



Financial Products & Services Litigation

We focus on high-stakes litigation for major participants in the financial services industry, as both claimants and defendants, involving some of the most complex and esoteric financial instruments in today's market. We are noted for our conflict-free profile, which allows us to aggressively pursue claims against virtually any institution.

Conflict-Free Advocacy on High-Stakes Financial Products Disputes.

We focus on high-stakes litigation for major participants in the financial services industry, as both claimants and defendants, involving some of the most complex and esoteric financial instruments in today's market. We are noted for our conflict-free profile, which allows us to aggressively pursue claims against virtually any institution. Most recently, Chambers & Partners praised our "dedicated approach to litigation" and ranked us as "highly regarded" in the area of commercial litigation. *Benchmark Litigation* also recently ranked our team as "highly recommended" for "expertise handling high-stakes cross-border disputes around the world."

Parallel Proceedings Experience.

As former federal prosecutors from the SEC-CFTC-DOJ Securities and Commodities Fraud Task Force, as well as former enforcement lawyers from the U.S. Securities and Exchange Commission, our team provides particularly useful insights in financial products disputes that occur in the context of parallel government investigations.

Representative Engagements:

- **Structured Products: CDOs, Auction-Rate Securities and Private-Label Mortgage-Backed Securities:**

- Representation of a major airline in Financial Industry Regulatory Authority (FINRA) arbitrations of US \$400 million+ against Merrill Lynch, Oppenheimer & Co. and Lehman Brothers relating to structured products, including auction-rate securities.
- Representation of a homebuilding company in connection with FINRA arbitration against JPMorgan Chase over claims regarding US \$120 million+ in private-label mortgage-backed securities.
- Representation of a London-based institutional investor in a dispute in the UK against a master servicer relating to alleged failure to adhere to servicing standards.

- **Class & Derivative Actions:**

- Representation of MAXAM Capital, a U.S. hedge fund investment manager, against class and derivative actions by investors in the underlying fund arising out of US \$280 million in investment losses.
- Representation of the former senior vice chairman of American International Group Inc. in several securities class and derivative actions in the U.S. District Court for the Southern District of New York and Delaware Chancery Court alleging violations relating to accounting issues and insurance product marketing practices.
- Representation of the former chief financial officer of a subsidiary of Converse Technology Inc., in several securities class and derivative actions in the U.S. District Court for the Eastern District of New York alleging violations from options-backdating issues.
- Representation of the former chief financial officer of DHB Industries in multiple securities class and derivative actions in the U.S. District Court for the Eastern District of New York alleging violations relating to accounting issues.

- **Insurance:**

- Representation of a large insurance company in Bermuda Form arbitration in London relating to coverage disputes arising out of a £500 million+ mass tort liability.

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• **Commodity Futures:**

- Representation of Fluxo-Cane, a Brazilian sugar-trading company, involved in multistate litigation in New York and Chicago, as well as National Futures Association (NFA) and Intercontinental Exchange (ICE) arbitrations, against several futures commission merchants/clearinghouses and in parallel proceedings in the UK and Brazil, with US \$100 million+ in controversy.
- Representation of Brian Hunter, the former head of Energy Trading for US \$9 billion hedge fund Amaranth Advisors LLC in various actions, including a civil suit filed by an institutional investor against Amaranth Advisors, as well as a class action, alleging manipulation of NYMEX natural gas futures markets.
- Representation of a former MF Global execution broker in connection with a class action in the U.S. District Court for the Southern District of New York relating to alleged manipulation of platinum and palladium futures markets.

• **Securities Purchase and Repo Agreements:**

- Representation of a consortium of hedge funds in litigation against an Asian manufacturing company, alleging breach of contract, breach of fiduciary duty and conversion, among others, under a securities purchase agreement.
- Representation of a hedge fund in a US \$400 million+ dispute against Cantor Fitzgerald & Co. in relation to repurchase agreements.
- Representation of a Latin American company involved in the Argentinian energy sector in analyzing International Chamber of Commerce (ICC) arbitration claims relating to the exchange of distressed securities valued at US \$200 million+.

• **Trade Counterparty Disputes:**

- Representation of a European bank's trading operation in a multimillion-dollar dispute with an interdealer broker concerning trades in bankruptcy of "when-issued" stock.

• **Cash and Synthetic Financial Derivatives/Default Swaps:**

- Representation of collateralized loan obligation funds managed by an international investment bank in connection with litigation arising from a dispute over loan default swap contracts in the U.S. District Court for the Southern District of New York.
- Representation of a UK-based hedge fund, in connection with a claim against Goldman Sachs resulting from alleged misrepresentations regarding credit default swaps and associated margin calls, leading to a loss of nearly US \$300 million.

• **Hedge Funds, Investment Advisory & Management Litigation:**

- Representation of U.S. hedge funds in municipal bond arbitrage litigation against an investment bank in England regarding breach of contract arising out of investment agreements, involving £30 million+ in controversy.
- Representation of a steering committee of hedge fund investors in a takeover of a hedge fund and investment manager after the loss of US \$200 million+ in the Petters Worldwide Ponzi scheme.
- Representation of a group of investors seeking information regarding the status of US \$70 million+ investments in gated offshore funds specializing in private investments in public equity (PIPEs) in evaluating strategic options, including a potential takeover of certain funds in order to assert investor rights and claims directly against fund principals and other third parties.
- Representation of a U.S. hedge fund investment manager and a Cayman Islands fund against various actions by investors in the underlying fund arising out of US \$200 million+ in investment losses related to the collapse of the Madoff Ponzi scheme.
- Representation of a European company specializing in hedge fund administration in actions filed by investors in so-called feeder funds that held securities with Bernard L. Madoff Investment Securities LLC.

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- **International Arbitrations:**

- Representation of a Brazilian sugar-trading company involved in Intercontinental Exchange (ICE), National Futures Association (NFA) and American Arbitration Association (AAA) arbitration proceedings and multistate litigation against several futures commission merchants/clearinghouses, as well as in parallel proceedings in the UK and Brazil, with US \$100 million+ in controversy.
- Representation of an English company in London Court of International Arbitration (LCIA) arbitration in London, relating to a large hedge fund dispute arising out of Bermuda and the United States.
- Representation of the majority shareholder of a Latin American utility company in American Arbitration Association (AAA) arbitration in New York against a consortium of minority shareholders in a contest for corporate control, involving US \$350 million+ in controversy. The case, *Axtel S.A. et al. v. LAIF X, et al.*, was recognized by *The American Lawyer: Focus Europe* as one of the most significant international arbitrations of the year. The case also involved parallel judicial proceedings in New York and Mexico.
- Representation of a Latin American company involved in the Argentinian energy sector in analyzing International Chamber of Commerce (ICC) arbitration claims relating to the exchange of distressed securities valued at US \$200 million+.