



EDWIN F. CHOCIEY, JR.

Practice Areas

Products Liability, Toxic Tort and Mass Tort

Litigation

Labor & Employment Law

Intellectual Property

Health Care Law

Construction Law

Appellate Law Strategies

Insurance and Reinsurance Law

Areas of Emphasis

Commercial Litigation

Insurance Litigation

Trade Secrets, Restrictive Covenants and Unfair Competition

Employment Litigation

Health Care Litigation

Construction Litigation

Products Liability Litigation

Overview

Litigator Edwin F. Chociej, Jr. believes that preparation and attention to



Partner

973.451.8412

echociej@riker.com

detail are essential components of effectively representing his clients. “I don’t assume anything about my cases,” he says.

Ed has developed a diverse commercial litigation practice. He litigates in the areas of insurance, employment, hospital and health care, intellectual property, construction, real estate, utilities, products liability, estates and other matters. He also frequently litigates in the areas of trade secrets, restrictive covenants and unfair competition.

Ed represented Cooper University Hospital and Our Lady of Lourdes Medical Center in a highly public challenge to a human subject research study pursuant to which the New Jersey Department of Health and Senior Services granted certificates of need to certain hospitals, which lacked on-site cardiac surgery back-up, to perform elective angioplasty. The controversial practice of permitting elective angioplasties to be performed at such hospitals is the subject of a research study that contravenes American Heart Association and American College of Cardiology guidelines. The New Jersey Supreme Court ruled that the Department had illegally adopted the regulations pursuant to which the certificates of need were granted, and were therefore invalid.

Ed's representations also have included the following:

- Through the granting of a motion to dismiss by the District Court and affirmance by the Third Circuit, successfully defending a fertilizer manufacturer whose product had been used as an explosive by terrorists in the 1993 World Trade Center bombing.
- Successfully defending an automotive lift manufacturer in a design and warning defect product liability case brought by a mechanic, obtaining a no cause jury verdict at trial.
- Successfully defending jewelers who sought to open their own jewelry exchange, in simultaneous actions filed by their landlord in the Chancery Division for alleged violation of a non-competition covenant in their leases and in the Landlord / Tenant Part for eviction, by obtaining the denial of the landlord's preliminary injunction application after extensive expedited discovery in the former and dismissal of all claims at trial in the latter.

- In perhaps the first case in the country involving judicial review of a physician challenge to a hospital's use of an exclusive agreement for medical oncology services, obtaining summary judgment in the Chancery Division, and the Appellate Division's affirmance thereof, in favor of Northwest Covenant Medical Center (now known as Saint Clare's Hospital), thereby establishing an important precedent in New Jersey's exclusive contract jurisprudence.
- Successfully defending Northwest Covenant in the Chancery, Law and Appellate Divisions in multiple lawsuits by anesthesiologists challenging the hospital's use of an exclusive contract to provide anesthesia services.
- Successfully defending an insurance claim adjusting firm in an arbitration filed by an insurance company, which sought millions of dollars in damages. The insurer also sought declaratory relief requiring the adjusting firm to continue to service and to pay certain law firms to defend, without compensation from the insurer, all claims remaining after the insurer had terminated the parties' claims service agreement. After a lengthy arbitration, the arbitrator ruled in our client's favor, denied all of the insurer's claims and awarded damages to our client on its counterclaim. As a result, Ed also obtained favorable results for our client in three lawsuits in New York filed by the law firms, which had sought payment from our client.
- In an action by a competitor of the insurance claim adjusting firm alleging that it had "raided" the competitor's employees in three states, successfully defending our client in the Chancery Division, after exhaustive accelerated discovery, on the competitor's preliminary injunction application by obtaining denial of all requests for relief, as well as in the Appellate Division.
- On National Starch and Chemical Company's behalf, obtaining summary judgment in the District Court, and the Third Circuit's affirmance thereof, against an automotive seam filler compound's seller, which claimed that National Starch had breached the parties' technology purchase and consulting agreement by failing to use reasonable efforts to promote and market the compound after

purchasing it.

- In the District Court, obtaining summary judgment in McKesson Corp.'s favor in an antitrust action by a pharmacy claiming that McKesson and other pharmaceutical distributors had conspired to limit the credit extended to the pharmacy.
- Obtaining summary judgment in the Southern District of New York for a defendant accused of exercising undue influence over a mentally incapacitated person to cause him to change his beneficiary designations on his multi-million dollar financial accounts.
- On the basis of the doctrine of comity, obtaining the Law Division's dismissal, and the Appellate Division's affirmance thereof, of an attorney malpractice action filed in New Jersey, in view of the law firm's first-filed action in New York to recover unpaid fees from its former client.
- Obtaining the dismissal with prejudice of multiple actions in lieu of prerogative writs filed by citizen groups, based on environmental and other grounds, in challenging a developer's construction of a large retail and office project in Mercer County.
- Obtaining a substantial judgment on defamation and tortious interference claims for a vascular surgeon wrongly denied hospital medical staff privileges.
- Successfully representing a large apartment complex owner before the New Jersey Superior Court's Office of Administrative Law and the Board of Public Utilities in its action against a cable television and internet service provider in which our client initially obtained preliminary restraints against further major work by the provider, and then obtained at the OAL trial virtually all of the access conditions pursuant to the New Jersey Cable Television Act requested by our client, as well as the BPU's adoption of the OAL's rulings in our client's favor.
- Obtaining injunctive relief on behalf of Johnson & Johnson and Cordis Corporation against a competing medical device manufacturer and three sales representatives who had resigned from J&J / Cordis and joined the competitor in the same territories, located throughout the country, in which they had worked for J&J /

Cordis, thereby upholding their non-compete and non-solicitation agreements.

With former Riker Danzig Partner Edward A. Zunz, Jr., Ed co-authors the *Appellate Practice and Procedure* volume of West Publishing's New Jersey Practice Series. During law school, Ed served as an Articles Editor of the *Seton Hall Law Review*. He published articles concerning New Jersey's "Fireman's Rule", 21 *Seton Hall L. Rev.* 961 (1991), and Title VII's extraterritorial effect, 22 *Seton Hall L. Rev.* 91 (1991). He received the Seton Hall Law School Center for Social Justice Pro Bono Service Award for his work with the Essex County Public Defender's Office. After law school, he served as the law clerk for the Hon. Freda L. Wolfson, U.S.M.J. (now U.S. Chief District Judge), in the United States District Court for the District of New Jersey.

Best Lawyers in America®, a peer review of U.S. lawyers, has named Ed "Lawyer of the Year" for Healthcare Litigation for 2019 and 2021 in the Newark region, an honor given annually to a single attorney in each practice area in each region. *Best Lawyers* has listed Ed on its "Best Lawyers" List in the field of Commercial Litigation since 2015 and for Health Care Litigation since 2016. Thomson Reuters has included Ed on the New Jersey *Super Lawyers* list for Business Litigation since 2009. See [Awards and Honors Methodology](#).

No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Education

Seton Hall University School of Law, J.D., *summa cum laude*, 1993

University of Pennsylvania, B.A., 1990

Bar Admissions

New Jersey

New York

United States District Court, District of New Jersey

United States District Court, Southern District of New York

United States District Court, Eastern District of New York

United States Court of Appeals, Second Circuit

United States Court of Appeals, Third Circuit

United States Court of Appeals, Fifth Circuit

United States Court of Appeals, Federal Circuit

Professional Activities

Member, Fenerbahçe USA

Advisory Board Member, Seton Hall University Law School's Gibbons
Institute of Law, Science & Technology

Former Member, N.J. Supreme Court District XB Ethics Committee

Former Board Member, Jersey Battered Women's Service

Former V.P. and Board Member, Morris Habitat for Humanity

Law Clerk, Hon. Freda L. Wolfson, U.S. Magistrate Judge (now U.S. Chief
District Judge), U.S. District Court for the District of New Jersey, 1993-
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