



Carl J. Schaerf Partner

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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

- Represented a major insurer alleged to have conspired with others concerning the terms and conditions of chiropractic coverage.
- Successfully represented a large theatre chain alleged to have locked a competitor out of the market.
- Counsel numerous clients on Pricing policies, Distribution Agreements and Robinson Patman Issues.

Class Action

- Successfully defended a major automotive manufacturer in two putative class actions, including one that was appealed to the Second Circuit.
- 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

- 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*.
- Won motion for summary judgment and dismissal on behalf of a manufacturer of plumbing equipment in an insurance subrogation action for property damage by successfully arguing there were alternative causes for the product's failure.
- Prevailed on summary judgment on the issue of "proximate cause" in product liability claim involving arc injuries to a licensed Delaware Master Electrician who failed to employ lockout tagout when repairing electrical equipment. The Supreme Court of Delaware affirmed in a precedent-setting decision.

ERISA

- Represented clients in employee benefits litigation, particularly under the Employee Retirement Income Security Act of 1974 (ERISA).
- Served as counsel to a national insurer concerning accidental death, dismemberment and health

coverage, both in an ERISA and non-ERISA context.

Personal Injury

- Defended automobile, bus and truck operators in cases involving catastrophic loss, whether by vehicle, fire, electrocution, arcing, or amputation, including several trials to verdict. Many cases had potential exposures in excess of \$10,000,000.
- Defended governmental, business, transportation and religious organizations against claims of physical and sexual abuse, including student-on-student abuse cases on school buses.
- Defended a school bus company and driver at trial in high stakes matter involving a fatal accident to a minor child, and prevailed on the key damage issues presented.

Constitutional

- Represent a large municipality in constitutional claims brought against the delivery of foster care and related family services, including appeals in State and Federal Court.

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 among "New York Super Lawyers" for personal injury defense: products, 2007-2021*
- *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

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- Class Action
- Employee Benefits
- Energy & Environmental
- Litigation
- Product Liability
- Real Estate Transactions

Industries

- Aviation
- Parking
- Retail