



Zachary D. Rosenbaum

Lawyer

NEW YORK

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Zachary Rosenbaum is a highly accomplished trial lawyer whose practice focuses on global financial markets. Mr. Rosenbaum represents foreign and domestic asset managers, private equity funds, and other institutional investors in high-stakes civil disputes. He has tried to verdict jury and non-jury cases in the U.S. and abroad, and routinely steps into highly specialized situations.

Chambers USA has spotlighted Mr. Rosenbaum for the past four years as one of just a dozen leading litigators in New York representing institutional plaintiffs. Chambers USA describes him as a “*phenomenal lawyer who has a very strong following with hedge funds*”; a “*very effective trial lawyer*” that “*is excellent on his feet*”; and “*definitely someone you want in your corner.*” Chambers USA recently added, “*his client service and advocacy are way beyond the normal standard.*”

Mr. Rosenbaum is also recognized by Benchmark Litigation as a National Practice Area Star and has been named in New York Super Lawyers each year since 2011.

Mr. Rosenbaum’s recent engagements include representing the plaintiff group of originally senior secured bondholders in the *Incora* bankruptcy and adversary proceeding, challenging an unauthorized lien-strip transaction. He also represented the private equity sponsors of Travelport in a dispute stemming from the effects of the global pandemic on the travel industry, concerning the company’s US \$3.2 billion leveraged loan, and representing Marble Ridge Master Fund in a widely publicized adversary proceeding brought by Neiman Marcus and its affiliates in the Neiman Marcus bankruptcy case.

Mr. Rosenbaum has extensive experience handling litigations involving secured and unsecured credit agreements, bond indentures, M&A transactions, publicly-traded securities and private offerings, structured products, credit derivatives, real estate investments, and intellectual property in the financial sector. Additionally, Mr. Rosenbaum has worked closely with government authorities in their investigations and prosecutions of misconduct victimizing institutional investors.

Before joining Kobre & Kim, Mr. Rosenbaum was the founder and chair of the capital markets litigation group at Lowenstein Sandler in New York, where he represented investment managers and institutional investors with a focus on securities and structured finance litigation.

Admissions

- New York
- New Jersey
- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Southern District of New York

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- U.S. District Court for the Eastern District of New York
 - U.S. District Court for the Northern District of New York
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Education

- New York Law School, JD, *magna cum laude* (New York Law School Law Review, Notes & Comments Editor)
 - University of Maryland, BS
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Accolades

Chambers USA, America's Leading Lawyers for Business (2019-2023)
Super Lawyers, New York (2011-2022)
Benchmark Litigation, National Practice Area Star (2022-2023)

Select Engagements

- 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.
- Representing Austrian trust in U.S. discovery proceedings, which is the victim criminal accounting fraud under investigation in Austria, stemming from sale of European-based portfolio company of global private equity firm.
- Represented Marble Ridge Master Fund in a widely publicized adversary proceeding brought by Neiman Marcus and its affiliates in the Neiman Marcus bankruptcy case.
- Represented equity holders of Travelport in an expedited litigation in New York Supreme Court stemming from the global pandemic's disruption to the global travel industry; the matter involved transactions relating to a US \$ 3.2 billion leveraged loan.
- As lead trial counsel for a Chinese insurance company, won a US \$475 million ICC arbitration award against a Fortune 100 U.S. financial institution following an eight-day plenary hearing seated in Hong Kong, relating to US \$5 billion cross-border M&A transaction governed by New York law.
- 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 US \$1 billion of RMBS.
- Obtained a successful jury verdict in the Southern District of New York in defense of action concerning the provision of health care services to employees of the state of Tennessee.
- Won preliminary injunction after two-day plenary trial, in connection with a US \$40 million debt financing.

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- Won summary judgment, defeating trade secret infringement claims brought in the Southern District of Florida against broker-dealer regarding the creation of a public exchange for transacting repurpose "repo" agreements.
- Won dismissal of a US \$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.
- Represented multiple RMBS trustees in trial and appellate courts, both state and federal, concerning several billion dollars in mortgage repurchase claims.
- Defended claims of ratings fraud in connection with the launch of a US \$2 billion structured investment vehicle (SIV).
- Defeated an arbitration claim brought against institutional investors by an international investment bank stemming from three contemplated CDO transactions, totaling US \$1.5 billion, clearing the way for a substantial damage claim prosecuted in the New York Supreme Court.
- Successfully prosecuted a jury trial on behalf of a minority shareholder in a large privately held company.

Professional & Community Involvement

- Advisory Board, Smith School of Business, University of Maryland
- New York County Bar Association Subcommittee on Capital Markets and Hedge Fund Litigation, prior member

Publications & Presentations

- Co-author, "Asia-Based Investors in U.S. Commercial Real Estate Can Mitigate Losses by Defending their Legal Rights" (Kobre & Kim, May 2023)
- Co-author, "The End of LIBOR: Near-Term Litigation Over Historical LIBOR 'Fallback' Rates" (*Financier Worldwide*, May 2021)
- Co-author, "Minimizing Litigation Risks From Valuation Disputes During Covid-19" (*Bloomberg Law*, May 2020)
- Co-author, "How the Global Financial Crisis Has Shaped New York Law," (*ABA Business and Corporate Litigation Committee Newsletter*, August 2019)
- Speaker, ABA Business Law Section Annual Meeting 2019, September 2019