



Darryl G. Stein

Lawyer

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Darryl Stein helps monetize judgments and arbitration awards throughout the world. By using his experience in a variety of jurisdictions, he helps companies and individuals find solutions to complex commercial and financial situations arising from litigations, arbitrations and investigations, with a focus on cross-border matters involving financial products and insolvency. In these matters, he has represented companies and individuals before U.S. and non-U.S. courts, arbitration tribunals, and prosecutorial and regulatory authorities. He also has particular experience in matters involving distressed companies in insolvency and judgment enforcement situations. Mr. Stein also works with lawyers throughout the firm's global offices to help clients gathering, or opposing efforts to gather, evidence in U.S. Courts under Section 1782, in English common-law jurisdictions, and through other in-court and out-of-court tools.

Before joining Kobre & Kim, Mr. Stein practiced at Cleary Gottlieb Steen & Hamilton LLP.

Admissions

- New York
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Columbia
- U.S. District Court for the Eastern District of Michigan
- U.S. Tax Court

Education

- New York University School of Law, JD (*New York University Annual Survey of American Law*, Editor)
- University of California, Berkeley, BA

Select Engagements

International Judgment Enforcement

- Representation of an engineering company in enforcing a multibillion-dollar arbitration award against an African state.

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- Representation of a Belgian security company in enforcing two arbitration awards and a judgment against an African state.
- Representation of a Korea investor in enforcing a judgment against an ultra-high-net-worth individual.
- Representation of a Chinese technology company in opposing the enforcement of arbitral award in the United States.
- Representation a group of major financial institutions in actions to recover a syndicated loan and a private note of over US \$250 million from an affiliate of Suning Group as well as its founders.
- Representation of a company to initiate U.S. criminal actions against an ultra-high-net-worth individual for alleged fraud and embezzlement.
- Representation of family members in a cross-border trust and estate dispute.
- Representation of Mexican client in analyzing risks arising from a court judgment.

Special Situations

- Prosecuting claims on behalf of ad hoc group of originally senior secured bondholders in Incora bankruptcy, including funds and accounts managed by BlackRock, JP Morgan Asset Management and Golden Gate Capital, to challenge unauthorized lien-strip transaction undertaken by funds managed by Platinum, SilverPoint, PIMCO and Carlyle.
- Representation of a Chinese industrial conglomerate against a U.S. conglomerate in a breach of contract dispute, resulting in a favorable settlement before an arbitration hearing.
- Representation of founders of a Chinese technology group to defend against a takeover attempt of the group's Cayman-incorporated holding company.
- Representation of a trade association in first-of-its-kind litigation under a never-before-litigated statute against an offshore company, resulting in a permanent injunction.
- Representation of residential mortgage-backed securities (RMBS) trustees in multiple litigations pending in New York Supreme Court seeking that Merrill Lynch defendants repurchase mortgage loans.
- Representation of U.S. Bank in its capacity of trustee of RMBS trusts to appeal a New York court judgment.
- Representation of an asset management firm in a dispute against a servicer of numerous residential mortgage-backed securities (RMBS) trusts.
- Representation of whistleblower in tax court proceedings.

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- Representation of an insurance company in an interpleader action regarding the pooling and servicing agreement for a mortgage-backed security, resulting in voluntary dismissal after successfully opposing the adversary's dispositive motion.
- Representation of a financial adviser to a board of directors in a post-closing merger litigation, which resulted in dismissal of all claims.
- Representation of a pension plan in its claim against an insurance company for breach of fiduciary duty under the Employee Retirement Income Security Act, resulting in a favorable settlement on the eve of trial.

Insolvency

- Representation of the special committee of independent directors of an information technology company in a pre-bankruptcy investigation to evaluate potential claims that might add value to the estate for fraudulent transfer, breach of fiduciary duty, unjust enrichment, and equitable subordination, amongst others.
- Representation of an Indian businessman to engage with a court-appointed examiner in a U.S. bankruptcy case pending before the Bankruptcy Court for the District of Delaware, who had been appointed to investigate our client's role, if any, in an alleged fraud in India.
- Representation of U.S. affiliates of a multinational telecommunications company in a cross-border bankruptcy dispute regarding the allocation of asset sale proceeds, including discovery, a six-week trial and related appeals.
- Representation of a U.S. debtor in litigation with former employees.
- Prosecuting claims on behalf of ad hoc group of originally senior secured bondholders in Incora bankruptcy, including funds and accounts managed by BlackRock, JP Morgan Asset Management and Golden Gate Capital, to challenge unauthorized lien-strip transaction undertaken by funds managed by Platinum, SilverPoint, PIMCO and Carlyle.

International Discovery

- Representation of the liquidators appointed by the Australian Tax Office (ATO) for two related Australian agricultural companies in pursuing further discovery under 28 U.S.C. Section 1782 in the U.S. District Courts for the Southern District of New York and the District of Colorado against several large financial institutions to produce records of money wiring in aid of contemplated proceedings to trace misappropriated funds belonging to the companies in liquidation.
- Representation of a high-net-worth individual seeking discovery in connection with alleged fraud by a former financial adviser

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- Representation of a non-U.S. non-profit foundation seeking discovery in connection with alleged fraud.
- Representation of a distressed debt investor in opposing discovery sought in connection with the enforcement of an arbitral award.
- Representation of a global investigations firm in opposing discovery sought in connection with various non-U.S. proceedings.
- Representation of an international petrochemical company in opposing discovery sought in connection with events that occurred more than twenty years ago.
- Representation of a New York law firm in opposing discovery sought in relation to their clients.
- Representation of a mining company in obtaining U.S. discovery in aid of a Belgian proceeding.

Professional & Community Involvement

- New York City Urban Debate League, Board of Directors
- Federal Bar Council Inn of Court and Public Service Committee, Member

Publications & Presentations

- Co-author, "The Future Of SEC Administrative Proceedings" (*Law 360*, January 2017)
- Co-author, "The Importance Of Adequate M&A Disclosures To Stockholders" (*Law360*, July 2016)
- Co-author, "Del. Enhances Post-Merger Defense for Directors, Advisers" (*Law360*, May 2016)