Recent Representations in Litigation Representing Plaintiffs

A Proven Track Record of Success

The following cases are examples of recent successes:

In ***In re Credit Default Swaps Antitrust Matter***, we served as lead counsel for a class of investors and funds that alleged that twelve major Wall Street banks, including Bank of America, Goldman Sachs, and JPMorgan, as well as Markit, a financial services firm, and the International Swaps and Derivatives Association, secretly conspired to block competition and transparency in the CDS market. We rapidly achieved an historic settlement of over $1.86 billion plus injunctive relief, one of the largest private antitrust settlements in history. The settlement is particularly noteworthy because two separate governmental investigations—by the Department of Justice and the European Commission—failed to result in any penalties for any of the defendants. At the final approval hearing, the district court explained the settlement "particularly its size, is attributable in no small measure to the skill of class counsel and the litigation strategy it employed." In his declaration supporting the terms of the settlement, the mediator, the Honorable Daniel Weinstein (Ret.), stated:

> "I would go so far as to say that, in 30-plus years of mediating high-stakes disputes, this was *one of the finest examples of efficient and effective lawyering by plaintiffs' counsel that I have ever witnessed*. I have rarely, if ever, observed a Plaintiff in a case of this complexity and size, achieve a result of this magnitude with the speed that Plaintiffs achieved here."

In a truly historic partnership between a regulator and a private firm, we represent the **Federal Housing Finance Agency**, as Conservator for Fannie Mae and Freddie Mac, in connection with its investigation and litigation of residential mortgage-backed securities. We filed fourteen complaints, asserting billions in damages, against most major investment banks asserting federal and state "strict liability" statutory claims arising out of misrepresentations about the securities, and certain complaints assert common law fraud claims. As widely reported, this is one of the most significant court actions taken by any federal regulator since the advent of the mortgage crisis, and the single largest set of actions ever filed by a governmental entity.

- In 2012, the Honorable Denise L. Cote denied a motion to dismiss the claims in what was designated the "lead case" brought by FHFA, and in 2013 entered a series of rulings to streamline the cases for trial, including orders as to statistical sampling, loan file collection and reunderwriting, the scope of the so-called "actual knowledge" defense, the lack of any loss causation defense to FHFA's Blue Sky claims, and other significant issues.

- In 2013, we obtained a unanimous affirmance by the Second Circuit of Judge Cote's decision as to the timeliness of FHFA's claims and its standing to sue, as well as a

unanimous rejection of defendants' joint mandamus petition seeking to overturn a number of Judge Cote's key discovery rulings.

- In 2015, after a four-week trial, we won an $806 million judgment against Nomura and RBS for these banks' violations of the Securities Act of 1933 and the Blue Sky laws of Virginia and the District of Columbia. In a sweeping 361-page decision, Judge Cote held that the banks had issued securities to the GSEs based upon false and misleading representations in the offering documents and that "[t]he magnitude of falsity, conservatively measured, is enormous."

- Altogether, to date we have settled actions against Bank of America, Merrill Lynch, Countrywide, J.P. Morgan, Deutsche Bank, Goldman Sachs, Credit Suisse, UBS, HSBC, Citigroup, Barclays, and First Horizon, and recovered over $25 billion in settlements and trial judgments in these actions, including most recently in the *RBS* action, where we settled FHFA's claims for $5.5 billion, one of the largest recoveries ever in a securities action. In these actions, Quinn Emanuel has faced some of New York's most formidable defense firms including Sullivan & Cromwell (representing Nomura, JPMorgan, Goldman Sachs, First Horizon, and Barclays), Simpson Thacher (representing RBS and Deutsche Bank), Skadden Arps (representing UBS), Paul Weiss (representing Citigroup), and others. We have not lost a single one of these cases.

We **represented the Official Committee of Unsecured Creditors of Lehman Brothers Holdings Inc.** in litigation against JPMorgan Chase Bank, N.A. concerning collateral JPMorgan obtained from Lehman pre-petition and the close out of derivatives transactions between the two institutions post-petition, resulting in a settlement that included a cash payment by JPMorgan to the Lehman estate of over $1.4 billion. We are currently representing that same Lehman Brothers entity as lead counsel litigating LBHI's objections to claims by Citibank, N.A. and affiliates ("Citibank") related to the close-out and valuation of tens of thousands of derivatives following Lehman's bankruptcy in September 2008. Under governing ISDA Master Agreements, Lehman's trading counterparties were directed to determine the value of their derivatives trades following Lehman's bankruptcy. LBHI's objections sought a significant reduction to the amounts claimed by Citibank, which totaled more than $2 billion, relating to approximately thirty thousand derivatives trades on a variety of grounds including that Citibank failed to act in a commercially reasonable manner when valuing the derivatives in question. Quinn Emanuel engaged in almost five years of fact and expert discovery involving more than 1.4 million documents, thirty expert witnesses, and approximately 170 fact and expert depositions in addition to briefing summary judgment and pre-trial motions. After 42 days of trial over the course of four months, at around the expected halfway point in trial, LBHI announced that it had reached a settlement with Citibank that will return $1.75 billion to Lehman's creditors. Lehman's motion for approval of that settlement is currently pending before the Bankruptcy Court with a hearing scheduled for October 13.

We have represented **one of the United States' largest manufacturers** in recovering almost $500 million to date on claims related to a worldwide bid-rigging and customer allocation conspiracy. In achieving these results, we utilized attorneys in both the U.S. and abroad to ensure the most comprehensive recovery for our client. We worked with experts to develop a compelling framework for resolving claims without litigations. Attorneys in QE offices around the world operated seamlessly to maximize results in different venues.

OTHER RECENT REPRESENTATIONS

- Quinn Emanuel recently obtained a broad preliminary injunction in Delaware Chancery Court for its clients, independent insurance brokers **Mountain West Series of Lockton Companies, LLC** and **Lockton Partners, LLC**, against competitor Alliant Insurance Services, Inc., in a case alleging tortious interference with contract and business expectancy, misappropriation of trade secret, confidential, and proprietary information, and aiding and abetting breaches of fiduciary duty. In a sweeping opinion and order, the Court enjoined Alliant and its affiliated entities from directly or indirectly soliciting or servicing its recruits' former clients and prospects, including those who had already switched brokers, and directly or indirectly soliciting any Lockton employee, member, or consultant.

- We represent **Morgan Art Foundation**, a longtime patron of the late artist Robert Indiana, and the holder of intellectual property rights for some of Indiana's most famous works, including the LOVE image. Morgan brought claims against Michael McKenzie, American Image Art, and Jamie Thomas in connection with their unauthorized forgery of several Indiana works. Indiana's Estate is also a defendant in this lawsuit. Indiana's Estate asserted counterclaims against Morgan for, among other things, purportedly failing to provide Indiana with accountings and royalties required by certain agreements between the two parties. McKenzie and American Image Art likewise brought counterclaims against Morgan for purportedly interfering with agreements McKenzie and American Image Art allegedly had with Indiana. Morgan moved to dismiss the Indiana's Estate's counterclaims and certain of the counterclaims brought by McKenzie and American Image Art for failure to state a claim. The Court granted much of the relief Morgan requested, dismissing counterclaims brought by the Estate for breach of contract and unjust enrichment, and allowing the Estate's remaining claims to go forward only on certain narrow grounds. The Court likewise dismissed McKenzie and American Image Art's counterclaims for tortious interference and unfair competition, and permitted their counterclaim for slander of title to go forward based on only one narrow theory. Meanwhile, discovery continues as to all of Morgan's affirmative claims.

- We represent **Paul Napoli** in a dispute with his former law partner, Marc Bern involving the winding-up of their prior firm. The dispute is presided over by a court-appointed Referee. Our adversary moved to disqualify the Referee on the basis that he was purportedly conflicted. We opposed the motion, and the Referee denied it. Our adversary appealed to the 1st Department. After hearing from both sides in written submissions, the 1st Department unanimously affirmed the Referee's decision not to disqualify himself. Napoli and Bern's litigation continues before the Referee.

- The firm obtained a published decision from a unanimous panel of the DC Circuit, reversing a district court that had refused, on statute-of-limitations grounds, to enter a default judgment against Iran for its role in sponsoring Al Qaeda's attack that killed the family member of our clients – alongside scores of others – working at the US Embassy in Kenya in 1998. This decision should clear the way for our clients now to recover fair compensation (from a fund Congress has established for this purpose) for Iran's

demonstrated state sponsorship of the terrorist attack that claimed the life of their loved one.

- We represent **a proposed class of 46 million consumers** seeking damages in the amount of at least £14 billion from Mastercard, arising from its unlawful anticompetitive interchange fees.

- In the first ever RMBS-related jury trial, Quinn won a $29 million damages award in a hard fought battle over indemnity claims arising out of the sale of mortgages by HLC to ResCap Liquidating Trust's (the "Trust") predecessor, **Residential Funding Company, LLC** ("RFC"). With interest and attorney's fees, this should result in a judgement in excess of $60 million. Although the Trust had brought over 90 cases seeking indemnity against various defendants, this is the first case to actually go to trial. Previous settlements have resulted in recoveries for the trust in excess of $1.1 billion. This recovery validated Quinn's strategy and will set a new benchmark for future settlements.

- A federal judge has given final approval to settlements with the final defendants in our ISDAfix case, which was brought on behalf of investors such as insurance companies, pension funds, hedge funds, and other sophisticated actors. That brings the total recoveries in the case, which concerns the rigging of a financial benchmark used to determine the settlement value of certain financial derivatives, to over $500 million. We built the case from the ground-up after noticing anomalies in the data, before the government even acted. The successful settlement and then certification of the class was the result of years of dogged, groundbreaking work. We had to find traders explicitly admitting they were interested in manipulating the benchmark. We then had to match that admission to can actual trade by the right person, at the right time, in the right direction. We then had to demonstrate we could show that those acts damaged class members, some of whom may have only traded hours or even days later. The Court said that this was the "the most complicated case" he ever faced, and that he could "not really imagine" how much more complicated "it would have been if I didn't have counsel who had done as admirable a job in briefing it and arguing it as" we did.

- We represent **an electric vehicle manufacturer** in a save-the-company international arbitration involving a contract dispute with the client's key investor over the breach of a remaining billion dollar funding obligation – part of a takeover strategy by the defendant to render our client insolvent and raid its assets. We obtained an early and rare victory for the client on an application for emergency relief that validated the merits of the overall litigation strategy, and freed the client from certain contractual restrictions so it could obtain new financing in the market, pending final resolution. The case remains ongoing.

- The firm won a major victory for two investment funds, **Zohar II 2005-1, Ltd.** and Zohar III, Ltd. (the "Zohar Funds"), in a dispute with their former collateral manager, Lynn Tilton. The immediate dispute concerned ownership and control over three Delaware corporations—FSAR Holdings, Inc., UI Acquisition Holding Co., and Glenoit Universal Ltd.—but has ramifications for dozens of other portfolio companies

that are subject to the same dispute. The Zohar Funds claimed legal and beneficial ownership of the three subject companies, and elected new directors to their boards by written consent. Tilton refused to recognize the election, claiming that the Zohar Funds were merely record holders of equity in the companies, while she was the true beneficial owner entitled to all rights and privileges of ownership, including the right to elect their directors. Following a six day trial before the Delaware Court of Chancery, the Court issued a 95-page Memorandum Opinion finding for the Zohar Funds on all counts. The Court confirmed the Zohar Funds' appointees as the rightful directors of the subject companies and rejected Tilton's claim of beneficial ownership of the Defendant Companies as "not credible" and based upon "hindsight observations" the Court characterized as "revisionist."

- We represented **Solus Alternative Asset Management LP** against GSO Capital Partners ("GSO") and Hovnanian Enterprises Inc. ("Hovnanian), in a suit arising from GSO's agreement to lend money to Hovnanian in exchange for Hovnanian agreeing to default on a portion of its debt. The default would trigger a credit event on credit default swaps, which would require Solus to pay millions of dollars in payments and would yield GSO millions of dollars in CDS payments. In addition, certain aspects of the transaction between GSO and Hovnanian were explicitly designed to set the price of the payout required from Solus in the case of a credit event. Solus alleged that this agreement violated Sections 10(b) and 14(e) of the Securities Exchange Act and that GSO had tortiously interfered with Solus's prospective economic advantage. The case settled at the end of May; as part of the settlement, Hovnanian cured the agreed-upon default, thereby avoiding the threatened credit event.

- We represented a **private company** as the plaintiff in a breach of contract action, alleging the defendant (the Seller) breached the indemnity provisions of an asset purchase agreement entered into with our client (the Buyer) by failing to indemnify our client for latent disease, third party personal injury claims. The defendant counterclaimed, alleging our client breached the contract by failing to name the defendant as an additional insured on its insurance policies. We prevailed on our affirmative claims for breach of contract and declaratory relief at summary judgment, and we defeated the defendant's counterclaims following a bench trial.

- Quinn Emanuel represented Douglas A. Kelley, as **Trustee of the PCI Liquidating Trust**, in an adversary proceeding arising from the bankruptcy of Petters Company Inc. ("PCI") and related entities, through which Thomas Petters operated one of the largest Ponzi schemes in history. The Trustee, who brought more than 200 adversary proceedings to recover funds from the Ponzi scheme's net profiteers, retained Quinn Emanuel to pursue claims against the largest net winner, which with its affiliates earned more than $200 million in net profits.

- We represented a **Russian investment fund** in a EUR 63m complex financial dispute spanning eight jurisdictions and numerous opaque corporate structures. We obtained a default judgment and a Worldwide Freezing Injunction in London and a judgment in Luxembourg as well as numerous attachments of assets in multiple jurisdictions until the defendant agreed to a settlement payment over the full amount plus all costs (total EUR

73m) incurred in the pursuit of the claim.

- We represent biopharmaceutical company **Theravance Biopharma US, Inc. and certain of its affiliates** against its former Senior Vice President of Technical Operations, Junning Lee. Prior to his resignation in February 2017, Lee downloaded hundreds of thousands of confidential, proprietary, and trade secret documents from Theravance's servers, then attempted to cover his tracks when Theravance discovered the downloading. We asserted claims for trade secret misappropriation under state and federal law, as well as claims for breach of contract and breach of Lee's fiduciary duty and duty of loyalty. The court (Judge Vince Chhabria in the Northern District of California) granted our motion for preliminary injunction with only minor modification, ordering Lee to return dozens of devices, to provide access to his email accounts, and to identify any third parties who might have received Theravance data. Theravance was not required to post a bond.

- We are lead counsel in ***Health Republic Insurance Company v. United States***, No. 16-259C (Fed. Cl.), a certified class action against the United States federal government for unpaid "risk corridor" amounts owed to Affordable Care Act insurers for the 2014 and 2015 plan years. As part of the ACA, Congress established a "risk corridors program" whereby the government incentivized insurers to enter the newly-created, but very risky, ACA exchanges by agreeing to backstop outsized losses in the first three years of the exchanges' existence. When it came time to pay the 2014 and 2015 plan year amounts, however, the government refused to do so in full, resulting in billions of dollars in unpaid losses throughout the health insurance industry. We were the first to file a risk corridors case in the nation and have proceeded through summary judgment briefing. Class actions against the government require class members to affirmatively opt in, and we are honored to say that insurers representing over $2.2 billion in unpaid losses chose to join our case.

- Quinn Emanuel and its co-counsel achieved a landmark civil rights settlement with The City of New York and the New York Police Department (NYPD). The City and the NYPD agreed to pay up to $75 million (the second largest civil rights settlement in the City's history) to resolve claims that as a result of NYPD quotas, New York City police officers issued approximately 900,000 criminal summonses without probable cause in violation of the Constitution. The settlement agreement also sets forth a series of significant steps that the City has taken since the start of the litigation, or will be taking going forward, to address quota policy and other matters raised in the lawsuit.

- We obtained an important victory in the U.S. Supreme Court on behalf of a **plaintiff class of consumers** challenging price-fixing of ATM access fees by Visa, MasterCard, and the big banks. The Supreme Court had previously granted the defendants' petition for certiorari from a D.C. Circuit decision upholding the complaint on a motion to dismiss. After we filed our merits brief as co-lead counsel for the plaintiffs, the Supreme Court dismissed the defendants' petition as improvidently granted, finding that the defendants' arguments were inconsistent with the question on which the Court had originally granted certiorari. This effectively upholds the D.C. Circuit decision in our favor.

- As court-appointed co-lead counsel for direct purchaser plaintiffs in ***In re Flexible Polyurethane Foam Antitrust Litigation*** **(N.D. Ohio)**, we **achieved over $430 million in settlements** for the class from nine different defendants accused of colluding to raise prices of polyurethane foam, used in bedding, furniture, automobiles and carpet underlay. On the path to these recoveries, we won certification of a national class of direct purchasers, defeated the defendants' effort to have the certification decision reversed on appeal (including in the U.S. Supreme Court), and defeated those same defendants' motions for summary judgment. . We have also successfully pursued claims on behalf of bedding companies in the English courts against the polyurethane foam cartelists, successfully resolving the claims without needing to serve proceedings.

- A federal judge has ruled that plaintiffs' claims can go forward in the Quinn Emanuel-led **Gold antitrust class action**, in which we allege that a group of banks conspired to suppress a worldwide benchmark price for gold known as the "London Gold Fix." In an October 4, 2016 decision, Judge Valerie Caproni of the S.D.N.Y. largely upheld our complaint, which was built primarily around economic evidence showing prices moving in anomalous ways around the time of the Fix. Notably, the Court rejected the attempts by the banks to have the factual allegations about price movements discarded under a *Daubert*-like level of scrutiny, and to posit innocent counter-explanations for the anomalies. The Court also rejected many other common defenses the banks have asserted in financial market manipulation cases, including that each plaintiff need detail its harm to a heightened extent, and that the size of liability was too big compared to the banks' culpability. Defendant Deutsche Bank settled in 2015. Remaining Defendants are The Bank of Nova Scotia, Barclays Bank plc, HSBC Bank plc, Société Générale SA, UBS AG, UBS Securities LLC, and The London Gold Market Fixing Limited.

- Quinn Emanuel is co-lead counsel for a class of plaintiffs alleging that fourteen major Wall Street banks conspired to rig **ISDAfix** (an important interest rate benchmark) in order to extract higher profits on financial instruments. In a March 28, 2016 decision, Judge Jesse M. Furman of the S.D.N.Y. largely upheld our complaint, sustaining the antitrust, breach of contract and unjust enrichment claims. This victory is notable because we identified anomalies in the market and put together a complaint where the conspiracy was pled almost entirely on our self-developed economic evidence. The decision vindicates our data-driven approach to developing these large antitrust and market manipulation cases—something only Quinn Emanuel has been doing, allowing us to stake a unique claim to the right to "lead counsel" in class-action antitrust cases involving the financial markets. We have secured over $400 million in settlements from ten of the defendants, and continue to pursue discovery against the others.

- Quinn Emanuel serves as co-lead counsel for plaintiffs in a class action antitrust lawsuit to recover damages suffered by investors in **interest rate swaps** ("IRS") due to a conspiracy between a dozen of the world's largest banks to block more efficient, transparent trading of IRS. The defendants, through their conspiracy, manipulated the market for interest rate swaps, which is one of the largest financial markets with billions of dollars in swaps traded each day. Our lawsuit is pioneering because it is not an outgrowth of a prior government investigations, indictment, or guilty plea; the conduct

at issue was instead uncovered and developed by Quinn Emanuel acting as "private attorney's general." We spent over six months investigating the facts and law underlying what eventually became the complaint, including interviewing dozens of potential witnesses and industry experts. In appointing us class counsel, Judge Paul A. Engelmayer of the S.D.N.Y. said that our work on the case exceeded that of the other firms vying for leadership by "orders of magnitude."

- We are playing a major role representing plaintiffs in the pending ***In re Egg Products Antitrust Litigation*** **(E.D. Pa.)**, where to date we have achieve just under **$130 million** in settlements from Defendants Michael Foods, Moark/Land O' Lakes, and Cal-Maine Foods. The firm filed one of the original complaints concerning agreed output restrictions in the egg market. We presented the principal arguments in defeating the defendants' motions to dismiss, and served as lead counsel at the evidentiary hearing on class certification.

- We achieved an important victory for our client **Hudson Group**, a retailer that operates hundreds of stores in airports throughout the United States. Hudson had an agreement with famed LA boutique retailer, Kitson, to operate two stores at LAX as Kitson stores. The relationship deteriorated and Kitson began to malign Hudson to the airport authority, city officials, and Hudson's business partners—and Kitson was threatening to sue. Instead, we went on the offensive for Hudson. At an early preliminary junction hearing, we achieved a victory over Kitson so decisive that it gutted Kitson's case and set up Hudson for a near certain victory at trial. Kitson had no choice but to settle, agreeing to pay an amount close to what Hudson was seeking in the case.

- We represented **Financial Guaranty Insurance Company** in a case relating to a $900 million insurance policy on a credit default swap referencing a $1.5 billion collateralized debt obligation. We obtained a complete reversal from the Second Circuit of the district court's order dismissing the complaint for failure to state a claim, protecting our client's right to pursue its claims for fraud, negligent misrepresentation, and negligence.

- We were appointed co-lead counsel in **Sheet Metal Workers Pension Plan of Northern California** and **Iron Workers Pension Plan of Western Pennsylvania**, a class action alleging that five of the world's largest financial institutions conspired to manipulate the multi-trillion dollar market for supranational, sub-sovereign and agency ("SSA") bonds. The complaint alleges that the banks conspired in private electronic chat rooms to rig prices and bid-ask spreads for SSA bonds. The complaint's allegations are supported by original economic analysis demonstrating the existence of multiple historical patterns in SSA bid-ask spreads and prices that are indicative of a price-fixing conspiracy that began in 2010 and started to break up in late 2014.

- We represent various plaintiffs, including **Prudential**, **Capital Ventures**, **Salix**, and **The City of Philadelphia**, in claims arising from various banks' manipulation of the London Interbank Offered Rate (Libor). Defendants are U.S. Dollar Libor panel banks or their affiliates, and include Bank of America, Barclays, Citigroup, Credit Suisse, Deutsche Bank, J.P. Morgan, RBC, RBS, and UBS. Plaintiffs allege that, over a period of years, defendants deliberately suppressed Libor, which reduced the Libor-linked

payments due to plaintiffs on their interest-rate swaps, increased the termination payments each plaintiff was required to make when a swap was terminated, decreased payments being made on Libor-linked floating-rate bonds, or otherwise decreased the value of investments tied to Libor. Plaintiffs allege that defendants' manipulation of Libor, among other things, constituted fraud, breached the terms of certain contracts, interfered with others, and violated the Sherman Act. The plaintiffs' group, including our firm, also recently succeeded in convincing the Second Circuit to overturn the district court's prior dismissal of the antitrust claims, putting the potential for treble damages back on the table.

- We **achieved a settlement for $130 million** plus even more valuable non-monetary relief (in the form for prospective changes to the defendants' practices) in ***Universal Delaware v. Comdata Corporation (E.D. Pa.)***, concerning alleged monopolization and anticompetitive collusion in the markets for the truck fleet credit cards used at highway truck stops. We served as court-appointed co-lead counsel for a proposed class of over 4,000 independent truck stops. Defendants included Comdata (the leading issuer of trucker fleet payment cards) and three national truck stop chains.

- We have filed four class action complaints on behalf of investors in U.S. Treasury Securities and related financial instruments who allege that the 22 "primary dealers" entrusted with an "inside" role at the public auctions for Treasury Securities colluded to rig the auctions. The cases allege that these 22 major financial institutions conspired to artificially drive up the yield of Treasury Securities, and correspondingly to drive down the prices of those Treasuries, to their own benefit. The Defendants then turned around and sold the Treasuries at higher prices (and correspondingly lower yields) in the secondary markets, reaping substantial profits. The Quinn Emanuel complaints employ a series of statistical "screens" to show that yields were repeatedly higher (and prices lower) than they would have been in a competitive auction. The complaints also explain how investors in Treasury Securities, Treasury Futures, Treasury-linked swaps, and other related instruments were harmed by this manipulative scheme. The Quinn Emanuel cases have been consolidated with class action complaints filed by dozens of other plaintiffs before Judge Paul Gardephe in the Southern District of New York. We have applied for appointment as co-lead class counsel and are awaiting a decision on that application.

- On behalf of our client, **Insolvency Services Group (ISG)**, we obtained summary judgment and an award of $15.7 million against Meritage Homes Corp. related to a real estate development near Las Vegas. The trial court found that ISG could enforce the repayment guaranty that Meritage signed in connection with the venture. The Ninth Circuit affirmed in full.

- We obtained an award of nearly $80 million for our client **Rosen Capital Partners**, which *The Wall Street Journal* described as one of the largest investor arbitration awards ever issued by a FINRA arbitration panel. In December of 2011, the Los Angeles Superior Court confirmed the arbitration award and denied the Petition of Merrill Lynch to vacate it. And in February of 2013, the California Second District Court of Appeal affirmed that judgment and denied the appeal of Merrill Lynch seeking to reverse that

judgment. The judgment, which eventually amounted to over $89 million, has now been satisfied.

- We obtained and successfully defended a $6 billion+ settlement as special counsel to **Washington Mutual, Inc.** in a bankruptcy litigation arising out of the largest bank failure in U.S. history. The Delaware bankruptcy court rejected challenges to the multi-billion dollar settlement after a week-long trial.

- We obtained a $63 million verdict for **Access Industries** in an action for breach of an investment management agreement, and based on manager's violation of sector caps limiting percentage of mortgage securities.

- We represented **Motorola** in a nullity action against the German part of EP 2 059 868 (member of Apple's 'rubber band patent' family) and obtained full nullification (decision appealable).

- We won a unanimous jury verdict on both infringement and validity in the Eastern District of Texas. The technology at issue in this case concerned e-commerce technology that retailers use to facilitate sales made through their websites.

- We represented **Litton** in a patent infringement case against Honeywell, obtaining a verdict of $1.2 billion for intentional patent infringement and interference with prospective business advantage. This is believed to be the largest patent infringement verdict in U.S. history. It was ultimately settled for $440 million prior to retrial. This is just one of many successful intellectual property trials we have litigated for Litton.

- We represented **Freedom Wireless** in a case against several wireless carriers, for infringement of its patents on prepaid wireless telephone systems and methods. (Shortly before trial, Freedom reached a settlement with one of the defendants, Verizon, for a confidential sum). The trial lasted 15 weeks. We secured a $128 million jury verdict, the largest ever awarded in Massachusetts, and it was the eighth biggest verdict awarded in the U.S. that year. The case later settled for a lump sum payment of $87 million, plus ongoing royalties which are expected to generate an additional $50 million.

- We represented **Allstate** in a number of lawsuits against Wall Street banks arising from Allstate's losses on mortgage-backed securities issued by the banks. We defeated defendants' motions to dismiss in five lawsuits, winning every motion that reached a decision, and we obtained remand to state court in all but one case.

- We represented **The Prudential Insurance Company of America** in fourteen lawsuits against a host of financial institutions arising from RMBS-related losses. Based on our success, we were able to settle each of these matters, recovering over $270 million.

- We secured a significant ruling for our client, **MBIA Insurance Corporation**, in connection with its multibillion dollar claims against Bank of America Corporation and Countrywide, filed in the Commercial Division of the New York State Supreme Court.

The Court held that: (i) New York, not Delaware, law applied to a *de facto* merger claim against Bank of America; (ii) reliance is not an element of a successor liability claim based on a theory of implied assumption of liabilities; (iii) the payment of billions of dollars for Countrywide's assets is not relevant to a *de facto* merger claim; and (iv) a strict asset-for-stock sale is not necessary to establish continuity of ownership under a *de facto* merger claim. Numerous plaintiffs across the country have alleged that Bank of America should be held liable for Countrywide's misconduct, and this ruling establishes the correct legal standards to prove such claims at trial.

- We secured another victory for our client, **MBIA Insurance Corporation**. In Justice Bransten's decision on the parties' summary judgment motions, she adopted virtually the entire legal framework advocated by Quinn Emanuel. The ruling impacts other insurers and investors in RMBS who have sued issuers of RMBS for fraud and breach of contract. First, insurers in New York now have a clear path to recovery on misrepresentation claims, where they need not show either reasonable reliance or loss causation (beyond inducement to enter the transaction, or transaction causation). Second, insurers and investors in RMBS now can enforce repurchase claims for material breach regardless of whether or why the defective loans are in default or delinquency. In other words, the contractual requirement of "material and adverse effect" is tested as of the closing date only, rendering the housing collapse and financial crisis irrelevant. Third, insurers and investors can rely on the "no default" provisions in mortgage notes to capture borrower misrepresentations even where the transaction documents do not contain a representation and warranty prohibiting borrower fraud.

- We obtained a unanimous Second Circuit victory for **AIG** in a suit against Bank of America and other banks, who had removed our client's state-court RMBS fraud action under the Edge Act. The banks argued that the fact that a few mortgages were originated in Guam and other insular territories created federal jurisdiction. The Second Circuit disagreed, holding that the Edge Act applied only to suits that actually arise out of the purported foreign banking activity by the federal bank that is a party to the suit. We also represent AIG in RBMS, CDOs, and related cases, including: (1) a pending RMBS suit against Countrywide and Merrill Lynch; (2) a suit against ICP Asset Management LLC and other parties, alleging that the defendants fraudulently shifted losses of over $1 billion to AIG Financial Products via sales to certain CDOs on which AIG Financial Products held the credit risk; (3) a settlement against seven CDOs relating to interest-rate swaps, after an AIG victory defeating an order to show cause to escrow funds pending resolution of the litigation.

- We represented **Assured Guaranty Municipal Corp.** ("Assured") in its lawsuit in the Southern District of New York against UBS Real Estate Securities Inc. ("UBS") arising out of Assured's issuance of financial guaranty insurance for RMBS underwritten and marketed by UBS. On May 6, 2013, after a series of procedural wins for Assured, UBS agreed to settle Assured's claims for breaches of representations and warranties for $360 million plus an ongoing reinsurance obligation covering 85% of Assured's forward liabilities with respect to the insured certificates.

- We filed thirteen RMBS-related actions on behalf of **MassMutual** against a dozen financial institutions. In the "bellwether" action against Deutsche Bank, we won a motion for partial summary judgment rejecting a portion of Deutsche Bank's due diligence defense, won a motion to exclude defendants' statutory "control person" expert, defeated defendants' motions for summary judgment based on statute of limitations and failure to prove misrepresentations, and defeated defendants' motions to exclude MassMutual's reunderwriting and appraisal experts. We were subsequently able to favorably settle the action on the eve of trial, and have since settled five more of these actions.

- We succeeded in obtaining a temporary restraining order for our client **KIRP, LLC**, an investor in RMBS issued by RALI trusts, enjoining Nationstar, the master servicer for the trusts, from completing scheduled auctions of mortgage notes owned by the trusts through online auction sites or transferring mortgage notes that had been the subject of prior online auctions. We further obtained an order for expedited discovery in support of a motion for a preliminary injunction on the same issues. The executive director of the Association of Mortgage Investors has publicly applauded the victory, stating that this type of behavior by servicers must be carefully examined.

- We represented **Infinity World**, a subsidiary of Dubai World, one of the world's largest holding companies, in its dispute against MGM MIRAGE over the funding of the $8.5 billion CityCenter project in Las Vegas. A little over one month after we filed a complaint against MGM in the Delaware Chancery Court, MGM and CityCenter's lenders capitulated to Dubai World's demands. MGM agreed to fund its remaining equity contributions, to be solely responsible for potential cost overruns, and to pledge additional collateral as security for its funding obligations. CityCenter's lenders agreed to fund the full $1.8 billion promised under CityCenter's senior credit facility. The settlement ensures that the CityCenter project, which is expected to be a powerful engine for growth and employment in Las Vegas and Nevada, will be completed.

- We were retained by **Solutia,** virtually on the eve of its exit from its four-year Chapter 11 proceeding, when the banks that had agreed to provide the necessary $2 billion of exit financing (Citibank, Goldman Sachs and Deutsche Bank) refused to fund the loans claiming that the credit market downturn constituted a "materially adverse condition" (MAC) that enabled them to terminate the agreement. The issue we were brought in to litigate was whether Solutia or the banks bore the risk of the credit market downturn. The trial commenced after a month of expedited discovery in which we produced millions of documents, took and defended almost 30 depositions and prepared for trial. After three days of trial, and on the eve of closing arguments, the banks, who had previously refused to entertain settlement negotiations, indicated that they were eager to settle. Under the terms of the settlement, the banks were required to provide the **$2 billion** in exit financing needed to fund the plan. The case is believed to be the first of its kind and is of great significance to the bankruptcy bar, financial institutions and companies in Chapter 11.

- We obtained an 8-figure settlement for plaintiffs during a jury trial in a San Jose real estate partnership dispute.

- We obtained a settlement of $64 million for a **class of nearly 3000 restaurants** and restaurateurs who charged Reward Network with usury and unfair business practices. After two and a half years of hard-fought litigation, Reward Network offered to settle, and the class members were eligible to receive a substantial package including cash, miles and complete forgiveness of remaining interest owed on their loans.

- We obtained over $250 million on behalf of our client **Unova** in a series of patent infringement actions enforcing our client's patents on smart batteries.

- We obtained over $200 million on behalf of our clients **Northrop Grumman** and **Stanford University** in a series of patent infringement actions enforcing our clients' patent on optical fiber amplifiers.

- We represented about two dozen hedge funds, including international funds, grouped under four management entities—**Elliott, Davidson-Kempner, Appalloosa, and Angelo Gordon**—as plaintiff-holders of Yosemite and Enron Credit-Linked (ECLN) Notes in the *Yosemite v. Citibank* action in the Enron MDL. The noteholders asserted fraudulent transfer claims against Citibank and collectively sought in excess of $1.4 billion on those claims. With Citibank's motion for summary judgment pending, Citibank and Enron agreed to a joint settlement and our clients received in excess of $2.1 billion in payments from the Enron bankruptcy estate.

- We successfully tried a FINRA arbitration for a **large merger arbitrage fund** against one of the leading global broker-dealers over the liquidation of a swap transaction. After four weeks of hearings spread over three months, we recovered over $10 million for our client in a confidential settlement. The dispute concerned the market quote method of valuing an equity swap under the 1992 ISDA Master Agreement where the broker-dealer sought and received quotes from three reference market makers. We effectively challenged the validity of the settlement value by attacking the quotes as shams which were the product of coaching friendly market makers and manipulating the market price through heavy volume sales.

- We were retained by plaintiffs **Catalina Marketing Corporation** and its wholly owned subsidiary, **Catalina Health Resource** (collectively "Catalina") to take over as lead counsel in an action alleging infringement of U.S. Patent No. 6,240,394 ("the '394 patent") shortly before the *Markman* hearing. The '394 patent disclosed and claimed a novel method and computer system for generating targeted messages for pharmacy patients at the point of sale. Catalina alleged that LDM Group LLC's "Carepoint" product and related services infringed the '394 patent. The parties resolved the case informally pursuant to a confidential settlement agreement.

- We represented **DIRECTV** in a suit against NWS, a former DIRECTV vendor, in a case involving a fraudulent scheme to provide programming to commercial institutions. DIRECTV brought a demand for arbitration in the AAA against NWS for breach of contract, fraud, unfair business practices, and violations of the Cable Communications Policy Act. NWS counterclaimed for breach of contract, unfair business practices, and

tortious interference with contract. After a 7-day hearing, we obtained a $5.6 million judgment on behalf of DIRECTV. The Arbitrator found for our client on every affirmative claim and against NWS on all counterclaims.

- We represented **Summit Media LLC** in an action to invalidate a "closed-door" settlement agreement between the City of Los Angeles and two of the largest outdoor advertising companies in the world. The settlement agreement gave the outdoor advertising companies the contractual right to erect hundreds of jumbotron-style, digital billboards anywhere in Los Angeles, with virtually no public oversight or participation—rights potentially worth hundreds of millions of dollars. Although the key terms of the agreement had been approved by the former City Attorney, the City Council, and a highly-respected judge, we successfully invalidated the agreement, which the judge described as "poison."

- More than a week after trial began, after having no prior involvement in the case, we stepped in and assumed the role of lead trial counsel representing **a Southern California developer** of open-air "lifestyle" shopping centers against the nation's second largest mall developer. Our client had brought claims against the mall developer for interference with prospective business relations based on threats the mall developer allegedly made against a prominent nationwide restaurant chain to discourage the chain from becoming an anchor tenant in our client's new shopping center across the street from the super-regional mall owned by the defendants. Over the next handful of weeks, we conducted most of the witness examinations, the closing argument, and the punitive damages phase of the trial. The jury awarded our client the full amount of compensatory damages requested—$74 million, and an additional $15 million in punitive damages, for a total award of $89 million. The mall developer is currently appealing the judgment.

- We obtained a nine-figure settlement for **Occidental Petroleum** after we won a jury verdict establishing liability, in an insurance coverage case regarding business interruption losses sustained from over two hundred terrorist bombings of an oil pipeline in Colombia.

- We represented **limited partners of a hedge fund** in a shareholder derivative arbitration against a hedge fund manager and his stockbroker sister based on claims of systemic fraud through post-execution allocations of securities trades over more than a decade. After an arbitration that spanned seven months, the arbitration panel, in a unanimous opinion, awarded our clients $105 million, including $75 million in compensatory and punitive damages, which included $35 million for disgorgement of compensation for the period of the fraud.