



E. Evans Wohlforth, Jr.

Of Counsel

ewohlforth@rc.com

New York — 212.451.2954

E. Evans Wohlforth is a business litigator and appellate practitioner who has combined wide experience with the complex issues that arise in sophisticated litigation with an ability to identify and achieve practical solutions in commercial disputes.

Evans has particularly focused on health/managed care matters, having represented major payors in litigated matters in federal and state trial and appellate courts and in arbitrations. He has been listed as counsel on numerous published and unpublished opinions in the Employee Retirement Income Security Act (ERISA) field and has been frequently called on for his proficiency in other code-based areas of federal law as well as in complex class and multi-district actions involving a wide range of commercial issues.

Evans has represented clients in the federal district and bankruptcy courts of New Jersey, New York, Delaware, Idaho, Kansas, and Pennsylvania; the Second and Third Circuit Courts of Appeals; the state trial and appellate courts of New Jersey, Florida, New York, and Nevada; and the trial courts of North Carolina and California.

Evans's broad experience in substantively and procedurally complex matters and his frequent appearances in the courts in New Jersey and elsewhere have made him a trusted authority and advocate by litigants and judges alike. The Federal District of New Jersey has called on him to act as pro bono counsel in prisoners' rights class action litigation.

ERISA Litigation

Evans has represented a major ERISA benefits administrator and carrier for a number of years, handling matters of statewide and national importance and litigating a series of high impact issues, including cases that concern coverage for so-called "extension of practice" unlicensed surgical facilities, waiver of co-insurance/co-pay by medical providers, and "usual and customary" rates for reimbursement. Numerous decisions won by Evans have moved the law in favor of the correct interpretation of common ERISA plan provisions and the preemption of state law by ERISA.

In the health arena, Evans has represented a major payors before the Second Circuit recently winning an important opinion rejecting tort liability for payors and in a major class action matter. He successfully defended an appeal to the Third Circuit regarding a coverage issue of statewide significance in New Jersey. In other class action work, Evans secured the dismissal of a putative ERISA class action concerning payment for an unproven medical procedure. He is currently handling numerous trial level matters in the United States District of New Jersey, the Southern and Eastern Districts of New York, the state courts of both states and in arbitrations around the country.

Commercial/Securities Litigation

Outside of the health/managed care arena, Evans has litigated a wide range of contract, business tort, and securities matters, including a trade secret/misappropriation case; a high-profile case concerning a consulting agreement; two extended matters concerning municipal bonds; numerous trademark and copyright disputes; and a lawsuit over a regional photocopy machine distributorship agreement for a major manufacturer. In representing a bond trading house, Evans succeeded in blocking the

call of a Florida Highway Authority's general obligation bonds, a result that was upheld on appeal. Other appellate experience has involved trade secrets, the scope of the "pollution exclusion" clause in commercial insurance, the reach of the parole evidence rule in New Jersey, and the "Opinion 39" attorney advertising issue decided by the New Jersey Supreme Court.

Bankruptcy Litigation

Evans has been involved with some of the largest and most prominent asbestos-based bankruptcies in the nation. During his five-year clerkship with Judge Wolin of the District of New Jersey, he was involved with cases that changed the landscape in this complex and evolving area, including Federal Mogul, Owens Corning, and the W.R. Grace/Sealed Air matters. Since then, he has counseled and appeared for clients in the G-I Holdings, United Gilsonite Laboratories, and Kaiser Aluminum chapter 11 cases. Important, non-asbestos bankruptcy representations include the multi-districted In re Tribune Co. Fraudulent Conveyance Litigation and the very large, Idaho real estate Ponzi-scheme, In re DBSI, in which Evans appeared for the chapter 11 and litigation trustees in numerous contested matters.

Clerkships

Evans was a judicial clerk to the Honorable Gary S. Stein of the New Jersey Supreme Court and to the Honorable Alfred M. Wolin of the United States District Court.

Services

- Managed Care + ERISA Litigation
- ERISA Benefits Litigation

Education

- Rutgers University School of Law (Juris Doctor, *Order of the Coif*)
 - Senior Articles Editor, Rutgers Law Review
- Manhattan School of Music (M.Mus.)
- San Francisco Conservatory of Music (B.Mus.)

Admissions

- State of New Jersey
- State of New York
- U.S. Supreme Court
- U.S. Court of Appeals, 2nd Circuit
- U.S. Court of Appeals, 3rd Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

Recognitions

Selected by his peers for inclusion in *The Best Lawyers in America*® in the area of Commercial Litigation since 2013

Selected to the New York Metro *Super Lawyers* list for 2024 and 2025

Selected to the New Jersey *Super Lawyers* list from 2007 to 2019 and for 2021 and 2022

Leadership + Memberships

John C. Lifland American Inn of Court
Master

Essex County Bar Association

New Jersey State Bar Association

American Bar Association

New York City Bar Association

American Health Law Association

Rutgers Law School
Adjunct Professor of Law