

## Financial Services Litigation

The trial attorneys in Lathrop GPM's Financial Services Litigation group handle complex financial litigation that requires expertise in finance and accounting. We represent financial service clients - banks, private equity firms, hedge funds, mortgage companies and other financial institutions - in all types of complex disputes and represent various types of clients in disputes involving complex financial instruments. We also represent buyers and sellers of companies in disputes arising from mergers and acquisitions, including purchase price adjustments, working capital disputes, indemnification claims and when one side of a deal refuses to close on the transaction.

What separates our team is not just the fact that we have deep knowledge in these types of disputes, but that we also regularly try cases. We recently successfully tried four *jury* trials regarding these types of disputes, in addition to bench trials and arbitrations.

### Representative Experience

#### ***Banks, Private Equity Firms, Hedge Funds and Other Financial Companies***

- Represented numerous banks in disputes and litigations with other banks regarding inter-bank loan participation
- Defended a bank in a jury trial against the principals of a failed bank regarding the participation loan that led to the bank's failure
- Represented a defendant bank in a putative class action filed in state court. The putative plaintiff class had invested approximately \$10 million in a Ponzi scheme through self-directed IRAs for which the bank had acted as custodian
- Represented SEC-appointed receiver of a registered investment advisor that managed several private equity funds in various lawsuits and claims pursued by the receiver
- Represented a real estate private equity firm in a lawsuit filed against it by an investor regarding the accounting and allocation of investment losses

- Represented private equity firms and their portfolio companies in all types of disputes
- Represented world's second largest money transfer service company in dozens of cases occurring in bankruptcy courts and federal trial courts around the country
- Represented Chapter 7 bankruptcy trustee in dozens of avoidance actions seeking more than \$40 million from insiders and affiliates of the debtor company
- Represented the FDIC in multiple cases against officers and directors of failed banks

### ***Complex Financial Instruments and Products***

- Represented money transfer service in dispute in New York federal court regarding a claim to an 8-figure amount relating to a credit default obligation
- Represented banks that serve as bond trustee in various actions arising from bond issuers' non-payment of interest and principal owed to bondholders and other breaches of bond indentures
- Represented a non-profit foundation that suffered significant losses because of a decline in the value of its holdings of auction rate securities against the bank that sold those securities to it
- Represented numerous banks and mortgage companies in asserting or defending against mortgage "put back" claims that arose out of the mortgage-backed security fallout

### ***Transaction-Related Disputes***

- Represented and/or advised scores of companies relating to claims for breach of representations and warranties in purchase or merger agreements
- Advised numerous sellers of business in negotiations and disputes regarding the proper calculation of earn-outs
- Represented many majority and minority shareholders of closely held companies in disputes regarding buyouts and, in particular, the value of the ownership interests
- Represented the seller of a company serving the Balkan oil field industry in a jury trial regarding whether the company had breached a letter of intent by not selling the company to the plaintiff energy company

- Represented a publicly traded real estate investment trust sued by the potential buyer of one of its industrial properties for alleged breach of a letter of intent for a deal that was never consummated
- Represented the subsidiary of a Fortune 50 company in arbitration demand against the sellers of a company it purchased, seeking indemnification for a post-Closing settlement with regulators relating to the acquired company's billings to the government and also seeking partial repayment of an earn-out
- Represented minority shareholders of private companies who had previously bought or sold their ownership interests who alleged securities fraud and other claims associated with the transaction and seeking rescission or an increase in purchase price for the ownership interests