



# Robert W. Hayes

## Member

## Philadelphia

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### Practice Areas

- Commercial Litigation
- Securities Litigation & SEC Enforcement
- Appellate & Supreme Court
- Intellectual Property

### Education

- Villanova University School of Law, J.D., *magna cum laude*, 1980
- St. Joseph's University, A.B., 1977

### Bar Admissions

- Pennsylvania

### Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. District Court -- Eastern District of Pennsylvania

### Affiliations

- American Bar Association
- Computer Law Association
- Pennsylvania Bar Association
- Philadelphia Bar Association

Robert W. Hayes has tried over 50 substantial cases to verdict, judgment, or arbitration award. In commercial disputes, he has obtained numerous multimillion-dollar awards, including two in excess of \$25 million. Bob has also obtained defense verdicts in personal injury and property damage actions involving demands for over \$10 million in damages. He has served as lead counsel in multiple appeals, including those in which published opinions were issued by the U.S. Courts of Appeals for the Third, Fourth and Eighth Circuits and the Supreme Courts of Pennsylvania, Delaware, West Virginia, Iowa, and Alabama.

Bob has been lead counsel in complex matters involving securities and common law fraud, patent, trademark and copyright infringement, antitrust, unfair competition, and breach of contract claims. This experience includes disputes involving government contracts. Bob has argued three procurement law appeals before the Supreme Court of Pennsylvania resulting in published opinions.

Bob is experienced in the sports and entertainment industry, representing professional sports franchises, professional athletes, concert promoters, owners and operators of stadiums, arenas and amphitheaters, musicians, professional photographers and music instrument retailers. He also represented a promoter testifying before the Antitrust Subcommittee of the Senate Judiciary Committee concerning the Ticketmaster/Live Nation merger.

Bob has defended negligence, product liability and toxic tort claims involving exposure to lead, carbon monoxide and volatile organics and government environmental remediation actions. Representative experience includes serving as national coordinating counsel for product liability claims for a consumer safety product manufacturer. He has also been primary counsel in the defense of multi-district and multi-party litigation arising of high rise office building, apartment, and residential fires, passenger train derailments and commercial and military aircraft crashes.

Bob has significant experience in defending class actions both in federal and state court. He argued class action issues before an *en banc* panel of the U.S. Court of Appeals for the Third Circuit in one of the first appeals under Federal Rule of Civil Procedure 23(f).

Bob authors and offers commentary for publications on various aspects of antitrust litigation, including *The Legal Intelligencer* and CNNMoney.com, on antitrust issues. Bob was also interviewed by *The Metropolitan Corporate Counsel* on the subprime mortgage crisis.

Bob graduated *magna cum laude* from Villanova University School of Law, where he was elected to the Order of the Coif and was a member of the Law Review, and earned his undergraduate degree, with honors, from St. Joseph's University.

## Experience

Settled a breach of contract action filed in the Circuit Court of Cook County Illinois arising out of the license of a complex human relations information system for less than ten percent of the \$20 million dollar damage claim.

Obtained from the U.S. District Court for the District of Delaware, after a multi-day trial, a permanent

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injunction enforcing restrictive covenants in agreements of sale for the more than \$20 million acquisition of an association of insurance professionals.

Persuaded the U.S. Court of Appeals for the Sixth Circuit to affirm a finding of contempt for violating a permanent injunction prohibiting the use of the client's trademarks.

Convinced the U.S. District Court for the Eastern District of Michigan to hold a competitor of a Swedish client in contempt, issue a remedial injunction, order the disgorgement of profits, and award attorneys' fees after a four-day hearing in which more than 10 witnesses testified and evidence was offered as to the competitor's shipments to and activities in The Russian Federation, Thailand, and Australia.

Secured a more than \$1.1 million judgment after a five-day bench trial for the operator of a large amphitheater in Maryland. This judgment represented a refund of an entire year's lease payments and was awarded on the grounds that the owner's delays in reconstructing the venue's dressing rooms and other backstage facilities materially interfered with its use for concerts

Obtained summary judgment from an Alabama state trial court in wrongful death claims arising out of two deaths in a residential fire.

Served as lead counsel in an appeal in which the Supreme Court of Alabama affirmed a jury verdict for the client in a published decision holding in an issue of first impression that the case should not have been given to the jury and that judgment as a matter of law should have been entered in its favor on the grounds that plaintiffs' challenges to an entire class of product were not legally viable and failed to establish a safer alternative design.

Persuaded a southern Alabama state court jury to render a defense verdict for a safety product manufacturer in wrongful death claims arising out of the death of a four year old child in a residential fire.

Represented concert venue owner in successfully resolving citations the Secretary of Labor issued in its first attempt to enforce OSHA noise exposure regulations in the concert industry.

Persuaded the U.S. District Court for the Eastern District of Pennsylvania to enter summary judgment for the seller of a professional sports team in a breach of contract action arising out of the sale.

In a judgment affirmed by the U.S. Court of Appeals for the Fourth Circuit, convinced the U.S. District Court for the Eastern District of Virginia to dismiss Grammy-nominated rapper Wiz Khalifa's claims for more than a million dollars in damages for canceling a show on the grounds that no contract to promote the show was ever formed.

After persuading the United States District Court of the Middle District of Pennsylvania to enter summary judgment upon patent infringement claims asserted against the firm's client, obtained a \$3.25 million verdict, including \$1 million in punitive damages, against the plaintiff and its senior executives upon counterclaims that the patent infringement claims were wrongfully pursued to compete unfairly against the client.

Obtained judgment as a matter of law at trial upon RICO claims asserted in consolidated litigation against a client on the basis of her alleged participation in her husband's fraudulent international adoption scheme and a defense verdict upon all remaining state law claims other than for the return of minimal sums received from the husband.

Represented Utz Quality Foods, LLC in its acquisition of Inventure Foods, Inc. in a deal valued at \$165 million. The transaction was completed via a cash tender offer for all outstanding shares of Inventure Foods common stock, followed by a merger of a wholly owned subsidiary of Utz into Inventure Foods

pursuant to Section 251(h) of the Delaware General Corporation Law. Inventure Foods will operate as a wholly-owned subsidiary of Utz. Inventure Foods manufactures and sells salted snacks under the brands Boulder Canyon®, TGI Fridays™, Nathan's Famous®, Vidalia Brands®, Poore Brothers®, Tato Skins®, and Bob's Texas Style® and has manufacturing facilities in Arizona and Indiana. This complex and multi-faceted transaction drew on the experience of Cozen O'Connor's corporate, tax, labor and employment, benefits, litigation, intellectual property, real estate, and environmental attorneys. Evaluated existing securities law and derivative claims against Inventure Foods and assisted in addressing securities law claims challenging the tender offer disclosures.

Secured dismissal of complex antitrust litigation against a manufacturer and distributor of flight helmets on the grounds that a competitor failed to pled antitrust injury or harm and persuade the United States Court of Appeals for the Third Circuit to affirm this decision..