

## Commercial Litigation

Our *Chambers* and *The Legal 500*-recognized Commercial Litigation group represents clients in a broad range of complex commercial, business, and financial disputes in districts throughout the United States and in the international arena. We represent clients in lawsuits involving contract disputes, derivatives claims, breach of contract, shareholder disputes, fraud, tortious interference complaints, professional malpractice claims, unfair business practices, and private equity transactions. Our clients span multiple industries, including finance, software and technology, hospitality, and real estate.

Our attorneys employ their extensive trial experience to bring a strategic approach to each claim. We offer thoughtful counseling, and we scrupulously research each matter and are prepared to effectively and vigorously defend our clients at trial. We have successfully handled numerous trials, arbitration hearings, and administrative procedures in state and federal courts across the country and in every major type of arbitration forum. We have an outstanding record in high-stakes, high-profile litigation, including cases involving claimed damages in the hundreds of millions of dollars.

### Business Disputes

Obtained voluntary dismissal of tortious inference and conspiracy claims brought by oil and gas company against major bank following successful motion to transfer venue.

Represent major investment bank in defending against tortious interference and conspiracy claims brought by oil and gas company.

Represented major U.S. airline in successful litigation against one of the world's largest hospitality companies, seeking expedited injunctive relief stemming from the breach of a joint marketing agreement between the parties. Matter settled on highly favorable terms.

Defended leading Korean technology company in major international arbitration under UNCITRAL Arbitration Rules. Representation led to selection as principal outside U.S. counsel to client, including defense of client in major patent litigations and class action product defect cases.

Representation of Fortune Global 500 electronics manufacturing and services firm in breach of contract action against airplane dealer. Court ruled for client, awarding all damages sought.

Represented marketer of weather-related accessories in litigation and arbitration regarding post-merger earn-out dispute resulting in favorable pre-complaint settlement.

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

Successfully settled multi-national shipping contract dispute for billion-dollar Canadian company.

Successfully defended multi-billion dollar construction dispute for major Japanese companies in LCIA arbitration in London ending in unanimous verdict in favor of clients.

Obtained multi-million dollar settlement in mediation in breach of warranty claim against equipment manufacturer.

Obtained partial summary judgment and then successful settlement on behalf of leading manufacturer of holiday collectables in action alleging breach of contract and fraud.

Representation of franchisee of a major apparel chain in a franchising dispute.

Representation of a major Houston-based oil and gas production and marketing company in connection with litigation in the Southern District of New York alleging breach of contract, fraud, and conversion in connection with a series of complex oil and gas financing transactions.

Represented a major United States airline in connection with litigation in the Southern District of New York and Western District of North Carolina related to contract disputes arising out of the airline's lease of several Boeing 737 commercial aircraft.

Represented lighting manufacturing company in suit for consequential damages arising from breach of contract to deliver critical machinery. Achieved early settlement on highly favorable terms.

Representation of equipment leasing company in multiple litigations.

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

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

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

Representation of power company in litigation concerning dispute with senior executives over stock transactions.

Successful representation of a foreign investor in arbitration with the Government of Indonesia concerning payment for a power project.

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

Represented fuel testing company sued for alleged fraud in reporting test results resulting in favorable settlement.

Represented an artist in a New York State Court action successfully obtaining the return of her works of art.

Represented international tobacco corporation in international dispute with foreign state-owned tobacco company.

Ongoing representation of European supplier of U.S. software products in patent, franchise, and contract disputes.

Represent individual in RICO action to recover \$70 million.

Represented plaintiff class of investors in litigation concerning subprime auto loans.

#### **Business Dissolution and Shareholder Disputes**

Successfully represented individual partner in breach of fiduciary duty dispute regarding ownership of Manhattan apartment building.

Represent minority shareholder in breach of fiduciary duty lawsuit bringing both direct and derivative claims.

Represented majority members of limited liability company in dispute over member's resignation to form a competing company; obtained ruling that resigning member was liable for wrongful resignation based on LLC Agreement.

Successfully mediated settlement for limited liability companies in a minority shareholder dispute.

Represented limited liability companies in a minority shareholder dispute.

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

Represented major real estate developer in multiple litigations arising from dispute over dissolution of partnership between founding members.

Litigation of class action and shareholder derivative suits relating to financial disclosure, fraud, and products liability issues.

#### **Financial Litigation**

Representation of Special Litigation Committee of the Board of Directors of a Fortune 500 software manufacturer on derivative claims brought in the name of the client corporation.

Represented court-appointed officer in three lawsuits against global banking institutions and large accounting firms arising out of the largest European bankruptcy in history.

Regularly represent financial advisors employed by major financial institutions in both litigation and arbitration.

Representation of a big four accounting firm in connection with the SEC's investigation of a company's revenue recognition policies and the accounting firm's approval of the company's audit opinions. The representation included contact with the big four accounting firm's offices all over the country and a massive document review, productions to the SEC, and

deposition preparation of several of the accounting firm's executives.

Representation of a big four accounting firm, the outside auditor of a company accused of accounting fraud, in connection with an SEC investigation including document review, drafting response to the SEC's inquiries and preparation of witnesses for SEC interviews.

Representation of public petroleum services company in litigation concerning private debt placement, culminating in appellate victory dismissing case and reversing trial court.

Defended leading child support collection agency in dispute with financial advisory firm resulting in dismissal of complaint and matters settled on favorable terms before appeal.

Representation of major financial institution in litigations and arbitrations in connection with various trading issues, including dispute over stock lending transactions.

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

Representation of a Fortune 500 financial services company in connection with review of accounting and tax claims.

Representation of private equity fund and its founder in litigation with another private equity fund.

Successfully defended investment management firm against allegations of breach of fiduciary duty by limited partners.

Represent hedge fund in contract dispute against another fund arising out of investments in distressed debt issued by industrial company.

Represented a former senior corporate executive in connection with various civil litigations related to the alleged back-dating of employee stock options. Matter settled on favorable terms.

Successfully represented individual financial advisor employed by major investment bank in fraud action brought by investors in third party's Ponzi scheme; matter dismissed on basis of client disclosure.

Successfully negotiated settlement for securities firm in complex contract dispute involving purchase and sale of aircraft securities.

Defended investment bank's real estate subsidiary in connection with allegations of fraud and breach of contract in the purchase of a chain of assisted living companies, matter settled after partial dismissal of claims.

Represented hedge fund in action to enforce contract covenants in credit agreement with portfolio company; matter settled on favorable terms following mediation.

Represented investment bank in suit for fraud and breach of contract arising from complex purchase and resale transactions involving defective aircraft equipment leasing certificates. Matter settled on favorable terms.

Represented a major Texas-based hedge fund in connection with a complex civil litigation brought in the Commercial Division of the New York State Supreme Court relating to the client's participation in a lending syndicate under a credit facility and the borrower's (a major television station owner) alleged violation of various financial covenants in the operative credit agreement. Matter settled on favorable terms.

Represent founding member of private equity and hedge funds in contract action against former partner.

Represent multi-billion dollar hedge fund in contract action relating to joint venture to buy and sell distressed debt.

Represented investors in savings & loan holding company in action against U.S. government for breach of contract after government reneged on agreement regarding minimum capital requirements. Conducted deposition and expert discovery and served on trial team resulting in verdict in excess of \$300 million in reliance damages.

Represented Goldman Sachs and several of its investment funds and senior executives in connection with litigation alleging fraudulent conveyance, breach of fiduciary duty, unjust enrichment, and professional malpractice claims and arising out of the leveraged buyout of Globe Manufacturing, Inc., an entity in which the Goldman Sachs funds held a significant private equity stake.

Represented major international bank in lawsuit against indenture trustee and auditors arising out of fraud in major health-care receivables securitization.

### **Construction and Real Estate**

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

Obtained summary judgment enforcing foreign award in favor of senior mortgagor, dismissal of counterclaims, and appointment of receiver for midtown hotel.

Representation of a foreign hotel chain in litigation over New York development project.

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

Represented real estate developer in tortious interference with contract dispute against regional savings bank, including two appeals to the Appellate Division of the Supreme Court of the State of New York, First Department.

Successful representation of a Japanese international construction company in arbitration with Japanese bank arising out of construction of luxury hotel in Hawaii.

Represented national real estate developer in complex commercial dispute with consortium of lenders.

Represented Macklowe Properties in connection with litigation brought in the Delaware Court of Chancery and New York State Supreme Court arising out of Macklowe's 2003 purchase from Conseco, Inc. of the landmark General Motors Building on Fifth Avenue in Manhattan.

Represented investment bank in litigation concerning purchase of commercial real estate in New York.

### **Insurance Disputes**

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

Successfully defended insurance company in arbitration with its former managing general agent concerning the agent's transfer of the carrier's municipal business to a competitor.

Successful representation of a reinsurance pool in litigation arising out of an asbestos settlement.

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

Successful representation of a brewer in litigation with its insurers for liabilities arising out of ice beer dispute.

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

Represented plaintiff medical device company in insurance contract dispute. Settled on favorable terms.

Represented insurers and reinsurers in complex contract and insurance coverage disputes.

### **Healthcare**

Representation of four doctors in a medical partnership in a dispute with the remaining partners regarding the reorganization of the partnership. Matter settled on favorable terms.

Representation of the CEO of a major hospital in a case arising out of the hospital's actions against a physician who allegedly engaged in improper conduct. Case was dismissed in its entirety.

Representation of a prominent cardiologist in securities litigation.

Strategic counseling to a physician in connection with the dissolution of a dental practice.

Advised group of physicians in connection with departure from former practice and association with new hospital; reviewed and evaluated non-compete, shareholder and employment agreements related to previous practice.