

## Civil Litigation

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### OUR FOCUS AREAS

Commercial Litigation

Insurance Coverage

Tax Fraud Investigations &

Prosecutions

SEC Enforcement

**Clayman & Rosenberg LLP represents individuals and corporate entities in a broad range of industries in a variety of civil disputes. Our attorneys have successfully litigated cases involving multi-million dollar contractual disputes, insurance claims in which the ongoing operations and viability of a business was at stake, financial disputes between former business partners and family members, securities arbitrations and a wide range of other disputes in state and federal courts nationwide.**

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**Clayman & Rosenberg LLP seeks to resolve our clients' commercial disputes with a maximum of efficiency and a minimum of risk. As the cost of litigation continues to rise, cost effectiveness is increasingly an integral part of the overall approach to any matter. Innovative negotiating strategies can achieve valuable results without the expense of trial. At the same time, our adversaries' awareness that Clayman & Rosenberg LLP is not afraid to take a case to trial provides a huge negotiating advantage.**

### OVERVIEW

Clayman & Rosenberg LLP attorneys are routinely consulted concerning commercial disputes both before and after litigation has been commenced. Where possible, we endeavor to assist clients in resolving these disputes without resort to costly and distracting lawsuits. The key to achieving pre-litigation resolutions is often a combination of rapid mastery of the relevant facts and the development of imaginative solutions that work for opposing parties.

### REPRESENTATIVE MATTERS

- Settlement at no cost of shareholder derivative suits in New York and Delaware seeking tens of millions of dollars against a former officer of a public company.
- Defended a former executive in a suit for breach of fiduciary duty brought by owners of a closely held international company.
- Won summary judgment in a claim brought on behalf of a jewelry business against its insurer for refusing to indemnify it after a significant fraud loss.
- Settled a breach of contract claim on highly favorable terms, thereby permitting technology company client to avoid bankruptcy and continue operations.
- Recovered a significant portion of loss from a bankrupt company's insurance provider in a contractual dispute involving stolen consigned diamonds.

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**Clayman & Rosenberg LLP provides cost-effective and timely advice to insurers on coverage issues. Among others, we have represented syndicates at Lloyd's of London, various European and domestic insurers and the New York State Department of Insurance's Liquidation Bureau on coverage issues and insurance litigation. Our attorneys also have provided coverage opinions and litigated coverage with regard to marine cargo policies, jewelers block insurance, commercial liability policies, directors and officers insurance and employment practices liability insurance. The firm's depth of experience as litigators in both state and federal courts enables us to give our clients a realistic appraisal of the risks and costs involved in putting a case into litigation.**

### OVERVIEW

Where not precluded by conflicts, Clayman & Rosenberg LLP also has routinely represented insured parties in coverage disputes with underwriters. We have prevailed in cases involving jewelers' block and other coverage issues in jurisdictions ranging from the United States District Courts in the Southern and Eastern Districts of New York and the District of Puerto Rico to state courts nationwide.

Our experience with both sides of coverage representation provides valuable insight and experience, broadening our outlook and sharpening our skills.

### REPRESENTATIVE MATTERS

- Trial of a suit brought on behalf of our client against its insurer for refusal to pay a claim for a multi-million dollar theft loss occurring at a European jewelry industry show.
- Brought suit on behalf of an international child products company against its insurer for refusal to cover products liability claims after insurance agent absconded with premiums.
- Won summary judgment on behalf of underwriters in a suit brought by insured in Supreme Court, New York County.

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For more than thirty years Clayman & Rosenberg LLP has creatively and forcefully advised individuals and business entities facing civil and criminal tax fraud investigations undertaken by federal, state and local tax authorities, including the Internal Revenue Service, the New York State Department of Taxation and Finance and the Tax Division of the U.S. Department of Justice. We have successfully litigated cases involving allegations of conspiracy and filing false income tax returns, tax evasion, failure to file income tax returns, filing fraudulent sales tax returns and related crimes.

### REPRESENTATIVE MATTERS

- Convinced the New York State Department of Taxation and Finance to drop its criminal investigation of an attorney who failed to file tax returns for multiple years.
- Persuaded the Brooklyn District Attorney's Office to decline prosecution of an accountant recorded on videotape allegedly counseling a client to evade income taxes.
- Dissuaded the United States Attorney's Office for the Southern District of New York from prosecuting an individual who failed to disclose an overseas account and allegedly lied to prosecutors about its existence.
- Represented numerous individuals and businesses in criminal sales tax investigations.

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### **SEC Enforcement**

Individuals and companies under scrutiny by the U.S. Securities and Exchange Commission face high stakes litigation in which their businesses, careers and assets are at risk and in which they may also face the prospect of criminal prosecution. Clayman & Rosenberg LLP's attorneys have represented individuals in litigation with the SEC for more than thirty years. Unlike many firms that handle SEC matters, we have experience in both the civil enforcement and criminal aspects of the securities laws, and understand how to balance and prioritize these very different and often interconnected risks. We have obtained successful outcomes for our clients in all phases of SEC litigation, including having formal investigations closed without charges being brought, negotiating favorable settlements that preserved our clients' assets and businesses as well as full exoneration after trial.

### **REPRESENTATIVE MATTERS**

- Obtained the acquittal of an executive at a major media company charged with entering into fictitious contracts to falsely inflate the revenues of two public companies. A separate jury found in the executive's favor on parallel civil charges.
- Represented numerous corporate executives and Wall Street professionals in SEC investigations in the banking and securities industries.