



## Robert J. Cunningham

Shareholder  
Civil Litigation  
Construction Law  
Professional Liability  
Real Estate

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Rob is an extraordinarily experienced trial and appellate litigator, who has been named one of the "Top Lawyers" in the region by Washingtonian Magazine. He specializes in high stakes complex corporate litigation, construction defect cases, copyright and patent infringement cases and commercial real estate disputes. His clients have covered a wide spectrum from closely-held business owners to residential and commercial builders, home owners, corporate shareholders, copyright holders, business partners and land owners. He has also been involved in a number of estate litigation cases. Thanks to his extensive litigation background, Rob commands a significant referral network to assist individuals and companies facing state or federal white collar criminal prosecutions.

A number of his cases have gone to the Virginia Supreme Court and have been cited in legal journals. Among other notable professional accomplishments, Rob has successfully represented:

### Representative Experience

- Successfully defended an employer charged with misappropriation of retirement funds in state court jury trial
- Won a substantial arbitration award on behalf of a former business owner who alleged violation of copyright and intellectual property rights in a business sales agreement, to include pre-verdict seizure of purchaser's assets
- Won an unprecedented contribution claim by an individual defendant against other co-defendants charged with intentionally converting employee pension funds in federal ERISA litigation
- Obtained dismissal of a multi-count prosecution against a closely-held company charged with numerous building and fire code violations in a large commercial building
- Successfully defended a business owner charged with assaulting police officers in a multi-count felony indictment
- Won a six-figure jury damages award for a Secret Service agent exposed to pesticides while on duty
- Had a contract to purchase an exotic sports car rescinded by court on behalf of a client suffering from an undiagnosed mental infirmity at the time of purchase
- Obtained \$450,000 verdict in favor of stockholder against managing director of closely-held corporation for shareholder oppression and conversion of corporate assets
- Won a \$380,000 judgment in contested proceedings (including compensatory and punitive damages) on behalf of construction client/homebuilder against individual investors for fraudulent scheme to purchase and resell new homes

- Lead counsel in defense of RICO/Immigration Fraud case brought in Eastern District of Virginia resulting in Rule 41 Dismissal – plaintiff’s experts struck in pre-trial proceedings on procedural and substantive grounds
- Lead counsel in defense of state and federal software copyright claims filed in Western District of Pennsylvania Federal District Court – successful pre-trial proceedings resulted in extensive published opinions by District Court on new and novel legal doctrines governing software copyright infringement actions
- Lead counsel in defense of unique “traverse” proceedings instituted by creditors’ counsel in Superior Court for the District of Columbia. Exceedingly complex case spanned 10 years, in multiple jurisdictions and venues, with reported appellate decisions
- Lead counsel in successful defense of construction defect case for custom home builder involving novel issues of law, including claims of spoliation of evidence asserted by plaintiff’s counsel. Case on appeal to Virginia Supreme Court
- Lead counsel in successful, multi-year, vigorously contested partition action involving one of largest tracts of undeveloped waterfront properties in the D.C. metropolitan area
- Lead counsel of record in successful appeal to Virginia Supreme Court in published opinion that reversed ruling of trial court that erroneously held that estate is not liable for large mortgage debt on marital residence that passed to wife outside of probate of estate
- Lead counsel in successful defense of wrongful partnership expulsion and conspiracy claims against prominent local professional services firm resulting in favorable settlement during course of two-week jury trial
- Lead counsel in successful defense of injunction action seeking to prohibit placement and ensuing employment of over 40 individuals involved in government contract re-compete process.
- Successful prosecution of arbitration proceeding instituted on behalf of purchasers of custom home claiming numerous structural, aesthetic and cosmetic defects.

## Professional Credentials

- Graduate, University of Texas
- Graduate, American University Law School
- Former member of the Intern Honors program, Civil Rights Division of the U.S. Department of Justice
- Barred in state and federal courts in Virginia
- Maryland
- District of Columbia (pending)
- Named one of Washingtonian Magazine’s “Top Lawyers”
- Peer-rated ‘distinguished’ by Martindale-Hubbell, 2011.

## Articles

- Out Of The Frying Pan and Into The Fire - Asserting Constitutional Rights on Behalf of a Closely Held Corporation
- “Americans with Disabilities Act: Ensuring that Renovations and Alterations Comply with ADA Regulations”
- “Be Careful What You Wish For - The Pitfalls of Including an Arbitration Clause in your Contract Documents”

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