



LITIGATION

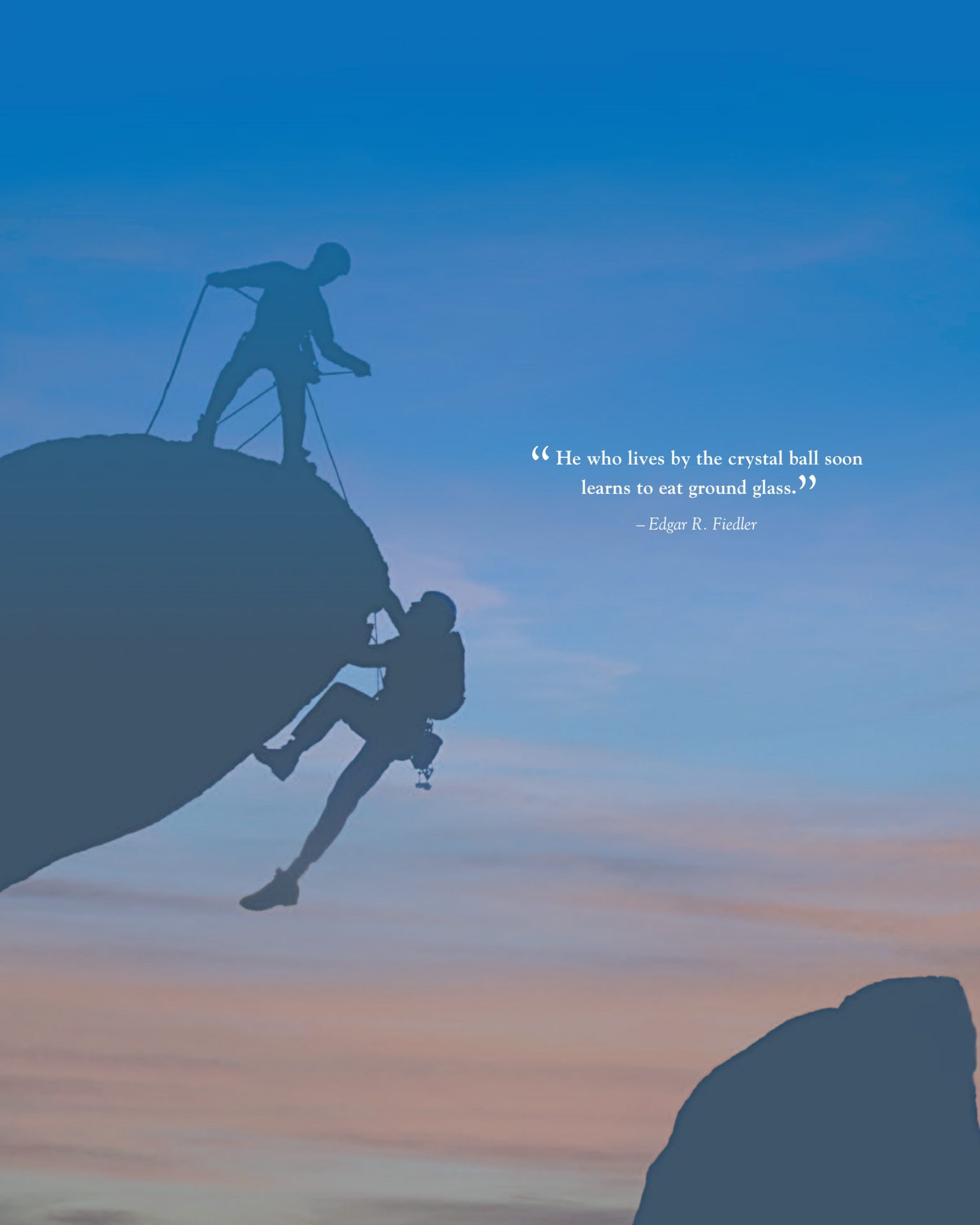


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DUVAL & STACHENFELD LLP

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“ He who lives by the crystal ball soon  
learns to eat ground glass.”

–Edgar R. Fiedler

## DUVAL & STACHENFELD LLP LITIGATION PRACTICE GROUP

In the current economic environment, companies in diverse industries are keenly aware that excellent, well-rounded commercial litigators are an essential component of any successful business strategy. Given the unique challenges presented currently, we seek to offer our clients reasoned, strategic litigation advice based on deep experience and clear thinking.

Over the past ten years Duval & Stachenfeld LLP has assembled a team of exceptional commercial litigators who are skilled in representing clients in varied commercial litigation and arbitration matters both in and out of the courtroom. Our litigators are tenacious – yet practical and business-savvy. They advise; they broker quick and smart compromises; but they do not hesitate to fight (all the way through trial) when that is the best course of action to achieve our client's objectives.

Our Litigation Practice Group strives to provide a level of service unmatched by larger law firms, at a fraction of the cost. The Group's institutional clients repeatedly send Duval & Stachenfeld work, because they know that they will receive unsurpassed attention, high-quality work product – and reasonable bills.



## Background of the Litigation Practice Group

The Litigation Practice Group has handled through trial and appeal a broad array of commercial disputes reflecting all aspects of complex business transactions, including complex contract and quasi-contract disputes; shareholder and partnership disputes; securities litigation; real estate and construction litigation; fraud actions; tortious interference actions; employment discrimination; unfair competition; intellectual property disputes; and RICO litigation.

The Group has represented clients in numerous industries and professions including financial services, real estate, construction, banking, technology, internet, hospitality, security, telecommunications, entertainment, equipment leasing, retail, fashion, architecture, manufacturing and others. It has also represented various domestic and international governmental entities. The Litigation Practice Group represents clients in federal and state courts, before administrative and regulatory agencies and in arbitration, mediation and other alternative dispute proceedings.

A major focus of our Group's practice has been in the financial and securities industries as well as the capital markets. We have provided litigation advice and litigated all manner of trading disputes involving various exchanges, various structured product disputes and diverse regulatory issues.

A representative sampling of current or recent commercial litigation matters we are handling include:

- Representation of a large financial services company to recover millions of dollars in pledged collateral for a defaulted margin loan.
- Representation of a major international bank in connection with failures to settle multi-million dollar overseas equity trades.
- Representation of a large financial services company in connection with a multi-million dollar dispute arising from an alleged failed delivery arising from trading on the LSTA.
- Representation of a large, publicly-held security services company in the pursuit of various business protection claims for improper customer solicitation and trade secret theft.
- Representation of an industry leading security services company against multi-million dollar claims brought by a major state university and a pre-eminent research professor involving alleged failure of freezer alarms and resulting loss of research samples and public and private grant funding.



## Representative Clients

Our litigation clients include investment funds, investment banks, public companies, retail companies, real estate companies, and tax exempt organizations. We are extremely proud to note the following representative clients in litigation:

Angelo, Gordon & Co., L.P.  
Cowen and Company, LLC  
Credit Suisse Group  
Deutsche Bank  
The Dr. Robert C. and Veronica Atkins Foundation  
Israel Discount Bank of New York  
The Metropolitan Museum of Art  
Protection One  
Sears Holdings Corporation (and its subsidiary, Kmart Corporation)  
Westcore Properties

## Backgrounds of the Attorneys in the Litigation Practice Group

Our Litigation Practice Group is chaired by Allan Taffet. Allan has a degree from Harvard Law School and began his career at Cravath, Swaine & Moore. Allan has also served as an Assistant U.S. Attorney in the Southern District of New York and, based on his experience there, does not avoid taking a case to trial where merited. Included among Allan's core clients

are Credit Suisse, Deutsche Bank, Cowen & Company LLC, Israel Discount Bank and The Metropolitan Museum of Art. Mr. Taffet has 25 years of litigation experience, and has handled a variety of significant cases on behalf of private and public entities through trial and appeal. In the last ten years, Mr. Taffet has tried numerous matters in federal and state courts, and before arbitration panels and many administrative bodies. The matters that Mr. Taffet has litigated encompass many complex commercial disputes involving securities, employment and non-competition, breach of contract and contract construction, fraud, RICO, shareholder and partnership disputes and dissolutions, and real estate. Allan also has served as an Adjunct Professor of Law at Fordham Law School, where he has taught since 1990.

Timothy Pastore is a former Judge Advocate (JAG) in the United States Air Force and a Special Assistant U.S. Attorney. Before joining Duval & Stachenfeld LLP in 2005, Tim was a Shareholder with Buchanan Ingersoll & Rooney PC. Tim has litigated a wide variety of matters before federal, state and military courts and has represented the United States before foreign governments. Tim's practice is national in scope and varied in subject matter. He has experience litigating a broad range of complex commercial matters, including breach of contract, securities disputes, RICO actions, mortgage fraud, premises liability, employment disputes, defense of directors and officers, copyright and trademark infringement, trade secret protection, mass tort, product liability,

partnership disputes and many other matters. Tim is a graduate of Bucknell University and Boston College Law School.

Brian Burns has successfully represented clients in high-stakes cases over the last fifteen years. These matters include a \$7.65 billion proceeding relating to the proposed initial public offering of a corporation owning an undersea fiber-optic network encircling Latin America, a \$3 billion lawsuit concerning a failed Internet joint venture, and a \$500 million case arising out of the insolvency of a corporation's reinsurance subsidiary. Brian has also litigated disputes relating to distressed real estate assets, leases, financing contracts, lockup agreements, and wind energy ventures. Brian has significant arbitration experience, having successfully represented a client through a 37-day hearing held by the International Centre for Dispute Resolution of the American Arbitration Association. At the time, the case had the highest dollar value in the history of the American Arbitration Association. Brian graduated from Columbia Law School, and previously practiced law at Whitman Breed Abbott & Morgan, LeBoeuf Lamb Greene & MacRae, and Dewey & LeBoeuf.

Kirk Brett (formerly of Schulte Roth & Zabel and Katten Muchin Rosenman) is a veteran bankruptcy lawyer and litigator. Kirk has investigated and litigated issues of lender liability, fraud and a host of other bankruptcy and insolvency-related issues through trial and appeal. He has also litigated commercial

breach of contract, intellectual property, licensing, professional liability, and corporate governance disputes in a variety of federal and state courts. Additionally, Kirk routinely advises secured and other creditors, DIP lenders, landlords, contract counterparties, officers, directors and other interested parties in commercial bankruptcy and other distress situations. Further, Kirk has represented chapter 11 debtors and creditors' committees in large and complex bankruptcy cases. Consequently, he has been actively involved in some of the country's most significant bankruptcy cases. Kirk is versatile in that he is both a transactional and litigation attorney, which is often critical in obtaining results in the bankruptcy court. Not only does Kirk consistently obtain the results our clients expect and hope for, but he gets it done without undue fuss or controversy, which is invariably what our clients seek.

David Samuels has extensive experience in civil litigation and employment matters, including in connection with representing numerous and varied public charities and private foundations at both the trial and appellate levels. The firm's nonprofit clients include social service agencies, grant-making foundations, mental health facilities, educational organizations, religious institutions, and other philanthropic organizations. David is a recognized expert on a wide range of issues involving tax-exempt and charitable organizations, including nonprofit compensation, governance, fiduciary duty, self-dealing and conflict of interest. He has represented



individuals and organizations which are targets of investigations and inquiries from government agencies regulating charitable organizations (including, in particular, the New York State Attorney General). He also frequently deals with the New York Attorney General on regulatory matters – including sales, mergers, dissolutions, and cy pres applications – requiring regulatory and court approval. He is a graduate of the Harvard Law School, an adjunct professor of law at New York Law School, and was the Deputy Chief of the New York State Attorney General’s Charities Bureau from 1987 to 1995.

Full biographies of the Litigation Practice Group’s partners are available on the firm’s website ([www.dsllp.com](http://www.dsllp.com)).

Finally, the Duval & Stachenfeld Litigation Practice Group has depth. Indeed, for a significant matter, we have the capacity to bring in as many as 10 attorneys.

### Some Background on the Firm

Duval & Stachenfeld LLP is a mid-sized law firm based in New York City that is dedicated to providing service comparable to that provided by the finest professional service firms in the world. The firm has enjoyed great success since its inception over a decade ago and we are proud to highlight the following:

- We have a multi-faceted litigation department that regularly represents banks and other financial institutions for their litigation needs in both Federal

and State Courts as well as servicing the litigation needs of our other practice areas.

- We have one of the most respected and high-profile real estate departments in the U.S. – with approximately 20 full-time real estate lawyers, a sophisticated practice, and major transactions not only in the United States, but in Korea, China, Japan, Hong Kong, Singapore and other non-U.S. jurisdictions as well.
- We have a sophisticated Bankruptcy, Insolvency and Business Reorganizations Practice Group that handles distress and insolvency matters for real estate and corporate clients. We represent both distressed clients and clients attempting to capitalize upon distressed markets and transactions.
- We also have practice groups in Corporate, Securities, Mergers and Acquisitions; Corporate Governance; Private Equity; Structured Finance Strategies; Environmental, Climate Change and Sustainability; Tax Exempt Organizations; Tax Exempt Real Estate; In House Counsel Support Services; Entertainment; and International Transactions.
- Over 25 institutional clients regularly come to the firm to obtain sophisticated legal advice.
- We have high quality attorneys with excellent legal educations. Indeed, three of the firm’s core practice areas are chaired by Harvard Law School graduates.



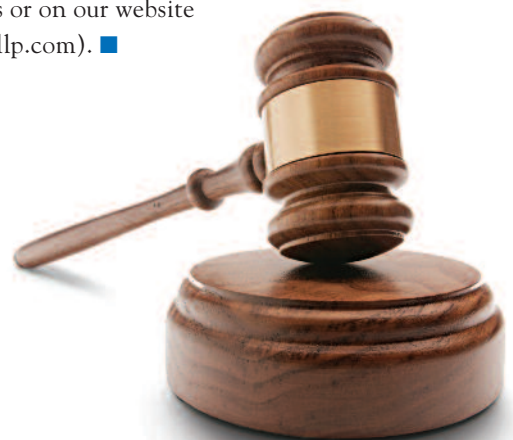


- Many of the firm's lawyers are from the top law firms in the world. Some have called the firm a Latham & Watkins spin-off since both founding partners are alumni of that firm, however, our partners and associates also include alums from firms such as Mayer Brown; Cravath, Swaine & Moore; Willkie Farr & Gallagher; Schulte Roth & Zabel; Dewey & LeBoeuf; and Fried, Frank, Harris, Shriver & Jacobson.
- We are a bicoastal firm with offices in New York and Los Angeles.
- We have a scrupulously observed set of values and principles (available on our website: [www.dsllp.com](http://www.dsllp.com)). These values and principles are the bedrock of the firm and make our attorneys eager and excited to work at the firm and to go the extra 10 miles for our clients.
- We seek lawyers who, in their hearts, truly care about other people, including their fellow attorneys, our staff members and our clients. Indeed, our firm's hedgehog principle (embodied in our logo) is intended to remind ourselves of the fact that our success directly stems from how we care about our clients, attorneys and staff. These people are much more than just business associates – they are people who genuinely matter to us.
- Most critically, we think of our clients as our partners. When we take on a client, the

representation immediately becomes a labor of love. As our credo states: "Our clients are not only our jobs, they are also our hobby." And our clients regularly laud us for not only performing excellent legal work for them, but also for understanding their business model and giving excellent business/legal advice.

- Finally, our firm offers a compelling cost alternative for clients that demand stellar legal services, but desire to avoid paying the staggering billing rates that are often encountered at the larger firms. Although it is of course not a hard and fast rule, but due to our lower overhead, we are able to provide top-level service to our clients at rates roughly 75% of the large firm billing rates.

The above are only highlights appropriate for this brochure. Further and more detailed information is available in our main firm descriptive materials or on our website ([www.dsllp.com](http://www.dsllp.com)). ■





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New York  
101 Park Avenue • 11th Floor  
New York, New York 10178  
(212) 883-1700

[www.dsllp.com](http://www.dsllp.com)

