StradleyRonon

Eric B. Porter

Partner

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Eric Porter is a highly respected commercial litigator with experience representing clients through all stages of litigation in state and federal courts. Equally at home in a courtroom and a settlement negotiation, Eric approaches each matter he handles with the goal of achieving the outcome best suited to his client's individual needs and objectives.

Eric advocates for clients across a diverse array of practice areas, handling matters ranging from intellectual property actions, contract disputes, insurance fraud investigations and product labeling claims to the recognition of foreign arbitration awards, corporate ownership disputes and construction litigation.

Eric delivers a relentless focus on powerful oral and written advocacy, combined with a pragmatic, creative approach to resolving disputes and furthering his client's interests.

Prior to his time as a commercial litigator, Eric served as senior counsel for the New York City Law Department, where he represented New York City in high-profile cases involving civil rights issues, education law, Americans with Disabilities Act (ADA) compliance and class action defense.

Featured Representative Matters

- Secured the dismissal of all charges brought against two mutual fund independent trustees by the SEC in the first enforcement action brought pursuant to Rule 22e-4 (the Liquidity Rule) of the Investment Company Act of 1940, a critical win for the asset management industry.
- Obtained a preliminary injunction on behalf of a consumer packaged goods client prohibiting a competitor from using an infringing mark in selling its competing product.
- Defeated a motion for summary judgment seeking to enforce the client's personal guaranty on a commercial lease.
- Negotiated a favorable settlement resolving a contentious business divorce.
- Obtained a preliminary injunction for an entertainment client enjoining a competing performer's use of the client's protected intellectual property.
- Negotiated a favorable settlement for a general contractor client resolving a long-running dispute with the property owner.

Services

- Intellectual Property
- Litigation
- Complex Commercial & Class Action Litigation
- Appellate
- Emerging Companies & Venture Capital
- Trial Practice

Education

- Temple University Beasley School of Law (J.D.)
- The George Washington University (B.A.)

Admissions

- New York
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York

Community Impact

As a volunteer for the Immigration Justice Campaign, Eric obtained asylum for a Nigerian refugee fleeing religious persecution and death threats in his home country. Eric secured the client's freedom after the client spent eight months in an immigration detention facility, and Eric was able to additionally obtain asylum for the client's spouse and children, reuniting them in the United States after a year apart. (2018-19)

Recognitions

- *The Legal 500* US Elite (New York: Intellectual Property) (2026)
- Legal Lions of the Week, *Law360* (2025)
- New York City Department of Homeless Services' Legal Excellence Award (2010)

- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Second Circuit

Experience

<u>Secures SEC Dismissal in First-Ever Liquidity Rule Enforcement Action</u>
The U.S. Securities and Exchange Commission (SEC) voluntarily dismissed charges with prejudice against two mutual fund independent trustees in the agency's first enforcement action brought pursuant to the Liquidity Rule (Rule 22e-4) promulgated under the Investment Company Act of 1940 (the Act). The case was filed in the U.S. District Court for the Northern District of New York against registered investment adviser Pinnacle Advisors, two of its officers and two independent trustees of a mutual fund that Pinnacle advised. The SEC alleged that the independent trustees aided and abetted the mutual fund's purported misclassification of illiquid securities in violation of the Liquidity Rule.

Stradley Ronon argued on behalf of the independent trustees that the SEC had no legal basis for its aiding and abetting charges as the independent trustees did not write, review, or even see the liquidity classifications that formed the basis for those charges, did not substantially assist the alleged violation, and otherwise complied with all of their obligations pursuant to the Liquidity Rule. Stradley Ronon further argued that the agency lacked the necessary congressional authority pursuant to the Act to promulgate the Liquidity Rule.

The challenge to the agency's authority to promulgate the Liquidity Rule led the Court to order additional briefing to address the framework for interpreting federal statutes established by the U.S. Supreme Court's decision in *Loper Bright Enterprises v. Raimondo.* Stradley Ronon re-filed its motion to dismiss all charges on April 28 arguing that the plain text of the statute did not grant rulemaking authority related to fund liquidity and resubmitted its arguments challenging the SEC's failure to state a claim for aiding and abetting liability against the independent trustees. Following the briefing, the SEC agreed to dismiss all charges against the independent trustees with prejudice, meaning that the SEC cannot refile the charges.

"We are very pleased that the court took the merits of our arguments seriously and that the SEC responded by dismissing the complaint," said the NYSA Fund independent trustees. "We always believed in the strength of our case and are grateful for our lead attorney Jan Folena and Stradley Ronon's guidance, knowledge, and litigation capabilities that made this outcome possible."

Lead trial counsel Jan Folena was assisted by Eric Porter, Samantha Kats, Sara

Crovitz, Dave Grim, and Eric Purple.

Eleventh Circuit Affirms Trademark Ruling for Nutritional Products Company
The U.S. Court of Appeals for the Eleventh Circuit affirmed a lower court's decision on behalf of Stradley Ronon client Nutrition Resource Services, Inc. d/b/a JBN – Just Be Natural in a trademark infringement matter.

JBN manufactures and sells energy drinks and powders under various brand names, including "KRANK'D," which obtained a trademark registration in 2006. A competitor began selling a similar product under the brand name "KRANK3D" and proceeded to market the product to the same consumers as JBN's product.

Stradley Ronon filed preliminary injunction motion papers and argued the motion at an emergency hearing in February 2024. A Georgia federal court granted the injunction, and a three-judge panel affirmed the lower court's ruling.

Business Vantage Point

Delaware Supreme Court Ruling Upholds Constitutionality of Increased Protections for Controlling-Stockholder Transactions
June 17, 2026

When a controlling stockholder causes a corporation to engage in business with the stockholder or another entity the stockholder controls, the transaction raises questions about the controlling stockholder's fiduciary duty to the corporation. Is the transaction really in the...

Delaware Supreme Court Backs Controlling Stockholder, Board in Fight Over Attempt to Move Delaware Corporation to Nevada
March 18, 2025

Delaware has long been the domicile and jurisdiction of choice for many sophisticated corporate entities. But recent years have seen several states attempt to draw corporations away from Delaware by passing corporate-friendly amendments to state business laws, setting up...

Delaware High Court Rejects Bylaw Revisions Made to Thwart Hostile Takeover Bid
August 20, 2024

The Delaware General Corporation Law grants stockholders and directors wide latitude to pass and implement corporate bylaws, and the boards of Delaware companies may be tempted to revise bylaws in the face of a hostile takeover bid to help...

U.S. Supreme Court Retaliatory Claims Ruling May Trigger More Whistleblower Suits
February 27, 2024

When whistleblowers lose their jobs or otherwise experience an adverse employment action, employers often face retaliation claims. With respect to retaliation claims brought under the Sarbanes-Oxley Act, the U.S. Supreme Court recently clarified the parties' respective burdens of proof...

Court Rules That a Corporation May Not Assert Privilege Against an Investor Represented on the Board

April 27, 2023

When a dispute erupts into litigation between a corporation and one of its investors, the corporation will likely seek to invoke the attorney-client privilege to prevent the investor from accessing otherwise relevant communications between the corporation's board of directors...

Board Observers: Relevant Considerations and Potential Pitfalls

January 26, 2023

Angel investors, venture capital and private equity funds often seek to secure some presence, formal or informal, within the board meetings of the corporations in which they invest. Such representation and participation in corporate governance provide potential benefits to...