



**Daniel H. Tabak**  
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#### Practice Areas

Litigation and Arbitration, Class Action Defense, Commercial Litigation, Securities Litigation, Arbitration and Mediation, Appellate Practice, Directors and Officers Litigation, Insurance, Bankruptcy Litigation and Counseling, Professional Liability, Aviation Litigation, Antitrust and Competition Litigation, Antitrust and Competition

#### Education

Columbia Law School (J.D., 1995);  
Harvard College (A.B., *cum laude*, 1992)

#### Bar Admissions

New York State; New Jersey State; U.S. District Courts for the Southern and Eastern Districts of New York; U.S. District Court for the District of New Jersey; U.S. Court of Appeals for the Second and Tenth Circuits

Daniel H. Tabak has experience in commercial litigation, bankruptcy litigation, complex securities litigation, appellate work, and professional liability. His practice focuses on complex commercial disputes with an emphasis on litigation and arbitration involving the financial industry. Dan also has extensive experience representing parties in bankruptcy and bankruptcy litigation, including representing Hulk Hogan in the bankruptcy cases of Gawker and its founder.

Dan has been recognized over the last 10 years by *The Legal 500's* U.S. guide in its securities litigation, commercial litigation, and general commercial disputes categories, with clients describing Dan as an "incredibly smart," "first rate trial lawyer" who is "bright, attentive and creative" and possesses a "unique ability to quickly get up to speed on a complicated set of legal and factual issues." *Super Lawyers* has recognized Dan on its annual New York Metro Super Lawyers list for business litigation each year since 2014, and has named him one of the top 100 lawyers in the New York metropolitan area. He has also been recognized as a Litigation Star by *Benchmark Litigation*. Dan is a former member of *Law360's* editorial advisory board for its legal ethics coverage and of the New York City Bar Professional Responsibility Committee. He is chair of the firm's Pro Bono Committee, a former co-chair of its Ethics Committee, and a member of the firm's Diversity and Inclusion Committee.

Dan is a graduate of Columbia Law School, where he was a James Kent Scholar and a Harlan Fiske Stone Scholar. He is also a graduate of Harvard College, where he was a John Harvard Scholar and a Harvard College Scholar. Prior to joining the firm, he was a litigation associate at Simpson Thacher & Bartlett. He also served as a law clerk to the Honorable Allyne R. Ross of the U.S. District Court for the Eastern District of New York.

#### Commercial Litigation

Obtained summary judgment for major broker-dealer against both plaintiff and third party defendant in breach of contract case resulting from family dispute over account ownership as well as Second Circuit affirmance of judgment.

Represent a major broker in defense of fraudulent conveyance claims resulting from customer's criminal actions.

Obtained dismissal of all claims against major radio personality resulting from telephone call aired on radio.

Successfully represented a major broker-dealer in purported class action resulting from network outage.

Represent creditor in asserting fraudulent conveyance claims against lenders that received security interests and liens from affiliate of borrower.

Represented a private equity fund in finder's fee dispute, resulting in a favorable settlement.

Successfully represented marketer of weather-related accessories in litigation and arbitration regarding post-merger earn-out dispute.

Represented a real estate development company in a series of lawsuits regarding a \$940 million lease.

Represented a major investment bank in defending against tortious interference and conspiracy claims brought by oil and gas company. Following the firm's successful motion to transfer the case, plaintiffs voluntarily withdrew all claims.

Represented energy company in obtaining dismissal of purported class action alleging multi-billion dollar breach of contract and tort claims and in appeal of dismissal.

Regularly advise a major private equity firm on compliance issues, contractual disputes, and litigation due diligence for potential acquisitions.

Successfully represented energy company in trial court and on appeal in obtaining dismissal of claims by debt placement agent and summary judgment on counter claims.

Represented accessory and apparel company in international arbitration against former distributor.

Represented real estate development company in litigation against former officer regarding breach of contract and breach of fiduciary duty claims.

Represented owners of limited liability company in defeating dissolution proceeding.

Successfully represented renewable energy company in obtaining declaratory judgment in contract dispute with shareholders and former executive that was affirmed on appeal.

Represented leading global provider of photovoltaic products in international arbitration against supplier regarding defective products.

Successfully obtained insurance coverage for real estate company sued in personal injury matter.

Successfully represented sporting equipment manufacturer in obtaining favorable pre-litigation settlement of claims against former shareholders.

Represented private equity companies in interpleader action relating to post-sale dispute regarding portfolio company's accounting resulting in favorable settlement.

Represented former hotel-casino and restaurant owner in contractual dispute with former investor.

Successfully represented law firm in obtaining dismissal of malpractice action relating to real estate transactions.

Represented telecommunications company in complex commercial dispute relating to installation of undersea fiber-optic cables resulting in favorable settlement.

Represented hotel-casino owner in trademark and licensing dispute resulting in favorable settlement.

Represented real estate developer in obtaining favorable pre-litigation settlement of contractual disputes.

Represented manufacturer in products liability appeals.

Successfully represented insurance companies and boards in internal and regulatory investigations relating to reinsurance practices.

Successfully represented insurers in insurance coverage disputes relating to hazardous waste and products liability class actions.

Successfully represented schoolchildren in trial and appeal of landmark school funding case before New York Court of Appeals.

Represented religious organizations and affiliated individuals in filing *amicus curiae* brief to U.S. Supreme Court in school integration case.

Served as guardian for incapacitated person and prosecuted fraud lawsuit that settled favorably.

Represented city in personal injury action involving elementary school student resulting in favorable settlement.

Represented fuel testing company in commercial dispute relating to alleged fraud in reporting test results resulting in favorable settlement.

Successfully represented insurance companies in reinsurance disputes relating to asbestos and hazardous waste.

Successfully represented computer keyboard manufacturer in multiple products liability cases.

### **Bankruptcy and Bankruptcy Litigation**

Represented Hulk Hogan in bankruptcies of Gawker and its founder resulting in favorable settlement.

Represented family member in adversary proceedings brought by trustee in highly-publicized Ponzi scheme.

Represent investment fund in defending subsequent transfer claims brought by Madoff Trustee.

Successfully represented insider purchaser in purchase of debtors' assets in bankruptcy.

Represent brokerage firm in defending fraudulent conveyance claims brought by victims of fraudster who transferred funds to brokerage account.

Represent creditor in asserting fraudulent conveyance claims against lenders that received security interests and liens from affiliate of borrower.

Represent brokerage firm in adversary proceeding regarding transfers from Madoff feeder fund.

Successfully represented corporate counterparties in obtaining dismissal of fraudulent transfer claims in Republic of the Marshall Islands.

Successfully obtained voluntary dismissal of securities broker and continue to represent former shareholders in litigation alleging fraudulent conveyances resulting from debtor's LBO.

Represent significant creditors in major bankruptcies.

Represented cosmetics company in adversary proceeding brought by debtor that had been a major customer.

Represented major unsecured creditor in complex bankruptcy case involving trustee who embezzled from bankruptcy estate.

Represented securities broker-dealer in adversary proceeding regarding debtor's repurchase of commercial paper resulting in favorable settlement.

Successfully represented secured lender in pre-complaint discovery that convinced auto rental company and creditors' committee not to bring avoidance adversary proceeding.

Successfully represented secured lender in pre-complaint discovery that convinced creditors' committee of automobile parts manufacturer not to bring avoidance adversary proceeding.

Represented energy company in obtaining favorable settlement of adversary proceeding by debtor asserting copyright and breach of contract claims.

Successfully represented debtor in obtaining voluntary dismissal of action by pre-petition lender against DIP lender.

Represented cosmetics company in avoidance proceeding by distributor resulting in favorable settlement.

### **Securities and Derivative Litigation and Investigations**

Obtained dismissal and subsequent Second Circuit affirmance of Section 16(b) litigation against major investment bank in case of first impression.

Successfully represented major broker in obtaining voluntary dismissal of both request for injunctive relief and complaint alleging securities law violations after filing opposition to temporary restraining order.

Represent broker-dealers in arbitration of customer disputes.

Obtained voluntary dismissal of securities class action claims against pension fund trustee following filing of motion to dismiss brief.

Represented bank in class certification discovery of \$50 billion class action lawsuit.

Represent issuers in Section 16(b) disputes involving trades of corporate insiders.

Represented former employee of investment bank in SEC investigation of mortgage-backed securities.

Successfully represented multi-national conglomerate in landmark appellate case regarding preclusion effects of settlement of securities class actions.

Successfully obtained voluntary dismissal with prejudice and expungement order for registered representative despite being retained less than one week before arbitration hearings.

Represented officer of shipping company in obtaining dismissal of securities class action relating to alleged misstatements in registration statement.

Successfully represented private equity firm in Section 16(b) litigation.

Represented mutual fund company in obtaining dismissal of securities class action relating to fees and shelf-space participation.

Represented investment banks in securities class action relating to alleged misstatements in registration statement of telecommunications company resulting in favorable settlement.

Represented mutual fund company in internal and regulatory investigations resulting in no enforcement actions.

Represented telecommunications and food industry companies in Rule 10b-5 securities litigation.

Represented telecommunications company and officer in litigation regarding preclusive effect of prior releases in securities class actions and bankruptcy reorganization resulting in favorable settlement.

Represented insurance companies and boards in internal and regulatory investigations relating to reinsurance practices.

Represented multi-billion dollar hedge fund specializing in distressed debt in securities matters.

Represented food services and department store companies in obtaining dismissal of derivative suits relating to private equity transactions.

Advised energy company in avoiding potential tax and securities litigation.

Advised Latin American beverage company in Peruvian securities litigation.

#### **Activities and Affiliations**

Treasurer, Harvard Hillel

Member, New York City Bar Association (Former member of the Committee on Professional Responsibility)

Member, American Bar Association

Member, American Bankruptcy Institute

Former Member, *Law360's* Editorial Advisory Board for Legal Ethics Coverage