



## Carl J. Schaerf Partner

cschaerf@schnader.com

Office: New York, NY

Phone Number: 212-973-8005

Carl Schaerf is a partner in the Litigation Services Department and serves as chair of Schnader's Antitrust and Trade Regulation Practice Group, which provides antitrust litigation and consulting services to a variety of manufacturing and retail clients. His career has been focused on product liability, general liability, antitrust, Constitutional law and commercial litigation, including real estate and leasing disputes and defense of allegations of professional malpractice. He has extensive litigation experience at both the trial and the appellate levels, including several prominent verdicts and published appellate decisions. He also has litigated numerous environmental disputes in state and federal court. Mr. Schaerf also consults and lectures nationally on ERISA and non-ERISA health, life, accident and disability matters.

Mr. Schaerf has served as Northeast/Mid Atlantic regional product liability counsel for a large electrical manufacturer and distributor for approximately 20 years. He is involved at all stages of claims, from first notice, through inspections, filings, depositions and ultimate resolution. He is very familiar with catastrophic loss, whether by fire, electrocution, amputation or otherwise. He regularly has been involved in all manner of fire and flooding losses, often at the scene within minutes or hours of the occurrence. He also defends automobile, bus and truck operators in cases involving catastrophic loss.

Mr. Schaerf also serves as counsel to a large and swiftly growing retailer, advising on and litigating commercial disputes, liability questions and real estate controversies. In addition, he has represented a large municipality for many years in connection with Constitutional issues arising from the Administration of Foster Care, and, for many years also has defended governmental and religious organizations against claims of physical and sexual abuse.

## Representative Matters

### Antitrust

Mr. Schaerf has successfully represented, among others, a major insurer alleged to have conspired with others concerning the terms and conditions of chiropractic coverage, and a large theatre chain alleged to have locked a competitor out of the market.

### Class Action

Mr. Schaerf has successfully defended a major automotive manufacturer in two putative class actions, including one that was appealed to the Second Circuit. He also successfully represented a major insurer in a putative class action lawsuit challenging policies concerning post-accident replacement of auto-parts with non OEM equipment.

### Product Liability

Mr. Schaerf recently won a precedential summary judgment decision in *Siegman v. Schneider Electric*, with significant implications for the government contractor's defense. Mr. Schaerf wrote about the government contractor's defense in this article, published by *The Legal Intelligencer*.

### ERISA

Mr. Schaerf represents clients in employee benefits litigation, particularly under the Employee Retirement Income Security Act of 1974 (ERISA). He has served as counsel to a national insurer concerning accident and health coverage, both in an ERISA and non-ERISA context.

## Education

- Fordham University School of Law, J.D., 1991
- Columbia College of Columbia University, B.A., 1988

## Bar Admissions

- New York, 1992
- New Jersey, 1996

## Court Admissions

- 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
- U.S. District Court for the District of New Jersey
- U.S. Court of Appeals for the Second Circuit

## Professional Affiliations

- Defense Research Institute, member, Steering Committee: Cranes and Derricks Committee
- International Association of Defense Counsel, member
- New York State Trial Lawyers Association, member

## Other Distinctions

- Rated AV® Preeminent by Martindale-Hubbell®\*
- Noted as a "New York Super Lawyer" for personal injury defense: products, 2007-2019\*
- *Fordham Law School Law Review*
- Listed in *The Best Lawyers in America* for Product Liability Litigation-Defendants, 2017-2019\*

*\*No aspect of this advertisement has been approved by the Supreme Court of New Jersey. Further information on methodologies is available via these links.*

## Practices

- Antitrust and Trade Regulation
- Class Action
- Employee Benefits
- Energy & Environmental
- Litigation
- Product Liability
- Real Estate Transactions

## Industries

- Aviation
- Parking
- Retail