PEM LAW LLP

Charles J. Messina
Partner

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Overview

Charles J. Messina is a partner at PEM Law LLP who represents businesses, executives and entrepreneurs in high-stakes commercial disputes, significant business matters and complex regulatory environments.

A seasoned litigator and strategic business advisor, Charles is often brought in when the stakes are substantial—whether to litigate a critical dispute, resolve a developing business problem, negotiate through a difficult commercial issue or help a client tackle legal risk before it becomes litigation.

Charles has extensive experience handling complex contract and commercial disputes, trademark and franchise matters, professional liability claims, employment and insurance matters, shareholder disputes and other business litigation. He represents clients in state and federal courts in New Jersey and New York, as well as in AAA arbitration and other alternative dispute resolution forums. His matters regularly involve significant financial, operational and reputational consequences, and his approach combines litigation judgment with an understanding of the broader business considerations affecting his clients.

In addition to his litigation practice, Charles serves as outside general counsel and strategic advisor to companies across a broad range of industries. He regularly counsels businesses and their executives concerning commercial transactions, contract negotiations, employment matters, regulatory issues, risk management and disputes arising from day-to-day operations. His clients include real estate companies, produce businesses,

commercial landlords, franchisors and franchisees, cannabis businesses, automobile dealerships, construction companies and other privately held businesses.

Charles is a recognized advisor to businesses in the cannabis industry as well. He counsels operators, investors and entrepreneurs on the rapidly evolving federal, state and local laws affecting cannabis and hemp businesses and has successfully assisted clients through multiple licensing processes. His work in the industry is complemented by his role as an adjunct professor at New York Law School, where he has taught as Cannabis Law & Policy professor since 2020.

Before launching PEM Law, Charles practiced for more than a decade at prominent national and regional law firms, where he handled complex commercial litigation, employment, class action, insurance defense and franchise matters. Earlier in his career, he served as a judicial law clerk to the Honorable Deanne M. Wilson of the Superior Court of New Jersey. He also spent time working in-house on secondment with a Fortune 500 insurance company, an experience that gives him additional perspective into the business realities and internal decision-making considerations facing corporate clients.

Matters

- Successfully litigated complex commercial, employment litigation and professional liability matters in state and federal district courts in New York and New Jersey.
- Represented national franchisors, securing numerous injunctions and judgments on their behalf, including a significant victory in connection with a franchisor's trademark infringement and breach of contract claims against a New York franchisee who was subsequently indicted for masterminding a $50 million mortgage fraud scheme.
- Regularly counsel both franchisors and franchisees on a wide spectrum of corporate transactional and legal issues in the hotel, restaurant, local news, automotive, elderly care, and solar industries.
- Defended an accounting firm from inception until trial in a professional malpractice action where plaintiffs alleged millions of dollars in damages, ultimately securing a dismissal with prejudice for the client.
- Settled one day prior to a two-week jury trial in the Southern District of NY, where plaintiff was seeking $40+ million in damages under the Defend Trade Secrets Act.

- Negotiated sizable contracts on behalf of professional athletes and their sports agents, including litigation counseling and defense in connection with a $20 million NBA agent dispute.
- Obtained numerous dismissals with prejudice of lawsuits filed against hotels and car dealerships in New Jersey and New York by plaintiffs alleging claims ranging from discrimination to misrepresentation and fraud, including verdicts on behalf of reputable car dealerships following days of hearings and testimony in AAA proceedings involving alleged violations of the New Jersey Consumer Fraud Act.
- Obtained dismissal with prejudice of a gender and sexual orientation wrongful termination lawsuit filed by a plaintiff in New Jersey State Court against a national bus company and the company's managers.
- Regularly counsel clients on interpreting a wide range of evolving federal, state and local laws impacting the hemp and cannabis industries, including successfully assisting clients in multiple medical and adult-use cannabis licensing rounds.
- Assisted a famous professional athlete and his management team launch a successful CBD company.
- Overcame summary judgment as to liability on a Labor Law 240 lawsuit filed against a reputable solar company in New York State Court involving a worker in his 30s suffering significant injuries, and settled the case for under half a million dollars on the day of trial after rejecting a $5 million demand in open court earlier that day.
- Successfully vacated a six-figure judgment entered against a general contractor on a motion for reconsideration for alleged violations of the New Jersey Consumer Fraud Act.
- Secured a lucrative settlement on the day of trial in Monmouth County Chancery Division, New Jersey, on behalf of a plaintiff involved in a complex construction dispute.
- Obtained dismissal of a high profile trademark lawsuit filed in California by our client's competitor, and convinced the U.S District Court of New Jersey to reconsider its order dismissing our client's companion lawsuit.
- Secured a noteworthy dismissal and summary judgment award with national implications after four years of litigation and several Appellate Division successes on behalf of a client, defending plaintiffs' claims that a County's contractual arrangement

for housing over 1,000 inmates at certain facilities constituted an unlawful privatization of county jail operations.

- Assisted client in obtaining a dismissal of a high-profile politician's emergent complaint just before a municipal election.
- Obtained a significant PACA judgement against several produce dealers in the Northern District of Illinois on behalf of one of the largest agricultural produce suppliers in the tri-state area.
- Successfully handled and resolved substantial security breach and other related data privacy issues.
- Represented clients in commercial arbitration disputes and administrative hearings in New York and New Jersey, including securing a significant victory overturning a contract award made by an independent state agency.

Distinctions

- New Jersey Super Lawyers®: 2023 - 2025
- InsiderNJ – Insider 100: Millennial Power List: 2022
- NJBIZ – Forty Under 40: 2022
- Morris | Essex Health & Life Magazine: Essex County's Top Lawyers: 2022 – 2023
- New Jersey Super Lawyers®, Rising Star Award: 2012-2022
- New Leader of the Bar, by the New Jersey Law Journal (50 Under 40 Award): 2015

* No aspect of these advertisements have been approved by the Supreme Court of New Jersey.

In the News

Local business owner wins fraud case against former partner

https://njbiz.com/8-partners-leave-genova-burns-launch-boutique-law-firm/

https://www.roi-nj.com/2024/03/25/law/einhorn-named-1st-managing-partner-of-pem-law/

DYNAMIC, WOMEN- AND MINORITY-OWNED LAW FIRM LAUNCHING IN NEW JERSEY – Insider NJ

https://newjerseyglobe.com/campaigns/raj-parikh-seven-other-partner-leave-genova-burns-to-start-new-firm/

Charles Messina and Jennifer Roselle Featured in NY Cannabis Insider Article "Experts Advise Caution Investing in New York Cannabis"

Jennifer Roselle and Charles Messina Interviewed for New York Cannabis Insider Article

"New Jersey's Cannabis Markets Primed to Meet High Demand with Two Big Announcements from the Cannabis Regulatory Commission" – National Cannabis Industry Association Publishes

"We're Out of the Weeds – CRC Releases Initial Rules & Regs for New Jersey's Adult-Use Marketplace" Cannabis Attorneys Publish Article in National Cannabis Industry Association

"Deal Hashed Out For Legal Cannabis in the Empire State"

"Charles Messina Speaks to Those Looking To Break Into the Cannabis Industry in ROI-NJ Article"

Charles Messina Answer Industry FAQs in ROI-NJ "Need to Know" Feature

Charles Messina Interviewed in Community Magazine NJ Article "New Jersey and Pot….Perfect Together?"

Charles Messina and Jennifer Mazawey Discuss How the Real Estate Sector is Preparing for the Launch of Legal Recreational Marijuana in Real Estate NJ Article

Charles Messina and Daniel Pierre Published by The National Cannabis Industry Association: "Rolling Out Legal Cannabis in New Jersey – 15 Key Points from the Proposed Law"

Charles Messina Comments on Landmark Cannabis Policy Change in NJ Spotlight News: "Legal Weed May Help NJ's Budget, But it Will Take Time."

The High Risk of Insuring Cannabis

Charles Messina Explains Why Cannabis and Other Companies Need to Know About the TCPA to Prevent Consumer Shakedowns

Contract Liability in the Wake of the Novel Coronavirus (COVID-19)

The ABC's of CBD Regulation

Charles Messina Offer Insight on CBD Regulation in NJ.com Article

Named 2019 Super Lawyers & Rising Stars

Charles J. Messina Featured in New Jersey Law Journal's 2019 New Partner Yearbook

Charles Messina Featured in ROI NJ Article Discussing the Business of Representing Franchises in New Jersey

Charles Messina and Michael McQueeny Discuss Cannabis Legalization in New Jersey Business Magazine Article

Harris S. Freier and Charles J. Messina Named New Leaders of the Bar for 2015 by New Jersey Law Journal

Charles Messina Offers Insight on Recent New Jersey Supreme Court Ruling in Law360 Article

Charles Messina Featured in Commerce Magazine Article "Best Practices for Protecting Employee Data

Education

- New York Law School, J.D., 2008
- Villanova University, B.A., 2005, *cum laude*

Bar Admissions

- New Jersey, 2008
- New York, 2010
- U.S. District Court for the District of New Jersey, 2008
- U.S. District Court for the Southern District of New York, 2010
- U.S. District Court for the Eastern District of New York, 2010

Clerkship

- Clerked for the Hon. Deanne M. Wilson in the Superior Court of New Jersey

Languages

- Italian (conversational)