



Direct: 212.571.0550

adisarro@abv.com

vCard | PDF

▼ **Academic Background**

B.A., *magna cum laude*, State University of New York at Albany

J.D., *summa cum laude*, New York Law School, 1986 Articles Editor of the New York Law School Law Review

LLM, Columbia University School of

Anthony DiSarro

Of Counsel

Tony DiSarro has over twenty-five years of experience in the prosecution and defense of all types of commercial litigation, representing clients before federal and state courts, as well in arbitrations. He has litigated matters involving business disputes, contracts, securities, trademarks and false advertising, insurance, constitutional matters, creditors' rights, legal and accounting malpractice, employment, and white-collar crime. He has tried several commercial cases to verdict before juries in federal court, and has settled civil lawsuits during the course of multi-week trials. He has argued critical motions and appeals, including conducting the oral argument before the United States Court of Appeals for the Second Circuit in a seminal decision on the law of insider trading.

In addition, he has substantial experience in federal constitutional law, with an LLM Degree with concentration in that area. He is presently an Assistant Professor and Constitutional Law Chair at the United States Military Academy at West Point, teaching cadets both basic and advanced principles of Constitutional Law.

Mr. DiSarro has been an adjunct professor of law at New York Law School, teaching Federal Courts. He has written extensively on the subjects of the Constitution, federal courts and remedies and has published articles in scholarly journals, such as the American University Law Review, the Harvard Journal of Law and Public Policy, the Rutgers Law Review and the Gonzaga Law Review.

▼ **Representative Matters**

False Advertising and Lanham Act

Law, Harlan Fiske Stone scholar

▼ Bar and Court Admissions

New York

Southern District of New York

Eastern District of New York

Second Circuit Court of Appeals

▼ Professional/Community

Member of the Federal Bar Council,
Second Circuit Courts Committee.

Attorney Liability Assurance Society,
served as law firm loss prevention
partner.

- Representation of vacuum cleaner manufacturer asserting claims for unfair competition and false advertising, and resolution of such claims on the eve of a jury trial in connection with an eight figure settlement.
- Successful defense of power toothbrush manufacturer in a four-day evidentiary hearing in federal court against claims under the federal Lanham Act and for injunctive relief.
- Defense of dental care product manufacturer in a civil jury trial in federal court in dispute with competitor concerning product performance claims.
- Defense of manufacturer of premium sunglasses against a preliminary injunction motion predicated on claims of trademark infringement.
- Defense of watch designer against trademark and trade dress claims by manufacturer of premium watches.

Securities Litigation and Corporate Disputes

- Representation of an individual in civil and criminal insider trading cases, including an appeal that resulted in a seminal decision by Second Circuit Court of Appeals on the law of insider trading.
- Representation of clients in small business break-ups involving valuation and freeze-outs.
- Representation of company prosecuting claims for breaches of representations and warranties in connection with the sale of a business.
- Defense of corporate officers in a civil jury trial in federal court and subsequent appeal with respect to charges of mismanagement and improper accounting practices.
- Defense of a bank officer, and resolution on the eve of trial, of claims by federal regulators involving alleged banking law violations and fraudulent transfers.
- Defense of claims by investors involving alleged securities law violations with respect to a public offering of subordinated debt securities.
- Defense of an investment banking firm against securities law claims by investors with respect to the merger of two banks.
- Defense of public company against claims by sophisticated investors based on alleged securities law violations in connection with a tender offer.
- Representation of brokerage firms in NASD and AAA arbitrations brought by investors claiming unsuitability and churning.

Employment and Related Litigation

- Defense of bank against claims by a former officer arising from the termination of his employment.
- Defense of hospital against claims by physicians arising from termination of their admitting privileges.
- Representation of union officials challenging disciplinary proceedings or trusteeship decisions by union governing body.
- Successful defense of health care provider against claims of discrimination predicated on treatment of patients.

Business Litigation

- Successful defense of company providing medical services by obtaining dismissal of claims by competitor for tortious interference with contract.
- Defense of bank and dismissal of claims by customer to recoup losses from foreign currency trading.
- Defense of accountant against claims by client for investment losses allegedly caused by erroneous investment advice.
- Securing judgment and award of attorneys' fees on behalf of lender against guarantors of defaulted debt.
- Securing temporary restraining order for shipping company enjoining government interference with contract bidding procedures.
- Prosecution of civil antitrust claims by building owner against consortium of realty owners for engaging in group boycott.
- Representation of small thrift seeking to enforce capital infusion obligations by former parent company.
- Successful defense of insurer with respect to insurance coverage claims made by brokerage firm for employee infidelity with respect to commodities trading.

▼ Publications

Law Review Articles

Six Decrees of Separation: Settlement Agreements and Consent Orders in Federal Civil Litigation, 60 AM. U. L. REV. 275 (2010)

Freeze Frame: The Supreme Court's Reaffirmation of the Substantive Principles of Preliminary Injunctions, 47 GONZ. L. REV. 51 (2011)

A Farewell to Harms: Presuming Irreparable Injury in Constitutional Litigation, 35 HARV. J. L. & PUB. POL'Y 734 (2012)

When A Jury Can't Say No: Presumed Damages for Constitutional Torts, 64 RUTGERS L. REV. (forthcoming)

Newspaper Articles and Other Publications

The Use of Rule 21 to Create Jurisdiction Nunc Pro Tunc, New York Law Journal (Sept. 23, 2009)

Boyle's' Law and 'Agent Orange' Litigation, New York Law Journal (June 10, 2008)

Legality of Prejudgment Asset Freezes by Federal Bank Agencies, New York Law Journal (May 18, 2005)

Notice and Disclaimer

This website contains general information about Allegaert Berger Vogel LLP (“ABV”) as a convenience only and is not intended to be, and does not constitute, a source of legal advice. The content of the website should not be relied upon as legal or other advice, and no one should act or refrain from acting on the basis of any information on this website; ABV expressly disclaims all liability relating to actions taken or omitted to be taken based on the contents of this website. The information on this website is not an invitation for an attorney-client relationship, an advertisement, or otherwise a solicitation of any relationship. Neither receipt of any information presented on this website nor any email or other electronic communication with ABV or its lawyers sent through this website (or any responses thereto by ABV personnel) will create an attorney-client relationship until and unless an ABV partner has specifically agreed in writing to such a relationship. Emails or other communications through this website will not be treated as confidential, and you should not send us by email any confidential information or facts relating to your legal problems or question until and unless ABV has confirmed in writing the creation of an attorney-client relationship. Users should also be aware that email and other electronic communications may not be secure.