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## **PRACTICE AREAS**

- Commercial Litigation
- Corporate Asset Recovery
- Creditors Rights and Bankruptcy
- Employment Law
- Intellectual Property
- International Law
- Products Liability and Mass Tort Litigation
- Real Estate
- Tax Lien Enforcement
- Trial, Insurance Defense and Coverage

## **ADMISSIONS**

- California
- District of Columbia
- Maryland
- New Jersey
- New York
- Ohio
- Pennsylvania
- U.S. Court of Appeals – 3d Cir., 9th Cir.

Daniel C. Fleming is the V.P. and Partner in the Firm's Princeton, N.J. office of Wong Fleming and a litigator who has taken over 100 cases to jury verdict, and just as many cases in bench trials. He is Chair of the Banking, Finance & Bankruptcy Practice Group and Chair of the Products Liability and Mass Tort Litigation Practice Group, and the Commercial Litigation Practice Group. His jury trial, bench trial, and arbitration experience is wide-ranging and includes products liability, commercial disputes, employment litigation, civil rights, bankruptcy, and even international parental child abduction. Mr. Fleming received his undergraduate degree from Villanova University in 1981, where he earned a Bachelor of Arts degree in Modern Languages. He received his law degree in 1984 from Catholic University of America in Washington, D.C. and earned the American Jurisprudence Award in Constitutional Law. Upon graduation from law school, he served as Law Clerk to the Honorable Joseph M. Hannon of the Superior Court of the District of Columbia. He is a member of the New Jersey, New York, Pennsylvania, Maryland, California, Ohio and Washington, D.C. Bars and has been recognized as a Super Lawyer based upon his outstanding achievements as a lawyer. He is AV-rated and a Fellow of the American Bar Foundation, an honor society of lawyers and judges limited to one percent of the legal profession. Intel Magazine named him as one of New Jersey's Best 50 Attorneys for 2022 and the New Jersey Law Journal awarded him its Unsung Hero recognition for 2022.

## **Bankruptcy**

Mr. Fleming has litigated a variety of adversary proceedings, including, preferences, fraudulent transfers, and objections to discharge. He has also litigated a wide range of contested matters, such as first day orders, cash collateral and adequate protection, relief from the automatic stay, executory contracts, objections to the adequacy of disclosure statements, and objections to plan confirmation. He is the co-author of an article appearing in the bankruptcy bar's most notable journal, the American Bankruptcy Institute Law Review. He has also donated his time to the community by speaking to Philadelphia citizens about bankruptcy at the Philadelphia Bar Association's People's Law School forum. He was also invited to speak at the Southern District of New York's bankruptcy conference on the dischargeability of taxes in bankruptcy.

## **Civil Trials**

Mr. Fleming's trial achievements include obtaining a multi-million dollar jury verdict for a commercial bank in a fraud and racketeering action in federal court. He has litigated and jury tried numerous actions for the Federal Deposit Insurance Corporation and for the now-defunct Resolution Trust Corporation. He has successfully tried contested foreclosure actions on behalf of commercial banks. He has also successfully co-tried numerous employment and civil rights actions against public entities, giving him unique insight into how to successfully defend against such claims. He is the first attorney to have successfully jury tried a professional liability action for the RTC in the Northeast United States.

## **Products Liability**

Mr. Fleming has defended some of the most prominent national and international corporations. For nearly thirty years, he has defended designers, manufacturers, and sellers in cases involving a wide variety of products liability defense litigation, including, claims of design defect, manufacturing defect, breach of warranty, and failure to warn. He has successfully represented clients in cases ranging from industrial and commercial equipment design to improper warnings on over-the-counter medical supplements. Mr. Fleming's approach to the defense of products liability actions includes consulting with the manufacturer's engineers to develop a defense, retaining the right expert to support the defense, and effectively deposing the Plaintiff's experts, all while making sure that the defensive strategy brings value to the client in a cost-effective manner.

## ADMISSIONS

(continued)

- N.D.N.Y., E.D.N.Y., S.D.N.Y., W.D.N.Y., D.N.J., E.D. Pa., N.D. Ill., E.D. Mich., D. Colo., N.D. Ohio, S.D. Ohio, C.D. Cal., N.D. Cal., E.D. Cal., E.D. Mo., E.D. Wis.

## REPRESENTATIVE MATTERS

- Represented a large commercial lender against principals of a defunct business and its successor company asserting fraudulent conveyances under the UFTA and successor liability claims.
- Represented a cable television provider in a suit brought by a factoring company seeking to collect payments owed by advertisers to a media advertising agency, and attained a favorable resolution after asserting cross-claims against media agency's assignee for unlawful conversion of monies due for placement of advertisements under Article 9 of the UCC.
- Represented a large financial services institution in the defense of a pending action involving claims of fraud in the inducement of a vendor contract and unjust enrichment.
- Represented one of the nation's largest bank-based financial institutions on a multi-million dollar default regarding several Demand Floor Plan Line-of-Credit Notes.
- Represented a Fortune 500 financial institution on numerous matters involving defaults on secured and unsecured lines of credit.
- Represented a national bank-based financial institution on matters involving bankruptcy and recovery of secured equipment with a seven-figure value.
- Represented a Fortune 500 company for recovery of secured equipment and machinery.
- Represented a national based financial institution in an action for breach of contract when the answering party failed to secure the renewal of a contract as required by the governing loan documents.
- Represented a Fortune 500 company on numerous matters involving default on loan documents and recovery under continuing personal guaranties of the answering party.
- Represented a large financial Institution in federal court to recover a multi-million dollar advance used for the operating capital of a large regional bank.
- Represented a Fortune 500 Company in a discovery dispute involving a non-party witness subpoena to limit and exclude the production of documents relating to confidential trade secrets.
- Represented a large consumer financial institution in the defense of a requirement for reserve account to protect against losses due to a motor vehicle dealership's falsification of consumer loan documents.
- Represented the former owners of a staffing business in a multi-million-dollar contract interpretation lawsuit with the successor entity.

## PROFESSIONAL HONORS, AWARDS AND ACTIVITIES

- Rated AV-Preeminent by Martindale-Hubbell
- Rated Super Lawyer in the area of Creditors' Rights & Bankruptcy 2023
- Member, DRI
- Member, ABA
- Member, Philadelphia Chinatown Development Corporation
- Chairman, Board of Directors, Asian Bank, Philadelphia, PA
- Member, Audit Committee, Asian Bank, Philadelphia, PA
- Member, Board of Ambassadors, National Health Law Program
- Member, The Association of the Federal Bar of New Jersey
- Fellow, American Bar Foundation

## PUBLICATIONS

- "The Treatment of Residential Mortgages in Chapter 13 after Nobelman" (American Bankruptcy Institute Law Review, Spring 1994).

## SPEECHES

- "How to Beat the IRS: Dischargeability of Taxes in Bankruptcy" (Hudson Valley Bar

Association, 13<sup>th</sup> Annual New Deal for Consumer Bankruptcy Seminar, September 30, 2016).

- “Mixed Signals: Why China is Right and Wrong to Violate Intellectual Property Rights” (Rider University, International Week, March 30, 2005).
- “Regulatory Investigations” (Panel Chair, MIHCA Conference, September 2015).
- “American Pharmaceutical Concerns: Intellectual Property Right Issues in China and India” (Saint Joseph’s University Pharmaceutical Symposium, 2003).
- “Doing Business With China: Protecting Your Intellectual Property” (N.J. Small Business Development Center, 2003).
- “How to Get Our Evidence in at Trial and Keep Theirs Out: A Primer on the Rules of Evidence in Employment Cases” (National Employment Lawyers Association, 2003).
- “Employment Law” (N.J. Governor’s Conference on Housing and Community Development, 2002).
- “The Legal Aspects of International Trade” (U.S. Small Business International Market Entry Program, 2002).
- “Employment Law” (N.J. Affordable Housing Management Spring Event Seminar, 2002).
- “Global Business Panel at Rider University” (Center for International Business & Education, 2002).
- “So, You Want to Have an International Trade Business?” (U.S. Department of Commerce, 2001).
- “Advanced Collection Law in New Jersey” (Lorman Education, 2000).
- “Contentious Issues in Hiring and Firing” (Employment Law Super Conference, American Conference Institute, 2000).
- “Complex Commercial Collection Law in New Jersey” (Lorman Education, 1999).
- “The Asian Contagion: Turning Crisis into Opportunity for Northern New Jersey Business” (International Trade Conference, New Jersey Regional Business Partnership, 1999).
- “Doing Business in the Far East: A Primer for Trading with China, Hong Kong, Japan and Beyond” (Regional Business Partnership, 1998).
- “Chinese Business Opportunities and Cultural Dynamics” (Economic Development Council of Northeastern Pennsylvania, 1998).
- “Global Trade 2000 Countdown ‘98: Intellectual Property Rights Outside of the United States” (Center for International Business & Education, 1998).
- “Economic Outlook for New Jersey: Asia and Wall Street” (Regional Business Partnership, 1998).
- “Doing Business in the Far East” (Doing Business in the Far East, 1998).
- “Impact of China’s Takeover of Hong Kong” (Center for International Business & Education, 1997).

## EDUCATION

- J.D., Columbus School of Law, Catholic University of America (1984)
- B.A. and B.A.H., Villanova University (1981)