ArentFox Schiff LLP
Attorneys

Heather M. Zimmer

SENIOR ASSOCIATE

Heather represents a diverse range of clients in complex commercial litigation, as well as white collar defense and investigations.



Practices

Complex Litigation
Government Enforcement & White Collar
False Claims Act Investigations & Litigation
— Investigations

Education

Fordham University School of Law, JD, 2016
Rutgers University, BA, magna cum laude, 2012

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Heather's practice focuses on high-stakes commercial litigation and defending clients in government investigations and actions conducted by Federal, State, and local authorities. She represents companies and individuals in connection with all stages of litigation, from investigation through trial and appeal. Her clients span a variety of industries and include financial institutions, pharmaceutical companies, broker-dealers, investment advisors, hedge funds, healthcare companies, executive officers, real estate developers, software companies, clothing designers and fashion brands, among others.

Heather regularly writes and speaks on a variety of issues, most recently on topics such as civil and criminal litigation risks for SPACs and non-competition agreements.

Client Work

Complex Commercial Litigation

Heather represents clients in federal and state courts, as well as in arbitration and mediation proceedings. She has managed complex discovery disputes and has a proven track record of success in her motions practice at both the trial and appellate levels. Her representation has included matters related to business and contract disputes, theft of trade secrets, shareholder disputes, commercial real estate, intellectual property disputes, business divorces and acquisitions. Heather's experience in handling high profile matters for international organizations allows her to provide practical counseling to assist clients in efficiently responding to and mitigating risks and minimizing disruption to their business operations. Some of her noteworthy representations include:

- Represented generic pharmaceutical manufacturer against branded pharmaceutical manufacturer in commercial contract dispute relating to infringement of a patent.
- Achieved a significant settlement on behalf of the former Chief Executive Officer of an Australian public company who brought an arbitration alleging misrepresentation against a U.S. financial institution in connection with the sale of securities in certain securitized loans.

- Part of the trial team that successfully litigated a contract dispute on behalf of a large fashion brand in a federal bench trial which resulted in a substantial award for the client.
- Obtained summary judgment in favor of financial company against business partner's claims concerning an operating agreement.
- Successfully defended real estate developer and co-founders against several motions to dismiss direct and derivative claims for, *inter alia*, fraudulent conveyance, conversion, breach of fiduciary duties, and breach of contract.
- Obtained dismissal for owner of residential properties in proceeding brought by the NJ Division on Civil Rights concerning allegations of discrimination in housing.
- Achieved favorable settlement for international travel company in action concerning trade secret misappropriation, breach of contract, and unfair competition against former employee and competitor.
- Successfully defended nursing and healthcare company in litigation brought by the company that purchased its assets.
- Advised clients, including national insurance brokerage and consulting firms, software companies, travel companies, distributors, and international fashion brands in connection with violations of non-competition agreements, trade secrets, and restrictive covenants.
- Obtained summary judgment dismissing discrimination, retaliation, and wrongful termination claims in favor of one of the largest independent owners, suppliers and operators of gasoline stations.
- Obtained complete dismissal of all claims asserted against an international fashion brand and several designers in a dispute brought by an overseas manufacturer.

Government Enforcement & White Collar Defense

Heather counsels and represents companies and individuals through investigations, criminal prosecutions, and enforcement actions brought by the US Department of Justice (DOJ), US Attorney's Offices, the US Securities and Exchange Commission (SEC), and state attorneys general. She has experience on advising clients on matters involving federal and state securities laws, false statements, conspiracy, wire fraud, and government subpoenas, among others. Heather has also represented pharmaceutical companies and health care providers in connection with investigations and litigations relating to the False Claims Act and Anti-Kickback Statute. Representative matters with which Heather has been involved include:

- Represented investment advisor to several private equity funds in connection with investigations of alleged securities law violations conducted by the DOJ, SEC, and state securities regulators.
- Successfully defended client against motion to compel discovery in connection with investigation conducted by the NJ Attorney General's Office.
- Advised chief executive officer of investment banking firm in an investigation conducted by FINRA concerning misrepresentations and failure to make certain disclosures.
- Represented international broker-dealer in connection with federal criminal trial against founder of publicly traded company for, *inter alia*, creating false earnings to inflate the price of the company's stock.
- Represented investment banking firm in connection with investigation brought by the US Attorney's Office concerning insider trading and disclosure obligations.

Previous Work

Prior to joining ArentFox Schiff, Heather was a litigation associate at a prominent, New York-based law firm. She was also a litigation and arbitration associate at an international law firm in its New York office.

Heather also served as a legal intern in several prosecutor offices in New York including the New York County District Attorney's Office, the Kings County District Attorney's Office, and the U.S. Attorney's Office for the Eastern District of New York. While in law school, Heather served as the notes and articles editor for the *Fordham Urban Law Journal* and associate editor of the *Dispute Resolution* Society. She was also the recipient of the Archibald R. Murray Public Service Award.

Publications, Presentations & Recognitions

- SPACs & Litigation Risks, *Bloomberg Law* (Aug. 3, 2021)
- Corporate D&O Liability and Sexual Harassment in the Workplace, *The Brief*, American Bar Association, Vol. 48 (Nov. 30, 2018)
- Choice of Law Issues Arising in Multi-State Contexts, *Professional Liability Defense Quarterly*, Vol. 10, Issue 2 (July 1, 2018)

Bar Admissions

New York

Court Admissions

US District Court, Southern District of New York

US District Court, Eastern District of New York