



# Complex Disputes

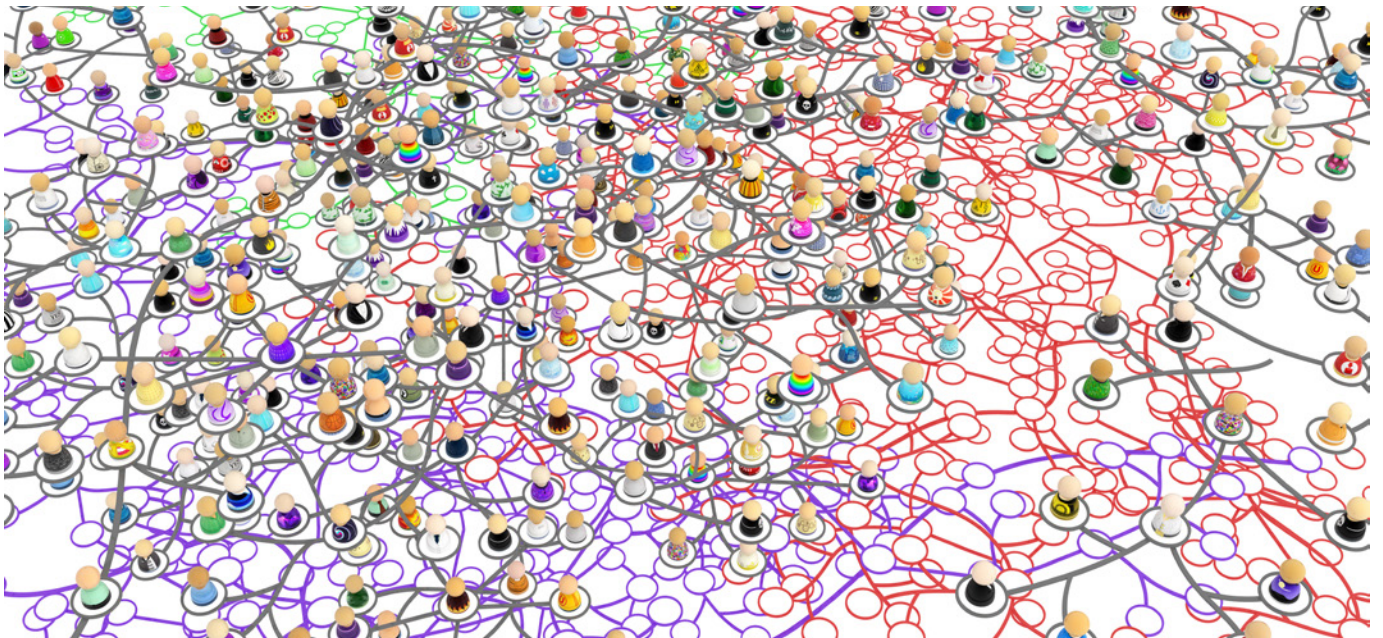
2022



PROFILED:

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Complex Disputes



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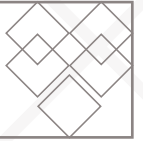
### PERSONAL BIOGRAPHY

**Daniel Tabak** is a litigation partner in the New York office of Cohen & Gresser LLP. He focuses his practice on representing clients from many industries in complex commercial disputes, including bankruptcy, securities and professional liability litigation. He regularly represents financial services companies in a variety of complex litigation matters and a broad range of clients in bankruptcy cases. He is a graduate of Columbia Law School, where he was a James Kent Scholar and a Harlan Fiske Stone Scholar, and of Harvard College, where he was a John Harvard Scholar and a Harvard College Scholar.

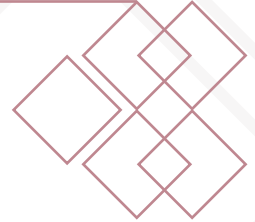
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## Q&amp;A WITH DANIEL H. TABAK

**What do you consider to be your major career achievements?**

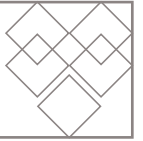
◆ Representing Hulk Hogan as the largest creditor, literally and figuratively, in the bankruptcies of Gawker and its founder was a tremendous experience. I was able to use a full toolbox of skills – from trial practice to strategising and, eventually, dealmaking – to help bring about settlements among a colourful cast of people, many of whom really did not like each other. I am also very proud of a recent appellate victory for a major broker that was sued on a fraudulent conveyance theory by victims of a fraud committed by the broker’s customer. The court’s decision set an important precedent protecting all depository institutions from similar claims. Finally, I consider every favourable outcome I have achieved for a pro bono client to be a major achievement because I have used my skills and training to improve the life of someone who could not otherwise afford representation.

**Could you provide an insight into how you approach your work? What drives and motivates you?**

◆ My motivation as a lawyer is the opportunity and responsibility to achieve realistic best outcomes for clients who have placed their trust in me. As a result, I approach matters backwards, from finish to start, by listening to my clients explain not just the underlying facts but also their goals. If they are prospective plaintiffs, is their underlying motivation mainly monetary compensation or something else, like restoring a business relationship? If they are defendants, I want to know, for example, how much reputational risk is involved and their willingness to reach a negotiated resolution. Once I know my clients’ goals, I consider the underlying facts and relevant law to identify realistic best outcomes. Then, I work backwards

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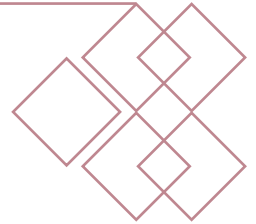
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to create strategies to reach those outcomes. It is about building to a vision rather than just using tools, like hammering nails and sawing wood, simply because they are there.

**Reflecting on your area of expertise, how do you see this sphere of the market shaping up over the coming months? Are any exciting trends or developments on the horizon?**

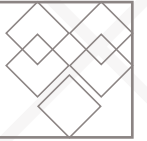
◆ As someone who works both for financial services clients and in bankruptcy cases, I have been focusing on the recent – and likely future – bankruptcies of cryptocurrency companies. The cryptocurrency industry prizes its independence from centralised authority, and we are now seeing bank runs that result from a lack of government deposit insurance. Interesting issues have already arisen as a nascent industry collides with laws, bankruptcy rules and financial regulations written for more developed industries. For example, right from the start of bankruptcy cases, judges have differed on how much creditor information can be redacted from mandatory public filings. More substantively, we are seeing questions about who owns the coins or tokens that were deposited in customer accounts as well as whether customer withdrawals are subject to clawback claims. I anticipate that we will see many more novel legal issues arise as these cases progress. ■



**“INTERESTING ISSUES HAVE ALREADY ARISEN AS A NASCENT INDUSTRY COLLIDES WITH LAWS, BANKRUPTCY RULES AND FINANCIAL REGULATIONS WRITTEN FOR MORE DEVELOPED INDUSTRIES.”**

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**REPRESENTATIVE ENGAGEMENTS**

- ◆ Obtained dismissal and subsequent Second Circuit affirmance of Section 16(b) securities litigation against major investment bank in case of first impression.
- ◆ Obtained summary judgment and Second Circuit affirmance for major broker-dealer against both plaintiff and third-party defendant in breach of contract case resulting from family dispute over account ownership.
- ◆ Successfully represented major broker in obtaining voluntary withdrawal of request for injunctive relief and subsequent dismissal with prejudice of complaint alleging securities law violations.
- ◆ Obtained dismissal of all claims against major radio personality resulting from telephone call aired on radio.
- ◆ Successfully represented major broker-dealer in purported class action resulting from network outage.
- ◆ Represented Madoff family member in adversary proceedings brought by BLMIS trustee.
- ◆ Obtained summary judgment for investment bank in antitrust lawsuit brought by lawyer who patented structure for airport financing bonds.

