

GIBSON DUNN



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PRACTICE

Litigation

Appellate and Constitutional Law

Crisis Management

Securities Litigation

Transnational Litigation

BIOGRAPHY

Randy M. Mastro, a partner in the New York office of Gibson, Dunn & Crutcher, is the former Co-Chair of the Firm's Litigation Practice Group, which *The American Lawyer* has named "Litigation Department of the Year" four out of its last six competitions and a finalist six times in a row – both unprecedented achievements – and *the New York Law Journal* just recognized as New York's "Litigation Department of the Year". He has served on the Firm's Management and Executive Committees for more than a decade.

Mr. Mastro routinely ranks among the nation's leading litigators and trial lawyers in surveys of corporate counsel and other practitioners. Mr. Mastro was recently named "Trial Lawyer of the Year" by *Chambers USA*, a "Litigation Trailblazer" by *The National Law Journal*, and a "Trial Lawyer MVP" by *Law360*. Twice in the last years, he has been named national "Trial Lawyer of the Year" by separate peer-review publications (*Chambers USA* and *Benchmark*). He was again named among *Benchmark's* "Top 100 Trial Lawyers in America," as well as a "Litigation Star." *The National Law Journal* named him among the "100 Most Influential Lawyers in America," recognizing him as one of the "100 lawyers in the United States who have shaped the legal world through their work," and noting that "his ease in the courtroom, delivery of arguments and command of the law have made Randy one of the most in-demand attorneys in the country by big-name clients." *The American Lawyer* cited him among "the best known, most-respected litigators in the country." And *City & State* just honored him as one of the 20 "most influential" and "powerful leaders in New York's legal community." In *Chambers USA*, he is ranked among the nation's top trial lawyers, described as "a world-renowned litigator," and praised for his "exceptional public reputation," who "just owns the courtroom," is "in a class by himself," "masters the facts of a case quicker than anyone I've ever met," "can take on anyone," "shows grace and style under pressure," and is "so persuasive" and "smart." In *The Legal 500—US Edition*, he has been named to the "Hall of Fame" and featured among the "Leading Trial Lawyers" in the country, with corporate counsel saying he is "immensely impressive," "simply excellent," "flawless," "captivating," "in a league of his own," and "deserves an Academy Award" for "bringing a sense of drama and theater to his courtroom appearances." *Benchmark* has described him as a "brilliant and effective litigator" who is "perennially revered," with peers noting, "You do not want to meet Randy down a dark alley, but you REALLY don't want to meet him in a litigated courtroom," and "going against him" is "like wrestling an alligator." *Benchmark* honored his achievements in "National Impact Cases" in 2015, 2017 and 2018. *The New York Times* has called him "the go-to lawyer for companies" suing the government, a "household name," and a "fierce and combative litigator," and *The New Yorker* has described him as a "merciless litigator," "even by the pugilistic standards of the New York bar," who "springs to life" and "is transfixing" in "the courtroom."

Among many high-profile matters, Mr. Mastro won a two-month RICO trial barring the enforcement of a \$9 billion Ecuadorian judgment against Chevron that *The American Lawyer* called "The Case of the Century." Moreover, he won a month-long trial against the SEC, obtaining the dismissal of all charges against high-profile entrepreneur, Lynn Tilton, and thereby defeating the largest individual enforcement action the SEC ever brought before its in-house tribunal, where it typically won 90 percent of the time. Mr. Mastro also led the successful effort to defeat New York City's controversial West Side Stadium project, and he represented the State of New Jersey in conducting a high-profile investigation into allegations concerning the "Bridgegate" controversy. He has tried dozens of cases in private practice and as a federal prosecutor, and he has also argued more than 100 appeals in federal and state appellate courts throughout the country.

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Mr. Mastro has represented such clients as AIG, Chevron, Amazon, Empire Blue Cross Blue Shield, Estee Lauder, Madison Square Garden, Cablevision, Dow Jones, Verizon, Dart, DraftKings, Home Depot, Daimler, Wynn, JPMorgan, GE Capital, Park Place/Caesar's, Quest Diagnostics, IAC, Bear Stearns, Bank of New York Mellon, Empire Merchants, Edison Schools, Lynn Tilton, Peter Kalikow, Vornado, LeFrak Organization, Saks, Ziff Davis, UBS Financial Services, Octagon, Martina Hingis, Anna Kournikova, and Steffi Graf.

Before returning to Gibson Dunn in 1998, Mr. Mastro served as Mayor Rudolph Giuliani's Chief of Staff and then as New York City's Deputy Mayor for Operations. In that capacity, he was responsible for overseeing all of the City's operating agencies and budget, and served as the Mayor's chief liaison with elected officials. In the Mayor's absence, he was authorized to act on the Mayor's behalf. While in the Giuliani administration from 1994 to 1998, Mr. Mastro spearheaded City initiatives to remove organized crime from the Fulton Fish Market, private carting industry, and San Gennaro Festival. He also chaired the City's Trade Waste Commission (now known as the Business Integrity Commission) and oversaw the successful turnaround of the City's OTB operation. For two consecutive years, NY1-TV named Mr. Mastro one of City government's "Winners of the Year," and *Manhattan File* magazine featured him among the "45 Most Powerful New Yorkers 45 and Under."

In the early 1990s, Mr. Mastro was a Gibson Dunn litigation partner. In 1990, he served as Associate Counsel on the Independent Counsel investigation of HUD Secretary Samuel Pierce. In 1991, he was appointed Special Master and Monitor of the assets of a Saudi tycoon implicated in the BCCI scandal.

From 1985 to 1989, Mr. Mastro served as Assistant United States Attorney and Deputy Chief of the Civil Division in the U.S. Attorney's Office for the Southern District of New York, where he specialized in organized crime cases and spearheaded the federal government's landmark racketeering suit that put the International Brotherhood of Teamsters into court supervision. *Seven Days* magazine named him one of "the 25 prosecutors and defenders other lawyers most admire, fear and talk about." From 1982 to 1985, Mr. Mastro was a litigation associate at Cravath, Swaine & Moore, where he was part of the successful libel defense trial team in *Westmoreland v. CBS*. Before that, upon graduating *cum laude* from Yale College and the University of Pennsylvania Law School, where he was the school's moot court champion, Mr. Mastro

clerked for Justice Alan B. Handler of the New Jersey Supreme Court.

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During his tenure as a federal prosecutor, Mr. Mastro received the Attorney General's Distinguished Service Award, the John Marshall Award for Outstanding Legal Achievement, and the Director's Award for Superior Performance, among other honors. Since then, he has been honored many times, receiving, for example, the Simon Rifkind Award from the Jewish Theological Seminary, the Civic Leadership Award from the Citizens Union of the City of New York, and the Lumbar Bowl, awarded annually by the U.S. Attorney for the Southern District of New York (in consultation with prior U.S. Attorneys) to distinguished alumni.

Mr. Mastro has served as an Adjunct Professor at the University of Pennsylvania Law School, where he taught a course entitled "The Role of the General Counsel." He also taught complex civil litigation and legal writing courses at Fordham Law School. He has authored articles in the *Federal Communications Law Journal*, *Fordham Law Review*, *University of Michigan Journal of Law Reform*, and *Seton Hall Law Review*. His op-ed pieces have appeared in *The New York Times*, *Daily News*, and *New York Post*, and he wrote for the *Washington Post* and *Time*. He co-authored the chapters, "White Collar Crime," in *Business and Commercial Litigation in Federal Courts*, and, "Energy," in *Commercial Litigation in New York State Courts*.

Mr. Mastro has been a member of the bars of New York, New Jersey, Pennsylvania, and many federal courts, including the U.S. Supreme Court. He chaired two New York City Charter Revision Commissions. In addition, Mr. Mastro serves as Chair of the Citizens Union of the City of New York and Co-Chair of the Hamptons International Film Festival, as well as on the Board of Advisors of the University of Pennsylvania Law School.

Major Litigation Matters Handled by Randy Mastro

- Roman Catholic Diocese of Brooklyn:** Won landmark Supreme Court ruling barring Governor Cuomo from imposing onerous fixed capacity restrictions during the pandemic on “houses of worship” of 10 people in “red” zones and 25 people in “orange” zones, in violation of the First Amendment’s free exercise of religion protections. The victory was front-page news throughout the country and has caused a sea change in how states regulate religious institutions during this COVID-19 crisis.
- Chevron:** Conducted seven-week bench trial in the S.D.N.Y. as lead trial counsel for Chevron in its RICO case against U.S. lawyer Steven Donziger and his clients for obtaining an \$18-billion Ecuadorian judgment against Chevron procured by fraud and for engaging in a pattern of racketeering to extort money from Chevron. Presented the opening, closing, and rebuttal closing at trial, and examined and cross-examined the key witnesses (including cross-examining the lead defendant, Steven Donziger, and the Ecuadorian judge who claimed to have authored the fraudulent Ecuadorian judgment, Nicholas Zambrano, but who, instead, allowed the judgment to be ghostwritten in exchange for a bribe). Michael Goldhaber wrote in *The American Lawyer* that Mr. Mastro’s cross-examination of Judge Zambrano was the turning point of the trial that will be talked about “in the annals of courtroom history,” and that Mr. Mastro’s closing argument “out-classed” the opposition. And Paul Barrett of *Bloomberg Businessweek* wrote in his book that Mr. Mastro’s cross-examination of Donziger was “blistering.” *The American Lawyer* called the Chevron case “The Trial of the Century;” *The Wall Street Journal* dubbed it the “The Legal Fraud of the Century;” and *Benchmark Litigation* named Mr. Mastro “Trial Lawyer of the Year.” In 2014, the trial judge entered judgment in Chevron’s favor, along with a 485-page decision detailing his findings, and barring Donziger and his clients from profiting from the Ecuadorian judgment or seeking to enforce it in the U.S. The U.S. Court of Appeals for the Second Circuit unanimously affirmed the RICO judgment. He also litigated issues against the Republic of Ecuador relating to that case. Also for Chevron, last year, he blocked enforcement of a \$18-billion foreign arbitration award procured by fraud eerily reminiscent of the earlier \$18-billion fraudulent Ecuadorian judgment. For each of those wins, he was named *The American Lawyer’s* “Litigator of the Week.”
- AIG:** Conducted a 25-day bench trial in the S.D.N.Y. as lead trial counsel for Lavastone, an AIG affiliate, in its \$1 billion RICO, breach of contract, fraud, breach of fiduciary duty, and unjust enrichment case against Alan Buerger, his son, Reid Buerger, and the “Coventry” family of companies owned and operated by them. Lavastone’s claims concerned the Buergers’ practice of purchasing life insurance policies, laundering them through a shell company, and then selling them to Lavastone at inflated prices. Successfully argued for summary judgment on Lavastone’s breach of contract claim against Coventry. Presented the opening, closing, and rebuttal closing at trial, and examined and cross-examined the key witnesses, including the Buergers. Post-trial, the parties settled their differences, with one market participant saying that Alan Buerger “had to get his butt kicked first” before agreeing to settle the case.
- Lynn Tilton/Patriarch:** Successfully defended Lynn Tilton and her company, Patriarch Partners, against SEC fraud charges over her management of a distressed debt CLO fund where the SEC sought disgorgement of more than \$200 million and Lynn Tilton’s debarment for life as an

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investment advisor. Forced to go to trial in the SEC's internal tribunal, Tilton turned to Mr. Mastro to defend her, publicly describing him as the "General" of Gibson Dunn's litigation "army." And go to war he did, mounting a vigorous defense during a three-week trial that vindicated her in the eyes of courtroom observers. Indeed, press accounts described the trial as "tilt[ing] in Lynn Tilton's favor," reporting that "Lynn Tilton's lawyer, Randy Mastro, knows how to get attention with an opening statement" and "easily outdueled the SEC's legal eagles." In the end, the SEC ALJ issued a 57-page decision dismissing all of the SEC's charges and finding all of the SEC's factual allegations "unproven." It was a stunning rebuke for the SEC: its Enforcement Division wins 90 percent of the cases it brings before its in-house ALJs. But not this time. For achieving this extraordinary result, Mastro was named *The American Lawyer's* "Litigator of the Week." Also won outright dismissal in the S.D.N.Y. of a sweeping civil RICO action brought against Tilton and Patriarch seeking more than \$1 billion dollars in damages against them.

- **Madison Square Garden/Cablevision:** Represented MSG and Cablevision on multiple high-profile litigation and other matters, including obtaining immediate dismissal in the S.D.N.Y. of multiple litigation claims against MSG. Also, successfully represented the Garden and others in litigations and other efforts challenging and ultimately defeating the City's sweeping proposal to build a new stadium for the Jets on Manhattan's West Side; successfully defended Cablevision and the Garden in \$100 million antitrust suit brought by the New York Jets over their failed stadium bid.
- **Citizens Union of the City of New York:** Won major constitutional ruling in the S.D.N.Y. blocking onerous donor disclosure requirements imposed by New York State on "good government" groups like Citizens Union that had been critical of the Cuomo Administration, and also received attorneys' fees award.
- **DraftKings:** Defended DraftKings against State Attorney General litigations over the legality of daily fantasy sports in New York, Illinois and Texas. In the New York action, argued with prominent co-counsel against a preliminary injunction application, with commentators tweeting from the courtroom that "DraftKings got their money's worth today" from its legal team, calling "Mastro, in particular," "riveting." Obtained a stay pending appeal and then resolved the case through state legislation legalizing daily fantasy sports in New York.

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- **Dart Corporation:** Won a New York State court ruling overturning the City's ban on "soft foam" polystyrene food service items, such as coffee cups and food containers, on behalf of a broad coalition, including the [Restaurant Action Alliance NYC](#), Dart Corporation, Plastic Recycling, Inc., and many small restaurant owners who depended upon cost-effective styrofoam products to serve their customers. The court annulled the New York City Sanitation Commissioner's ban, finding local law required recycling if "feasible" and that "the City's position that these materials could not be readily recycled was wrong" thereby overturning what *The Wall Street Journal* reported had been "one of the most significant environmental measures taken by Mayor Bill de Blasio."
- **Home Depot:** Representing Home Depot in a series of litigations in states around the country that have denied Home Depot refunds on monies that it remitted as sales tax in connection with its private label credit card program but consumers then defaulted on those transactions.
- **Bear Stearns:** Represented Bear Stearns in resolving 100 securities class actions and shareholder derivative litigations involving IPO allocation and research analyst issues. Won dismissal of shareholder derivative action against Bear Stearns and its directors over alleged research analyst conflicts. Represented Bear Stearns officers and directors in obtaining dismissal of shareholder derivative actions over subprime issues.

- **Daimler/Chrysler Directors:** Successfully represented former directors of Daimler and Chrysler, who were alleged by the Chrysler Creditors Committee to have breached a fiduciary duty when Daimler transferred a majority stake of Chrysler to the private equity firm Cerberus. Within days of oral argument on a motion to dismiss the complaint brought in connection with the Chrysler bankruptcy, the Creditors Committee agreed to voluntarily dismiss.
- **Wynn Resorts:** Represented Wynn Resorts in a financial dispute with Atlantic-Pacific Capital, Inc. (“APC”), that APC originally sought to submit to arbitration, Wynn moved to federal court in Nevada and obtained a stay of arbitration, but the Ninth Circuit then ordered the case to go to arbitration. Wynn Resorts ultimately won the arbitration.
- **Dow Jones & Company, Inc.:** Successfully defended Dow Jones in a consumer class action in the Southern District of New York brought on behalf of a putative nationwide class of annual WSJ.com subscribers regarding access to Barron’s Online.
- **Bank of New York Mellon:** Successfully represented BNY on the appeal of a Bankruptcy Court decision that affected billions of dollars in transactions in the Lehman bankruptcy proceeding. The bankruptcy court’s decision caused turmoil in the international securitization markets by invalidating market-standard provisions in credit default swap agreements that were designed to protect those who invested in Lehman products. BNY was the trustee over the collateral securing those products; both the current noteholders and a Lehman subsidiary claimed priority to that collateral. English courts found for the noteholders; the bankruptcy court found for Lehman. When the district court agreed to entertain BNY’s appeal, the parties settled, relieving BNY of any potential liability.
- **Hudson River Park Trust:** Won dismissal of Chelsea Piers, L.P.’s lawsuit against the Hudson River Park Trust, a public benefit corporation, which sought to shift the burden of commercial pier repairs to the State, or to include Chelsea Piers in the Trust’s plan to redevelop certain piers as a public park. After extensive oral argument, the trial court held that Chelsea Piers’s suit was time-barred under the parties’ 1994 lease agreement.
- **New York Skyline, Inc.:** Won a critical victory for New York Skyline, Inc., obtaining a unanimous reversal from New York’s Appellate Division, First Department of a ruling of the New York State Supreme Court that threatened to put Skyline out of business. The City of New York began attempting to enforce New York City’s General Vendor Law against Skyline, contending the agents were wrongfully selling “goods or services” on the sidewalk without an impossible-to-obtain “general vendor” license. Gibson Dunn successfully convinced the First Department to overturn the Supreme Court’s ruling that general vendor licenses were required for sidewalk ticket sales.
- **BRC:** Won dismissal of all claims in a challenge under zoning, environmental, and local administrative laws to plans by a leading New York City nonprofit to establish a homeless shelter and related programs in a new neighborhood.
- **Empire Blue Cross Blue Shield/WellPoint:** Successfully defended Empire in an action by pension funds that sought more than \$6 million in rebates rightfully earned by Empire, securing a dismissal from the bench at oral argument of all causes of action with prejudice. Also, won substantial recoveries for Empire against employer and union funds that were defrauding Empire by enrolling “sham” members; successfully defended Empire in a lawsuit brought by excess malpractice insurers seeking \$75 million in damages; blocked class certification in major pain treatment coverage case; defended Empire in two ERISA trials; represented Empire in patent infringement litigation over Empire’s on-line claim in-take procedure and achieved favorable settlement for Empire.

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- **United Guaranty:** Defended United Guaranty in a suit brought by SunTrust Mortgage Inc. over insurance coverage; won sanctions ruling after several-day evidentiary hearing.
- **IAC/Home Shopping Network:** Successfully defended IAC's Home Shopping Network against claims brought in federal court by a competitor alleging trade secret infringement and breach of contract over a "falling price" auction channel launched by Home Shopping Network, and won summary judgment dismissing trade secret claims on the eve of trial.
- **Verizon:** Obtained summary judgment for Verizon in a New York franchise tax case brought by the City of New York seeking to force Verizon to enter into a separate municipal franchise agreement and pay an annual sum in addition to the nine-figure sum it was already paying. Verizon filed a motion to dismiss, which was converted to a motion for summary judgment. In 2009, the Court (Hon. Ira Gammerman) ruled that Verizon, through its predecessors, had obtained a franchise from the State of New York to operate a telecommunications business and that said franchise had no temporal limit. Also successfully defended Verizon New York in a significant real estate dispute against a City entity seeking more than \$100M; secured dismissal of all claims against Verizon.
- **Nursing Personnel Homecare:** Successfully defended Nursing Personnel, a Brooklyn-based home health aide agency and its COO against overbilling and other charges by the New York Attorney General. Convinced a state court judge to keep the indictment under seal and developed a compelling argument that the defendants had acted in good faith and in accordance with existing DOH regulations. Also uncovered exculpatory information that the prosecutors failed to disclose, leading to the dismissal of the felony criminal case against the company and the COO, and a civil settlement that permitted the company to continue as a thriving home health aide agency.
- **Gristedes:** Defended and ultimately resolved wage and hour class actions filed against the supermarket chain over its compensation of delivery workers.
- **Rusal:** Won dismissal on *forum non conveniens* grounds of billion-dollar civil action in the S.D.N.Y. against Russia's largest aluminum manufacturer alleging fraud in the Nigerian government's award of its national aluminum franchise. Also litigated jurisdictional and sovereign immunity issues in that case.

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- **Peerless Importers/Empire Merchants:** Won unanimous federal appellate victory for Peerless as intervenor-defendant upholding the constitutionality of New York State's ban on direct shipments of out-of-state wines to in-state consumers, but such state laws were ultimately overturned by U.S. Supreme Court in a 5 – 4 decision; successfully defended Peerless in class action brought by delinquent retailers seeking a price preference afforded to prompt payors.
- **Park Place/Caesar's/Harrah's:** Won dismissal and New York Court of Appeals affirmance of state constitutional litigation challenging New York State's plan to permit Indian casino gaming, and then won affirmance of that dismissal in the New York Court of Appeals.
- **Greater New York Hospital Association:** Prosecuted state constitutional litigation against Governor Pataki over his selective veto use within comprehensive State budget and impoundment of Medicaid funding, and the pendency of the case ultimately forced the Governor to compromise with the State Legislature.
- **Xerox:** Won appeal vacating a New York City Department of Education contract award that would have stripped Xerox of its long-standing franchise as the school system's provider of copying services.
- **Peter Kalikow:** Headed litigation team for Peter Kalikow in his bankruptcy proceeding, the largest individual debtor bankruptcy in history; also successfully litigated issues for Kalikow relating to

New York Post sale; won sanctions for Kalikow against Sheldon Solow and Mark Dreier for contempt of bankruptcy court order.

- **Edison Properties:** Won unanimous appellate victory for Edison and other adjoining private property owners permitting demolition of the High Line without ULURP review; won court ruling compelling New York State to admit an Edison owned westside property into the “Brownfields” benefit program.
- **Laro Services:** Won high-profile litigation against the Bloomberg Administration forcing the rehiring of the unloading firm that the Giuliani Administration first hired in its reform initiative to rid New York City’s infamous Fulton Fish Market of organized crime corruption.
- **Hunts Point Cooperative Market:** Won ruling requiring the Bloomberg Administration to regulate wholesale produce businesses outside the Cooperative Market, as required under anti-corruption legislation passed during the Giuliani Administration; won five-week trial voiding City land deal and requiring rebidding of “sham” competition, but appellate court later found the Cooperative lacked standing because of the insufficiency of its bid.
- **Oak Point:** Obtained preliminary injunction against the Bloomberg Administration to block its plan to condemn Oak Point’s valuable waterfront property to build a City jail there, causing the public project to be abandoned.
- **Working Families Party/DFS Voter Lawsuit:** Successfully represented Staten Island voters pro bono in a suit that exposed election law violations by the Working Families Party. The suit resulted in a settlement that forced the Working Families Party to relinquish its control over its corporate arm, Data and Field Service, Inc. (“DFS”), through which it provided cut-rate campaign services and skirted local campaign finance laws, and to see to it that DFS operated independently going forward.
- **Term Limits Litigation:** Challenged New York City legislation overturning the voter-ratified two-term limit that permitted Mayor Bloomberg and the City Council to seek a third term.

Palmet Ventures: Won dismissal on personal jurisdiction grounds of breach of contract action brought in the U.S.D.N.Y. against an Illinois firm over its decision to sell its Chicago hotel to a party other than the New York-based plaintiff.

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- **Kaufman Organization:** Representing the Kaufman Organization in federal environmental litigation seeking to block the MTA from building a power facility and staging area in Midtown Manhattan as part of a major public works project to extend the LIRR into Grand Central; forced the MTA to withdraw its plan and conduct an “environmental assessment” before deciding how to proceed.
 - **Edison Schools:** Defended Edison in several cases including securities class action and shareholder derivative litigations over accounting practices.
 - **Multicultural Broadcasting:** Represented station owner in a series of actions over removal of liberal talk radio, “Air America,” from the air in Chicago and Los Angeles.
 - **Lee Strasberg Institute:** Won trademark litigation for the Institute, founded by famous actor and acting teacher, Lee Strasberg, over a former student’s misuse of the Strasberg mark as a domain name.
 - **Anna Kournikova:** Represented Anna Kournikova in misappropriation and privacy action against *Penthouse Magazine* for running a piece about the tennis star in which it featured nude photographs of another woman misidentified as Kournikova.

- **Martina Hingis:** Represented Martina Hingis in product liability action against Tacchini, the Italian sports clothing manufacturer, over defectively designed tennis shoes; successfully represented Hingis and her coach-mother in an action to require the USTA and WTA to afford her coach-mother access to the women's locker room during the 2000 U.S. Open.
- **Octagon:** Represented Octagon as New York City's agent in litigation and negotiations over the City's award of an exclusive sponsorship agreement to Snapple; represented Octagon in several breach of contract actions involving athlete representations.
- **Kmart:** Represented more than 20 present and former Kmart officers in connection with SEC investigation and related Justice Department investigation of Kmart accounting and disclosure issues.
- **Ziff Davis:** Defended Ziff Davis in suit brought by former executive seeking \$40 million in damages; successfully represented Ziff Davis in obtaining injunction to prevent another former executive from violating a non-compete agreement and misappropriating trade secrets.
- **Newsday/Times Mirror/Tribune:** Represented *Newsday* in action brought by the *Daily News* to prevent its Queens distributors from delivering *Newsday*; representing *Newsday* and *Tribune Co.* in commercial litigation and freedom of information cases.
- **9/11 Firefighters Families:** Representing more than 20% of the families of fallen firefighters lost in the September 11 terrorist attack on the World Trade Center in a dispute with the Uniform Firefighters Association over the union's refusal to distribute \$60 million in donations intended for those families.
- **Parkshore/Lawrence Friedman:** Defended Parkshore, a nursing home and adult day health care facility, in the largest Medicaid fraud case ever brought by the New York Attorney's General's Office; secured a plea disposition and civil settlement in which Parkshore remained in operation under its same family ownership.
- **Wall Street Journal/Dow Jones:** Won dismissal of libel action brought by former *Wall Street Journal* reporter over Dow Jones's public statements about his departure; won acquittal for *Journal* employee accused of criminal trespass.

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- **U.S. v. International Brotherhood of Teamsters:** Headed federal government's civil racketeering suit that compelled International Brotherhood of Teamsters to hold democratic elections and undergo court supervision; case was cited by *The American Lawyer* as one of the "ten biggest suits" of the decade.
- **Westmoreland v. CBS:** Was part of trial team that successfully defended CBS during six-month jury trial of libel suit brought by General Westmoreland; case was cited by *The American Lawyer* as one of the "ten biggest suits" of the decade.
- **BCCI Investigation:** Served as federal court-appointed Special Master/Monitor of assets of Gaith Pharaon, a Saudi tycoon implicated in the BCCI scandal.
- **Saks:** Won substantial recovery for Saks in civil racketeering action against a Saks executive who took kickbacks and rigged bids on Saks capital projects; conducted investigation that led to that civil action and criminal prosecution.
- **Oldcastle:** Defended Oldcastle in product liability and consumer fraud action that settled during trial for a small fraction of the damages originally sought.

- **Intelligent Electronics:** Represented Intelligent Electronics in major federal securities fraud class action suit; won partial dismissal of suit.
- **Rudolph Giuliani:** Was outside counsel to the 1993 Giuliani mayoral campaign; won victories that required the Dinkins campaign to pay more than \$500,000 in fines and reimbursement under New York City's campaign finance law; represented Giuliani Partners in legal dispute.
- **HUD Investigation:** Served as Associate Counsel during the first six months of the Independent Counsel investigation of former HUD Secretary Samuel Pierce.
- **Steffi Graf:** Brought successful suit on behalf of the Graf family to prevent a rich eccentric tennis fan from harassing them during the U.S. Open.
- **Merv Griffin/Resorts:** Defended Griffin in wrongful discharge suit brought by fired Griffin executive, defended Griffin in suit brought by former employee for breach of contract to provide lifetime support; successfully litigated adversary proceedings in Resorts bankruptcy.
- **HHL Financial Services:** Won injunction after six-week trial for nation's largest debt collection business against two executives/attorneys who left the company to do debt collection work in violation of non-compete agreements.
- **City of Yonkers:** Brought successful action to recover monies and end contract into which prior administration entered just after losing last election.
- **United Press International:** Was part of team that obtained injunction to prevent Reuters from ending its photo-sharing agreement with UPI.
- **Janet Morgan:** Represented school teacher discharged for giving her students assignment on whether CBS should have fired Jimmy "The Greek" Snyder over his remarks about black athletes; won reinstatement, back pay.
- **"Blue Thunder" Case:** Successfully defended in four-week jury trial undercover police detective accused of brutality in arresting drug dealers.

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- **Wellington Advertising:** Represented Wellington in the New York Court of Appeals on issue of a finder's legal duty to client sellers.
- **Other Bankruptcy Litigation:** Represented Financial News Network and Resorts International on litigation matters resolved in their bankruptcies.
- **Internal Investigations:** Retained by Metromedia, Saks, HHL Financial Services to conduct internal investigations and report findings to management.
- **U.S. v. Hadar:** Successfully prosecuted federal government's first action under new postal fraud statute barring mail order business from further distribution of its products in the U.S. and recovering millions of dollars for defrauded consumers.
- **Westway:** Was part of trial team that represented Army Corps of Engineers during three-month trial of environmental suit challenging Westway project.

EDUCATION

University of Pennsylvania - 1981 Juris Doctor

Yale University - 1978 Bachelor of Arts

ADMISSIONS

New Jersey Bar

New York Bar

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