

# GIBSON DUNN



Marshall R. King

Partner

## CONTACT INFO

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## PRACTICE

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Securities Litigation

Class Actions

International Arbitration

Litigation

Media, Entertainment and Technology

Transnational Litigation

## BIOGRAPHY

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Marshall R. King is a partner in the New York office of Gibson, Dunn & Crutcher. Mr. King is a member of Gibson Dunn's Class Actions and Securities Litigation Practice Groups.

Mr. King has extensive experience in commercial and business litigation matters, with particular focus on securities litigation. Mr. King represented Artémis, a French company, in two federal jury trials arising out of the rehabilitation of Executive Life Insurance Company, which resulted in favorable verdicts, and was selected as one of the *Daily Journal's* Top Defense Verdicts of 2012. He is currently representing UBS in suits arising out of the Madoff Ponzi scheme, and has represented UBS in several securities litigation class actions. He often represents buyers or sellers in disputes arising out of acquisitions. Mr. King has advised foreign member firms of Deloitte & Touche in a variety of matters and has represented them in litigation in U.S. courts. Mr. King represented Tyco in litigation with bondholders arising out of a spin-off of several Tyco businesses, and has advised companies in other disputes concerning their rights under bond indentures. He has represented financial institutions in litigation arising out of the collapse of Enron, Adelphia and Lehman Brothers. He also has experience in bankruptcy and derivative litigation.

In a national survey of lawyers and clients conducted by Lawdragon.com, Mr. King was voted one of the country's "500 New Stars" in law.

Mr. King received his Juris Doctor *cum laude* in 1991 from Harvard Law School. He received his Bachelor of Arts degree with high honors in Economics from Princeton University in 1988.

Mr. King is a member of the Bars of New York and New Jersey.

### Representative Matters

- **Artémis and François Pinault:** Represented Artémis and François Pinault in two federal jury trials brought by the California Insurance Commissioner, alleging fraud in connection with the rehabilitation of Executive Life Insurance Company. Juries returned defense verdicts.
- **UBS:** Represents UBS in litigation arising out of the Madoff Ponzi scheme. Successfully obtained dismissal of all common law claims in a \$2 billion suit brought by the court-appointed trustee for Bernard L. Madoff Investment Securities, which was affirmed on appeal to the Second Circuit Court of Appeals (*In re Bernard L. Madoff Investment Securities LLC*).
- **Tyco:** Represented Tyco in proceeding by bankruptcy debtor seeking to subordinate Tyco's claim under Section 510(b) of the Bankruptcy Code. Initially prevailed in the Bankruptcy Court and decision was affirmed by the Second Circuit Court of Appeals (*CIT Group Inc. v. Tyco International, Inc.*).
- **Intel:** Represented Intel and its board of directors in derivative litigation alleging failure of oversight.
- **VMware:** Represents VMware and members of its board of directors in Delaware litigation relating to merger of VMware's parent company.
- **EMSI:** Represents selling shareholders of medical information services provider in suit by purchaser of company.
- **Revlon:** Represented independent directors of Revlon in class action arising out of acquisition by majority shareholder.

- **Major international accounting firm:** Represented the Netherlands partnership of a major international accounting firm in securities class action arising out of financial restatements by Royal Ahold. Obtained dismissal of complaint and, after other defendants settled for \$1.1 billion, defeated plaintiffs' motion to amend the complaint against the accounting firm. This decision was affirmed by the Fourth Circuit Court of Appeals (*Royal Ahold Securities Litigation*).
- **Major international accounting firm:** Represented the Canadian partnership of a major international accounting firm in securities class action and related litigation. Obtained dismissal of individual action, and later settled the class action (*Philip Services Corp. Securities Litigation*).
- **Tyco:** Represented Tyco in federal litigation with bondholders arising out of spin-off of several Tyco businesses. Obtained important ruling from the court concerning the issuer's rights under the "successor obligor" clause that is standard in many bond indentures (*Bank of New York v. Tyco*).
- **Buyers and sellers of companies:** Represented both buyers and sellers of companies in post-acquisition dispute resolution proceedings.
- **United Company Rusal:** Represented United Company Rusal in federal lawsuit and obtained dismissal on grounds of *forum non conveniens*. Successfully argued the appeal in the Second Circuit Court of Appeals, which affirmed the dismissal (*BFI Group Divino Corp. v. JSC Russian Aluminum*).
- **Financial institutions:** Represented financial institutions in securities litigation and other lawsuits arising out of the collapse of Enron, Adelphia and Lehman Brothers.
- **IAC/InterActiveCorp:** Represented IAC/InterActiveCorp in federal litigation relating to the alleged theft of trade secrets. Obtained summary judgment dismissing most claims.
- **Director:** Represented director in securities litigation arising out of the collapse of a large mortgage lender.

## EDUCATION

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Harvard University - 1991 Juris Doctor

Princeton University - 1988 Bachelor of Arts

## ADMISSIONS

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New Jersey Bar

New York Bar

