



**RUSING LOPEZ  
& LIZARDI**  
ATTORNEYS AT LAW



## **Gerd W. Stabbert, Jr.**

PARTNER

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**Gerd W. Stabbert, Jr. has practiced for over 20 years concentrating in commercial litigation, franchise, labor and employment and business law.**

Gerd represents clients from diverse industries, including automobile, mortgage banking, real estate, scrap recycling and food service enterprises, as well as in the franchising of the full spectrum of products and services. He concentrates on complex commercial litigation, primarily on franchising, labor and employment matters, defense or prosecution of contract disputes, consumer fraud claims, intellectual property, business torts and commercial real estate matters. Gerd is also experienced in representing secured and unsecured creditors in corporate bankruptcy cases. His experience spans all phases of litigation in state and federal courts, including class actions, as well as alternative dispute resolution proceedings.

Gerd represents employers in labor and employment disputes such as discrimination, harassment, retaliation, wage and hour, disability, family medical leave, employment contract disputes, non-competition and trade secret protection and wrongful termination. He also works with employers to ensure employment law compliance and prevent costly and time-consuming litigation. This includes advising on a variety of issues such as personnel policies, hiring and firing, discrimination, harassment, wage and hour matters and leave laws. He also investigates harassment, discrimination and related employee complaints. Gerd represents employers and departing executives in executive contracts, severance agreements, restrictive covenants, protection of proprietary information, and employment-related fiduciary duties.

Gerd also helps clients navigate the many issues unique to franchisor-franchisee relationships. He works with current or prospective franchisees or franchisors in starting, expanding, or terminating a franchise business. Gerd, and the team at RL&L, work with clients in FDD and franchise agreement preparation and review, business entity formation, real estate procurement and development, land use applications, employment matters, trademark applications, as well as other related issues requiring legal advice.

Gerd's broad range of experience allows him to respond effectively and efficiently to the needs of his clients. He understands their desire is to run their business while minimizing expenses and resources that accompany litigation while optimizing results.

### **EDUCATION**

**Rutgers University School of Law, Camden, J.D., 2000**

**Rutgers University, B.A., 1997**

### **ADMISSIONS**

- Arizona
- New Jersey
- New York
- U.S. District Court, District of New Jersey
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. Court of Appeals, Third Circuit
- U.S. District Court, District of Arizona

### **CONCENTRATION**

- Complex Commercial Litigation
- Franchise Litigation
- Real Estate & Construction Litigation
  - *Commercial Landlord-Tenant Disputes*
  - *Judicial Foreclosures*
  - *Quiet Title Work*

### **PRACTICES**

- Appellate Representation
- Bank & Credit Union Representation
- Business Litigation
- Class Actions
- Creditors' Rights & Bankruptcy
- Real Estate & Construction Litigation
- Labor & Employment Law

## **Professional Experience**

- Successful resolution of intellectual property and trademark infringement lawsuit brought in federal court by international manufacturer
- Successful resolution of wrongful termination and constructive discharge Arizona state law claims against employer
- Defended franchisee in trial in federal court in New Jersey against claims by national franchisor concerning termination of the franchise
- Represent clients in the prosecution or defense of Consumer Fraud Act, Truth-in-Consumer Contract Warranty and Notice Act and related claims
- Representation of scrap metal distributors in state and federal courts concerning claims including breach of contract, fraud, violation of the Uniform Commercial Code and violation of Racketeer Influenced and Corrupt Organizations Act
- Represent and counsel clients on all aspects of curative title real estate matters including special proceedings to obtain the discharge of, or to reinstate, mortgages
- Counseling prospective franchisees in obtaining a franchise, as well as counseling start-up franchisors in beginning a franchise
- Assisting employer in conducting investigation into employee harassment and retaliation claims and preparation of final report

## **Presentations / Publications**

- Beyond the Ballots: Guidance for an Employer's Approach to Civility in the Workplace, presented at SHRM Greater Tucson Employment Law Update Seminar, November 19, 2024
- The Franchisor-Franchisee Worker Classification Conundrum, JDSupra.com, October 20, 2021

## **Professional Memberships and Civic Activities**

- National Association of Dealer Counsel, Member
- Society for Human Resource Management (SHRM), Member
- DRI, Employment & Labor Law, Member