

Capital Markets Litigation

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In a global economy with constantly evolving capital markets, institutional investors must know their rights and how to protect their investments. Lowenstein Sandler's Capital Markets Litigation practice has a unique breadth of experience representing investment managers and institutional investors, both domestic and foreign, including financial institutions, insurance companies, hedge funds, private equity funds, and commercial creditors. We move swiftly and proactively, always recognizing the economic drivers underlying civil disputes.

Our attorneys have successfully litigated multistate and international disputes from inception to trial (and beyond), spanning a wide range of areas, including M&A disputes, secured and unsecured financing matters, structured products and derivatives (namely CDOs of RMBS), securities, distressed debt, and bankruptcy litigation.

The Capital Markets Litigation practice is committed to the "buy side" and represents clients based in the U.S., Europe, and Asia in litigation and international arbitration, including matters involving the interplay of U.S. and international law and multijurisdictional strategic considerations.

EXPERIENCE

- > Won \$475 million arbitration award on behalf of Chinese insurer in international arbitration venued in Hong Kong relating to \$5 billion cross-border M&A transaction.
- > Prosecuted claims on behalf of The Prudential Insurance Company of America against Morgan Stanley for fraudulent misrepresentation and civil RICO involving the creation and sale of over \$1 billion of RMBS.
- > Representing multiple RMBS trustees in trial and appellate courts, both state and federal, concerning several billion dollars in mortgage repurchase claims.
- > Obtained successful jury verdict in defense of a contract action concerning the provision of health screening services to employees of the State of Tennessee.
- > Won dismissal of a \$1.875 billion claim brought in New York by financial guarantor FGIC against client IKB Deutsche Industriebank involving a complex array of credit default swaps and underlying CDO assets.
- > Defended claims of credit ratings fraud against an international financial institution in connection with the launch of a \$2 billion structured investment vehicle.
- > Defeated arbitration claim brought against institutional investors by an international investment bank stemming from three contemplated CDO transactions totaling \$1.5 billion, clearing the way for a substantial damage claim prosecuted in the Supreme Court of New York.
- > Representing the joint liquidators of a Cayman fund in Chapter 15 Bankruptcy proceedings and related adversary proceedings relating to the Triaxx CDO.
- > Representing an Asian governmental authority in litigation seeking more than \$40 million in clawbacks related to the Bernard L. Madoff fraud.
- > Represented a public seller in M&A litigation spanning 10 cases in three jurisdictions involving a \$100 million acquisition.
- > Successfully represented three publicly traded companies—CIT Group, PSEG Resources, and Dana Corporation—in litigation against Credit Suisse relating to a \$40 million investment in a CBO securitization transaction. This included (1) winning an international arbitration against Credit Suisse; and (2) in a related case in the Supreme Court of New York, securing the dismissal with prejudice of all of Credit Suisse's counterclaims. Also continues to represent CIT Group in other high-stakes litigation matters.
- > Served as a lead litigator in a securities arbitration proceeding before the Financial Industry Regulatory Authority against Merrill Lynch/Bank of America. The claim involved sales by Merrill Lynch of hundreds of millions of dollars of auction-rate securities backed by subprime collateralized debt obligations.
- > Represented Bayview Financial, a family of companies that has issued tens of billions of dollars in asset-backed securities, in a major litigation with Citicorp in the Supreme Court of New York relating to a \$65 million repurchase transaction and the financing for multiple "repo" facilities.

HONORS & AWARDS

- > **BTI Consulting Group: BTI Litigation Outlook 2019: BTI Consulting Group: BTI Litigation Outlook (2019)**
Honor Roll in Commercial Litigation