

JOSEPH P. GOLDBERG

Partner, Telecommunications, India-U.S. Cross-Border
and Art Law Practices Leader

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As head of the Litigation Practice in Hodgson Russ's New York City office, Joseph represents clients in all phases of federal and state civil litigation, U.S. and international arbitrations, and government regulatory and enforcement proceedings. He has successfully tried and argued cases nationwide and overseas.

Joseph serves as outside general counsel for various U.S. public and private companies, providing advice on corporate, partnership, trademark, intellectual property, employment law, and other matters. As leader of the firm's India Practice, he also represents numerous India-based companies with respect to U.S. operations and serves as a strategic and financial consultant for Indian companies seeking financing opportunities and investors in the United States.

Joseph is the Art Law Practice Leader, where he provides advice and counsel to buyers and sellers of major works, auction houses, trusts and estates with significant art collections, collectors, galleries, museums and individual artists. He provides assistance in various areas, including litigation, challenges to ownership and provenance issues, as well as the auctioning and selling of property.

As the leader of the firm's Telecommunications Law Practice, Joseph regularly serves international and domestic carriers, prepaid and rechargeable calling card distributors, cellular phone companies, and other clients in the telecommunications industry. He has extensive experience litigating a wide variety of telecommunications cases in state and federal courts nationwide, and in regulatory matters, including Federal Communications Commission (FCC) proceedings. He also plays an active role in advising emerging companies in diverse fields, including advertising, pharmaceutical, software, and real estate.

His experience includes successfully representing clients in domestic and international arbitrations before the Judicial Arbitration and Mediation Services (JAMS) and the American Arbitration Association (AAA). His recent international arbitration activity includes cases before the Stockholm Chamber of Commerce, ICC International Court of Arbitration, the Swiss Chambers

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Practices & Industries

Alternative Dispute Resolution
Art
Business Litigation
Cannabis & Hemp
Cleantech
India-U.S. Cross-Border
International-U.S. Cross-Border
Professional Services
Real Estate Leasing
Telecommunications

Admissions

New York
U.S. District Court, Eastern District
of New York
U.S. District Court, Southern
District of New York

Education

Queens College, B.A.
Georgetown University Law Center,
J.D.

JOSEPH P. GOLDBERG

Arbitration Institution (SCAI), the London Court of International Arbitration (LCIA), and the Arbitration Foundation of Southern Africa (AFSA).

Experience

A Hodgson Russ team led by Joseph P. Goldberg obtained a ruling in favor of a France-based Hodgson Russ client in a suit brought against it by a Georgia-based U.S. company. The U.S. company originally brought suit in the Superior Court of Fayette County, Georgia State Court, alleging breach of contract, breach of express and implied warranties, and breach of implied covenant of good faith and fair dealing when a product produced by our client that the U.S. company purchased for resale to a passport agency allegedly could not be read by the passport readers. Our client refused to return the deposit the U.S. company had paid for the product. Hodgson Russ first had the case removed to federal court before moving to dismiss on several grounds, including a forum selection clause in the contract between the parties granting exclusive jurisdiction to the Commercial Court of Aix-en-Provence in France and lack of personal jurisdiction over our client. In arguing that the Commercial Court of Aix-en-Provence in France was a reasonable forum, our client's motion to dismiss noted that, contrary to the U.S. company's assertions in the complaint, the agreement between the parties was not governed by the Uniform Commercial Code, but instead by the United Nations Convention on Contracts for the International Sale of Goods. The U.S. company thereafter amended its complaint to correct its mistake as to applicable law and simultaneously filed an opposition to our client's motion to dismiss. The U.S. District Court for the Northern District of Georgia granted our client's motion to dismiss the complaint, finding that the evidence presented by Hodgson Russ weighed against the court's personal jurisdiction over our client. The court drew heavily from detailed client affidavits prepared and submitted by Hodgson Russ in deciding that our client did not have sufficient contacts with Georgia to establish personal jurisdiction.

A Hodgson Russ team led by Joseph P. Goldberg successfully prosecuted an action to foreclose on a mortgage given as security for the return of a \$1.5 million down payment in the event a certain real estate transaction did not close. After taking over the case from another firm that in five years of litigation was unsuccessful in resolving the case, we obtained settlement in an amount that exceeded the measure of damages demanded in the complaint.

In a unanimous decision obtained by Hodgson Russ for the Hindu Temple Society of North America, Inc., the New York State Court of Appeals held valid and proper the rules and procedures under which the temple has operated since its formation. The decision in the case of *Venigalla v. Nori* was the culmination of litigation commenced years ago by six disaffected temple devotees. When the temple came to Hodgson Russ for assistance, the devotees had obtained several orders and judgments adverse to the temple and its trustees. On behalf of the temple, Hodgson Russ successfully petitioned for leave to appeal to the state's highest court and then prepared and argued the appeal. The decision was a clear vindication of the temple's board of trustees and a forceful rebuke to the six devotees who had challenged the authority of the temple's trustees, demanding that they be chosen by election. The Court of Appeals agreed with Hodgson Russ that the election of temple trustees is not authorized under Religious Corporations Law Article 9. Therefore, bylaws from 1970, which the disaffected devotees advanced as the Temple's original bylaws, were invalid to the extent that they contained provisions that provided for the election of trustees. The entire set of bylaws, however, also were found to be defunct and abandoned. The successful appeal validated the actions of the temple's officers and trustees. It was an important victory for the temple, one of the largest Hindu organizations in North America.

JOSEPH P. GOLDBERG

A victory obtained by Hodgson Russ partner Joseph P. Goldberg before the Arbitration Institute of the Stockholm Chamber of Commerce demonstrates the value to companies doing business internationally of including international arbitration provisions in contracts entered into with foreign entities. In this case, our U.S.-based client entered into an agency agreement with a Chinese company, pursuant to which the Chinese company agreed to pay certain commissions to our client in consideration for it putting forth its best efforts to ensure that the Chinese company would become the exclusive equipment supplier for a project to install a government-sponsored broadband network in Europe. The Chinese company won the contract but refused to pay our client any commissions, claiming that it did not fulfill applicable requirements of the initial contract and a later supplement. The agreement stipulated that resolution of any disputes would be decided by the Stockholm Chamber of Commerce. Hodgson Russ commenced the arbitration proceeding, and the hearing lasted three days. The panel ultimately agreed with our client's position that the Chinese company engaged in "ongoing and serial breaches of contract," and entered judgment in favor our client awarding damages, plus interest and reimbursement of the cost of the arbitration, all of which were collected in full.

In the News

Hodgson Russ Partner Joseph P. Goldberg to Chair National Bar Association of India NY Chapter
February 28, 2013

Publications

NYS Facing First Lawsuit Over Retail Cannabis Dispensary Licensing Process
Hodgson Russ Cannabis & Hemp Alert, October 19, 2022

New York Releases Proposed Regulations for Packaging/Labeling and Marketing/Advertising Adult-Use Cannabis Products
Hodgson Russ Cannabis and Hemp Alert , July 7, 2022

New York Governor Pledges \$200M to Boost Social Equity Efforts as Part of Adult-Use Cannabis Legalization
Hodgson Russ Cannabis & Hemp Alert, February 2, 2022

Recent Litigation Trends Highlight the Importance of Wage & Hour Compliance for Tipped Employees in Cannabis Retail Setting
Hodgson Russ Cannabis & Hemp and Labor & Employment Alert, November 4, 2021

Cannabis Control Board Serious About Shutting Down Illegal Sales
Hodgson Russ Cannabis & Hemp Alert, October 26, 2021

New York State's Adult-Use Cannabis Program Finally Underway with Agency Appointments
Hodgson Russ Cannabis & Hemp Alert, September 2, 2021

New York Issues Updated Cannabinoid Hemp Regulations
Hodgson Russ Hemp & Medical Cannabis Alert, May 25, 2021

JOSEPH P. GOLDBERG

Official Bill Released: Governor Cuomo and Legislative Leaders Announce Long-Awaited Agreement to Legalize Recreational Cannabis in New York

Hodgson Russ Hemp and Medical Cannabis Alert, March 29, 2021

SBA Issues Interim Final Rule to Implement the American Rescue Plan Act's Modifications to the Paycheck Protection Program

Hodgson Russ COVID-19 Litigation and Employment Action Team Alert, March 25, 2021

Hemp and CBD Sellers Beware: Vapes Soon Subject to Significant Restrictions on Sales and Shipping

Hodgson Russ Hemp and Medical Cannabis Alert, March 23, 2021

Presentations & Events

IDCA Webinar - Legal Issues

Indian Diamond & Colorstone Association, Inc., April 21, 2020

Small Business Updates: A Weekly Webinar Providing Answers & Resources During the COVID-19 Crisis

Manhattan Chamber of Commerce, April 14, 2020

BIO City in Leipzig - The Future of Biotechnological Innovation in Germany: Cross-border Issues Facing Companies Seeking to do Business in the U.S.

New York, NY, December 6, 2016

India National Bar Association Panel Discussion: U.S. / Indian Cross Border Business Issues

New York, NY, June 8, 2015

Manhattan Chamber of Commerce Seminar: An Overview of General Middle Market Issues

New York, NY, July 26, 2012

American Bar Association International Law Section Seminar: U.S. and India: Key Legal Aspects of Cross-Border Business

Mumbai, India, January 20, 2012

Federal, State, and City Taxes on Telecommunications and Other Utility Taxes

New York, NY, July 27, 2011

2011 New York Summer Seminar Series

June & July 2011

Professional Affiliations

- Former legal chair, International Prepaid Communications Association
- Chair, National Bar Association of India New York
- New York City Bar Association Telecommunications Committee

JOSEPH P. GOLDBERG

- ICC International Court of Arbitration
- Manhattan Chamber of Commerce, Director

