

Eric Linden

PARTNER

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Practice Areas

- ▶ Electronic Payments Law
- ▶ Environmental Law
- ▶ Litigation & Dispute Resolution

Education

- ▶ University of Michigan Law School
J.D., *cum laude*
Associate editor of the Michigan Law Review
- ▶ Brandeis University
B.A., *magna cum laude*
Phi beta kappa

Bar Admissions

- ▶ Michigan
- ▶ Florida

Overview

Eric Linden is a commercial litigation attorney in our Litigation & Dispute Resolution, Electronic Payments, and Environmental Law practice groups. His experience encompasses a broad range of business disputes with a particular emphasis on contract disputes, non-competition agreements, trade secret litigation, tortious interference, and litigation concerning breaches of fiduciary duty and electronic payment disputes.

Eric provides sophisticated insight into the legal and practical challenges faced by businesses each day and works to secure the best solution for them in the most expeditious, cost-effective manner. Eric is an experienced litigator who has achieved favorable outcomes for his clients both inside the courtroom and across the negotiation table. He provides sound advice on the risks and benefits of a course of action to ensure that his client is best prepared to make some of their most significant decisions in some of the most complex and highly-regulated areas of the law.

Significant Matters

Recent Representative Electronic Payments Transactions

- ▶ Representation of a regional ISO in connection with a litigation matter pending in Michigan with one if its agents over the accuracy of the calculation of residual payments
- ▶ Representation of a regional ISO in connection with litigation pending in California concerning enforcement of a liquidated damage provision in its agent agreement for an agent which solicited and moved merchants in violation of the agreement
- ▶ Successful representation of an ISO in Florida litigation with one of its sales representatives concerning the payments to which the sales representative was entitled when the ISO sold its portfolio, including the agent's merchants, to a larger company
- ▶ Successful representation of a regional ISO in litigation pending in Pennsylvania concerning alleged violations of the Electronic Funds Transfer Act concerning an ACH debit applied against a merchant's account
- ▶ Consultation and advice to a regional ISO concerning interpretation and implementation of a merchant agreement provision concerning the establishment and maintenance of a reserve account for a high-risk merchant
- ▶ Appeal of a compliance assessment imposed by a card brand when a foreign bank suffered losses when the ISO's merchant's system was hacked
- ▶ Successful representation of regional ISO in connection with negotiation and resolution of a significant early termination fee against large merchant

Recent Other Matters

- Representation of insurance reconstruction contractor against lender, owner and insurance company in litigation pending in South Carolina concerning the proper allocation of insurance proceeds paid by insurer for covered loss
- Representation of a multi-specialty physician group against claims by former shareholders of minority oppression and breach of fiduciary duty
- Representation of successor corporation against claims by former shareholder concerning a Look-back provision in stock redemption
- Successful arbitration against independent contractor for breach of contract concerning inadequate consultation services
- Representation of law firm and its principals against claims of former shareholder, including obtaining partial summary disposition of several claims
- Successful representation of insurance reconstruction contractor in litigation in Florida resulting in a judgment after trial in excess of \$10 million
- Consultation, advice, and representation of insurance reconstruction contractor in various bankruptcy courts around the country concerning the entitlement to insurance proceeds assigned to contractor pre-petition and therefore not part of the bankruptcy estate

Affiliations

- State Bar of Michigan
- The Florida Bar
- Electronic Transactions Association
- Environmental Law Society
- Brandeis University Alumni Association
- Rudgate Associates Homeowners' Association, President

Recognition

- Dbusiness Top Lawyer 2012, 2020