



Jennifer Fiorica Delgado

Partner

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Jennifer is a partner in the firm's Capital Markets Litigation group, where she primarily represents the "buy-side," including U.S.-based and global asset managers, hedge funds, and institutional investors. She has extensive experience with a wide range of capital markets disputes, including structured finance and securities litigation, M&A disputes, and bankruptcy-related litigation.

Jennifer also maintains a robust business litigation, investigations, and counseling practice in which she services a diverse client base, from multibillion-dollar asset managers to multinational cosmetics companies. Known for her tireless dedication to client service, Jennifer builds close, long-term relationships that enable her to proactively identify and address client needs. Jennifer has an exemplary track record advocating for her clients on high-stakes issues, ranging from advocacy with State Attorneys General and other regulators on data security and civil rights matters, to internal investigations concerning alleged "Me Too" violations.

In 2020 and 2019, Jennifer was recognized on *Crain's* list of "Notable Women in Law – New York" for her distinguished legal career and contributions to civic and philanthropic activities impacting New York City. Deeply committed to pro bono work, Jennifer was recognized in 2015 as one of the "Top 25 Pro Bono Advocates" by Legal Services of New York City for her work representing a disabled veteran and his family in connection with an eviction proceeding. Most recently, Jennifer prosecuted disability discrimination and retaliation claims against the New York City Housing Authority on behalf of a disabled woman living in public housing. She also successfully litigated a 35-day bench trial in a landmark victory for same-sex parents that granted a gay, interracial couple custody of their twin daughters born via gestational surrogacy.

Jennifer's passion for justice also extends to her commitment to advancing the role of women in the legal profession as well as improving diversity generally. To those ends, Jennifer co-heads the firm's recruiting committee and is an active mentor to young lawyers at the firm. She also co-chairs the Professional Services Perspective Committee of the Financial Women's Association, an organization dedicated to developing future leaders in every sector of the financial community.

EXPERIENCE

- > Prosecuting mortgage loan repurchase claims in the Commercial Division of the New York State Supreme Court on behalf of a trustee of multiple residential mortgage-backed securities (RMBS) trusts with billions of dollars in mortgage assets.
- > Representing the New Jersey Bureau of Securities in case against Credit Suisse concerning its role in the RMBS crisis.
- > Represented The Prudential Insurance Company of America against Morgan Stanley in the prosecution of claims for fraudulent misrepresentation and civil RICO involving the creation and sale of over \$1 billion of RMBS.
- > Representing an Asian governmental authority in litigation seeking more than \$40 million in clawbacks related to the Madoff fraud.
- > Represented lender in litigation against borrower in connection with \$40 million revolving credit facility.
- > Obtained favorable pre-suit settlement for institutional investor resolving securities fraud claims against issuer.
- > Represented Cayman funds in litigation relating to a \$60 million financing transaction.
- > Led litigation investigation on behalf of the Official Committee of Unsecured Creditors of Gibson Guitar.
- > Successfully blocked transaction worth \$800 million through expedited litigation filed on behalf of major shareholder.
- > Represented Liberator Medical Holdings Inc. in successfully opposing applications to enjoin a \$180 million acquisition in three jurisdictions.
- > Represented a technology company in arbitration involving breach of contract claims arising out of an investment banking agreement.
- > Obtained dismissal of a putative class action complaint, which alleged that a Fortune 500 telecommunication company misrepresented service fees.
- > Successfully defended appeal of federal district court's dismissal of complaint against officer and directors asserting breach of fiduciary duties in connection with the dissolution of pharmaceutical company.
- > Defended several state-owned PRC companies against claims stemming from a joint venture formed to design, develop, and manufacture battery systems for electric automobiles.

HONORS & AWARDS

> **Crain's: Notable Women in Law - New York (2019-2020)**

Recognizing women lawyers who have impacted New York City through their distinguished careers and exceptional civic and philanthropic activities

> **New Jersey Rising Stars (2013-2018)**

Recognized for work in Business Litigation, Securities Litigation and Class Action/Mass Torts

> **New York Rising Stars (2015-2018)**

Recognized for work in Business Litigation, Securities Litigation, Class Action/Mass Torts

> **Legal Services of New York City: Top 25 Pro Bono Advocates (2015)**

NEWS & INSIGHTS

Publications

> September 18, 2019

"Capital Markets Litigation Team Achieves Key Victory in Pro Bono Transgender Rights Case," *Capital Markets Litigation*

Jennifer Fiorica Delgado, Meg Slachetka

> September 16, 2019

"INSIGHT: Leveraging a Mentorship—Tips for Millennial Lawyers, by Millennial Women Lawyers: Part Two," *Bloomberg Law*

Jennifer Fiorica Delgado

> September 9, 2019

"INSIGHT: Finding a Mentor or Sponsor—Tips for Millennial Lawyers, by Millennial Women Lawyers: Part One," *Bloomberg Law*

Jennifer Fiorica Delgado

> August 26, 2019

"How the Global Financial Crisis Has Shaped New York Law," *ABA Business and Corporate Litigation Committee Newsletter*

, Jennifer Fiorica Delgado, Meg Slachetka

> March 8, 2018

"CLO Litigation Update," *Capital Markets Litigation Blog*

Jennifer Fiorica Delgado, Alexandra S. Droz

> March 8, 2018

"CLO Litigation Update," *Capital Markets Litigation*

Jennifer Fiorica Delgado, Alexandra S. Droz

> February 8, 2018

"Third-Party Litigation Funding Fuels Foreign Securities Class Actions," *Capital Markets Litigation Blog*

Alexandra S. Droz, Jennifer Fiorica Delgado

> February 8, 2018

"Third-Party Litigation Funding Fuels Foreign Securities Class Actions," *Capital Markets Litigation*

Alexandra S. Droz, Jennifer Fiorica Delgado

> September 8, 2016

"No Bankruptcy Automatic Stay for Banks in \$7.7B NovaStar MBS Fraud Action," *Capital Markets Litigation Blog*

Jennifer Fiorica Delgado, Rachel K. Warren

> September 8, 2016

"No Bankruptcy Automatic Stay for Banks in \$7.7B NovaStar MBS Fraud Action," *Capital Markets Litigation*

Jennifer Fiorica Delgado, Rachel K. Warren

> June 9, 2016

"Former Deutsche Bank Traders Indicted in LIBOR Probe," *Capital Markets Litigation Blog*

Jennifer Fiorica Delgado

> June 9, 2016

"Former Deutsche Bank Traders Indicted in LIBOR Probe," *Capital Markets Litigation*

Jennifer Fiorica Delgado

> May 26, 2016

"LIBOR Antitrust Suit Revived," *Capital Markets Litigation*

Jennifer Fiorica Delgado

- > April 28, 2016
"Government's Focus on Eradicating Municipal Bond Fraud Is Evident After Two City Officials Are Criminally Charged," *Capital Markets Litigation*
 Jennifer Fiorica Delgado
- > April 26, 2016
"Lehman Continues to Defend \$3 Billion Suit over Credit-Default Swap Transactions," *Capital Markets Litigation*
 Jennifer Fiorica Delgado
- > February 29, 2016
"Six Investment Banks Agree to Pay over \$100 Million to Settle Antitrust Claims Concerning Municipal Derivatives," *Capital Markets Litigation*
 Jennifer Fiorica Delgado
- > February 26, 2016
"Second Circuit Affirms Dismissal of Commerzbank AG's Fraud Claims Concerning Collapsed SIV," *Capital Markets Litigation*
 Jennifer Fiorica Delgado, Jae Zhou
- > January 15, 2016
"Goldman Sachs Announces \$5 Billion Settlement With DOJ," *Capital Markets Litigation*
 Jennifer Fiorica Delgado
- > December 7, 2015
"The Supreme Court Will Rule on Puerto Rican Government's Authority to Restructure Debt," *Capital Markets Litigation*
 Jennifer Fiorica Delgado

In the Media

- > September 13, 2019
Zachary D. Rosenbaum, Jennifer Fiorica Delgado, and Meg Slachetka achieved a key victory as plaintiffs' pro bono counsel in *Doe v. Esper*, a legal challenge to the Pentagon's transgender service policy, as reported by **Law360**. The government's policy is to discharge or deny enlistment to anyone who will not serve in the gender to which they were assigned at birth, or who is undergoing hormone therapy or other gender-confirmation procedures. Lowenstein's team successfully overcame the government's claim that it is entitled to a high level of deference simply because its policies were based on military-decision-making. They argued that the Department of Defense (DOD) improperly refused to produce documents pertaining to the development of the policy, and the Hon. Colleen Kollar-Kotelly of the U.S. District Court for the District of Columbia agreed, finding that DOD was not automatically entitled to such deference and that more discovery was necessary to determine whether the plan was created through a reasonable and even-handed process. The judge further agreed that DOD could not invoke the deliberate process privilege, which protects documents revealing the process behind government decisions, because "[t]hose documents go to the heart of Defendants' intent and decision-making process ... — both key issues in establishing the legitimacy of the disputed transgender policy." **View Lowenstein's news announcement about this matter.**

SPEAKING ENGAGEMENTS

- > Speaker, **LGBTQ Career Panel**, Rutgers Law School, Newark, NJ, October 22, 2019
- > Speaker, **ABA Business Law Section Annual Meeting 2019**, ABA Business, Washington, D.C., September 12-14, 2019
- > Panelist, **Can We Avoid a Mess When LIBOR Goes Away?**, ABA Business Law Section Annual Meeting, Austin, TX, September 14, 2018
- > Moderator, **Residential Mortgage-Backed Securities Litigation Update: Analysis and Perspective on the Current State of Play**, ABA Business Law Section Annual Meeting, Austin, TX, September 13, 2018
- > Panelist, **Current Developments in Securitization and Structured Finance Law**, ABA Business Law Section Spring Meeting, Rosen Shingle Creek, Orlando, FL, April 12, 2018
- > Speaker, **Telling Prudential's Story: Adventures in Risk Management**, The Prudential Insurance Company of America - Enterprise Litigation Group, March 19, 2018
- > Panelist, **Beyond the Marblegate: An Update on the Recent Developments Affecting Corporate Trustees and Investors**, ABA Business Law Section Annual Meeting, Chicago, IL, September 13, 2017

EDUCATION

- > Rutgers Law School (J.D. 2008); Publicity Editor, *Women's Rights Law Reporter*
- > University of Maryland, College Park (B.A. 2005), Government and Politics; Dean's List; College Park Scholar

ADMISSIONS

- > New York
- > New Jersey
- > U.S. District Court for the District of Columbia