

## Gerd W. Stabbert, Jr.

Principal

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Gerd Stabbert practices in Bressler's Franchise Law and Commercial Litigation groups. He counsels clients from diverse industries, including automobile, transportation, mortgage banking, telecommunications, real estate, food service and educational enterprises, as well as in the franchising of the full spectrum of products and services.

Gerd's practice concentrates on complex commercial litigation, primarily on franchising matters and the defense or prosecution of contract disputes, consumer fraud claims, business torts, commercial real estate matters, non-compete disputes, environmental claims and intellectual property issues. Gerd is also experienced in representing secured and unsecured creditors in corporate bankruptcy cases. His experience spans all phases of litigation in state and federal courts, including class actions. He is also particularly able at integrating alternative dispute resolution into litigation in order to preserve time, resources and image.

In the area of franchisor-franchisee relationships, Gerd reviews franchise offering statements and offers analysis of parties' rights and obligations under franchise agreements. He assists in the services that the Franchise Law group and other teams within the firm offer to prospective franchisees or franchisors in starting a franchise. This includes a review of the franchise agreement, business entity formation, real estate procurement and development, land use applications, employment matters, as well as other related issues requiring legal advice.

Gerd's broad range of experience allows him to respond effectively and efficiently to the needs of his clients. He understands their desire to minimize expenses that accompany litigation while optimizing results. With those objectives, Gerd recently obtained summary judgment on behalf of a manufacturer dismissing product liability claims against it, avoiding the expense of trial. He has also achieved dismissal of a breach of contract and Consumer Fraud Act action brought in state court against a franchisee, which claims were subject to mandatory arbitration.

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### AREAS OF PRACTICE

Business & Commercial  
Litigation  
  
Class Action and Multi-District  
Litigation  
  
Class Action and Multi-District  
Litigation  
  
Franchise Law  
  
General Litigation  
  
Real Estate

### EDUCATION

- Rutgers University School of Law, Camden, J.D., 2000
- Rutgers University, B.A., 1997

### ADMISSIONS

New Jersey  
  
New York  
  
U.S. District Court, District of  
New Jersey  
  
U.S. District Court, Southern  
District of New York

Prior to his entry into private practice, Gerd served as Judicial Clerk to the Honorable Erminie L. Conley of the Superior Court of New Jersey, Appellate Division. He also served as Judicial Intern in the Chambers of the Honorable Theodore Z. Davis of the Superior Court of New Jersey, Chancery Division.

Gerd is an active volunteer attorney with the Domestic Violence Pro Bono Program, which is a joint collaboration between Partners for Women and Justice and the Rachel Coalition. The program makes quality legal assistance available at no cost to low income women seeking protection and other relief from abusive partners.

## **Experience**

- Successful resolution of intellectual property and trademark infringement lawsuit brought in federal court by international manufacturer
- Defended franchisee in trial in federal court in New Jersey against claims by national franchisor concerning termination of the franchise
- Represent clients in the prosecution or defense of Consumer Fraud Act, Truth-in-Consumer Contract Warranty and Notice Act and related claims
- Representation of scrap metal distributors in state and federal courts concerning claims including breach of contract, fraud, violation of the Uniform Commercial Code and violation of Racketeer Influenced and Corrupt Organizations Act
- Represent and counsel clients on all aspects of curative title real estate matters including special proceedings to obtain the discharge of, or to reinstate, mortgages
- Counseling prospective franchisees in obtaining a franchise, as well as counseling start-up franchisors in beginning a franchise

## **Professional Affiliations**

- American Bar Association
- New Jersey State Bar Association, Franchise Law Committee
- National Association of Dealer Counsel