

# OUR PRACTICE

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## Directors and Officers Litigation

Officers and directors, and the decisions they make, are under greater public and private scrutiny than ever before. When corporate management comes under attack, there is real value in having experienced trial attorneys available to counsel and defend. Our trial lawyers have an excellent record in defending corporate leaders in many kinds of industries and companies, both privately held and publicly traded.

### Representative Matters

- Successfully resolved claims pursued over the better part of a decade by RTC/FDIC against various officers and directors for alleged breach of fiduciary duty and related misconduct surrounding the purported post-FIRREA insolvency of a recapitalized thrift that presented novel and complex issues regarding the ability of regulated institutions and their principals and investors to protect contributed real estate assets and operations through bankruptcy and other non-regulatory activities and proceedings.
- Successfully represented successor officers and directors in connection with securities investigations by the U.S. Department of Justice, the Securities and Exchange Commission and the U.S. Postal Service, and related litigation filed by private plaintiffs.
- Obtained a multi-million-dollar settlement for client investors against the officers and directors of a defunct technology company.
- Defended corporate directors and officers facing a shareholder class action for breach of fiduciary duty claims in connection with a \$26 billion merger; managed more than 70 attorneys reviewing more than one million pages of ESI in response to expedited discovery order.
- Defended the directors and officers of the Louisiana World's Fair in an action by a creditors' committee for \$120 million, and secured summary judgment dismissing the matter in federal district court.
- Represented an unsecured creditors' committee in connection with the investigation of potential claims against former officers and directors of a large coal company and subsidiaries with more than \$150 million in debt.
- Defended a sports radio network in an action by shareholders and officers who alleged that a merger improperly forced them out of the company. The plaintiffs claimed their shares were worth several million dollars. The court dismissed the plaintiffs' claims at trial.
- Headed off an approximately \$10 million suit against officers and directors of sporting goods companies by creditors' committee. Case involved alleged breaches of duties of loyalty and care. Settled for payment of a nominal sum by client.
- Defended the majority shareholder in a meat packing business in multi-million-dollar litigation brought by a minority shareholder (both individually and as a derivative action) for breach of fiduciary duty. The case was settled on favorable basis during trial.
- Obtained a favorable settlement on a multi-million-dollar claim by a bankruptcy trustee against officers and directors of a former internet auction company. Allegations included breaches of duties of loyalty and care, as well as corporate waste.
- Negotiated a favorable settlement in million-dollar shareholder derivative action against the majority owner/president of a radio station for breach of fiduciary duty.
- Defended officers and directors in multi-million-dollar litigation brought by a bankruptcy trustee alleging damages for breach of fiduciary duties and usurping corporate opportunity in connection with a manufacturing company in Chapter 11.

- Represented a major law firm in a multi-million-dollar professional negligence claim arising from its role as counsel to a publicly traded company and its board.
- Defended bank directors and officers who were sued for breach of fiduciary duty. Obtained dismissal of the case for client.
- Served as court-appointed examiner to review potential litigation against former officers and directors of a publicly held company in Chapter 11 proceedings.
- Successfully represented shareholders in breach-of-fiduciary-duty claims brought by a former shareholder and employee.