiliations

- The Association of the Bar of the City of New York

## Community Involvement

- Member of the Northeast Regional advisory board of American Friends of Magen David Adom
- Long-time member of the board of trustees of the Solomon Schechter School of Manhattan

## Practice Areas

- [Commercial Litigation](#)
- [Financial Institutions](#)
- [Insurance & Reinsurance Litigation](#)
- [Litigation](#)

## Education

- Harvard University (J.D., 1979)
- University of Pennsylvania (B.A., magna cum laude, 1976)
  - Honors in Literature
  - Phi Beta Kappa

## Admissions

- New York Bar
- U.S. District Court, Southern and Eastern Districts of New York
- U.S. Court of Appeals, the 2nd Circuit
- U.S. Supreme Court