



## COMPLEX COMMERCIAL LITIGATION

Our lawyers have extraordinary experience across a wide array of complex commercial matters. We have the track record and the expertise to represent or be adverse to large financial institutions, public and private corporations, and high-net-worth individuals in disputes involving the capital markets, complex financial instruments and arrangements, mergers and acquisitions, corporate governance and officer fiduciary obligations, bankruptcies and insolvencies, positions in distressed debt, real estate financings and leasing arrangements, insurance coverage claims, and complex contracts of every variety. We also represent clients in cutting-edge statutory privacy matters, including litigation under the Video Privacy Protection Act (VPPA). We have broad experience in cross-border discovery, electronic discovery, and issues involving overlapping liability and exposures across multiple jurisdictions and legal systems. In addition, Judge Holwell's judicial experience affords clients and their boards of directors singular insight and judgment concerning strategies for successfully prosecuting, defending, or resolving complex, sensitive matters.

### REPRESENTATIVE MATTERS

- Various affiliates of Chubb in nationwide litigation against manufacturers and distributors of opioids, and national pharmacy chains that sold opioids, over insurance coverage for over 3,000 lawsuits brought by governmental entities across the country. HSG is national trial counsel to Chubb in opioid coverage litigation.
- Visa in class actions and opt-out litigation seeking billions of dollars in recoveries.
- London Luxury, as co-lead counsel, in a trial against Walmart over a cancelled contract to purchase more than \$500 million in personal protective equipment, or "PPE." HSG won a \$101 verdict against Walmart following a 10-day jury trial in the Western District of Arkansas, Fayetteville.
- Affiliates of the government-owned investment fund AIMCo, and Wells Fargo Bank, N.A., as securities intermediary, in a \$200 million litigation in the Southern District of New York against AXA Equitable Life Insurance Company arising out of AXA's improper Cost of Insurance rate increase on a certain group of universal life insurance policies. The court recently denied AXA's summary judgment and Daubert motions, allowing AIMCo's claims for breach of contract, statutory fraud, and common law fraud to proceed.
- HSBC, U.S. Bank, and Bank of New York Mellon, as trustee or securities administrator, in more than two-dozen residential mortgage-backed securities putback cases seeking to recover billions of dollars. HSG has obtained numerous favorable decisions at the trial court and appellate levels that have shaped the landscape for putback litigation in both state and federal court. HSG serves as Liaison Counsel for the putback plaintiffs in connection with dozens of RMBS cases that have been coordinated before Justice Marcy S. Friedman in New York state court, taking the lead on negotiating and litigating matters of fact and expert discovery as well as common legal issues.

- Collineo Asset Management GmbH, a German asset manager, in connection with claims brought against it by an issuer of collateralized debt obligations seeking to recover for alleged breaches of the underlying asset management agreement.
- Credit Lyonnais, MGM/United Artists, and the government of France in two major U.S. grand jury investigations, a Federal Reserve Board investigation, criminal suits in France and Italy, and approximately 20 civil suits relating to the bank's financing and investments in the insurance industry (Executive Life) and the entertainment industry (MGM/United Artists) which led to the bank's insolvency and restructuring.
- Federal Housing Finance Authority in highly publicized lawsuits it filed against several major banks in its capacity as conservator for Fannie Mae and Freddie Mac, alleging false statements in shelf registration statements and prospectuses pursuant to which residential mortgage-backed securities were sold to Fannie and Freddie.
- Caspian Capital, a U.S. hedge fund, in Delaware Chancery Court litigation relating to restructuring the Marsico family of companies (mutual funds) by Goldman Sachs and others.
- Royal Bank of Canada in connection with claims brought against it by Rabobank seeking to avoid liability of a total return swap tied to an Enron-created structure, as well as in national securities class action litigation and several related proceedings in bankruptcy and state courts alleging aiding and abetting claims and securities violations.
- Comcast Corporation in bankruptcy litigation, Delaware breach of fiduciary duty litigation against its CEO, securities class action litigation, and the largest-ever short-swing profits case (relating to hybrid put options), all arising out of the company's investment in Excite@Home, an early broadband Internet provider.
- Camulos Capital, a U.S. hedge fund, in a variety of disputes, including with a European subsidiary of Lehman Brothers over a \$100 million repo agreement, a German gun manufacturer concerning a €100 million PIK loan, and a departing partner with respect to his claim to amounts allegedly owed under the fund's partnership agreement.
- Mega Brands (maker of Mega Bloks) in litigation relating to an earnout provision in the stock purchase agreement pursuant to which its acquisition of Rose Art Industries was completed, and in a related arbitration, a national consumer class action, individual personal injury claims relating to serious injuries to children, insurance coverage claims, federal regulatory proceedings, and other matters.
- Newmont Mining against a hostile tender offer by Anglo American for control of Newmont's major shareholder, Consolidated Goldfields.
- U.S. Steel in its "white knight" acquisition of Marathon Oil and related preliminary injunction proceedings and securities fraud litigation.
- Landoil, a Philippines-based energy and construction conglomerate, in connection with political risk insurance claims and related insurance broker malpractice claims relating to coverage for construction projects in Libya, Iraq, Saudi Arabia, and Kuwait, which claims were resolved via arbitration in the London Court of International Arbitration, litigation in the Southern District of New York, and a protracted mediation after extensive discovery in Europe and Asia.