

PARTNER

Eric J. Brenner

New York

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PROFILE

Eric is a proven trial lawyer who has successfully litigated complex commercial cases involving antitrust, M&A, partnership, RICO, cryptocurrency, and insurance disputes.

He was a member of the trial team representing American Express in one of the most significant recent cases litigated by the U.S. Department of Justice under Section 1 of the Sherman Act. This lawsuit culminated in a seven-week bench trial in which Eric conducted cross-examinations of key government witnesses. Eric also was lead trial counsel in several arbitrations that were tried to verdicts under American Arbitration Association and FINRA rules, resulting in judgments in favor of his clients.

Eric also has substantial appellate experience in state and federal courts, including winning a unanimous decision in the New York Court of Appeals establishing new law regarding the prosecution of Cayman derivative claims in New York courts. In addition to his trial practice, Eric has been actively involved in advising hedge funds and investment firms regarding litigation-related matters, especially relating to energy and infrastructure projects.

Eric's pro bono work includes acting as co-counsel with The Bronx Defenders in a constitutional challenge to New York City Police Department policies on property seized in connection with a criminal arrest, and working with the ACLU-Women's Rights Project in a case involving the rights of undocumented workers under the Fair Labor Standards Act and Title VII.

Eric is administrative partner of the firm's New York City and Armonk offices and the firm's general counsel.

EXPERIENCE



PRACTICES

Financial Institutions and Private Funds
Energy
Antitrust and Competition
Insurance Disputes
Commercial Disputes
Artificial Intelligence

EDUCATION

New York University School of Law, J.D., *magna cum laude*;
Order of the Coif; Note & Comment Editor, NYU Law Review
University of Pennsylvania, B.A., *magna cum laude*,
International Relations; Benjamin Franklin Scholar

ADMISSIONS

Bars

New York

AWARDS AND ASSOCIATIONS

American Bar Association
New York City Bar Association
Lawdragon 500 Leading Litigators in America
Lawdragon's 500 Leading Plaintiff Financial Lawyers
Best Lawyers in America (2025)

Significant matters in which Eric has been heavily involved include the representation of:

- a major credit card network in a multidistrict litigation raising antitrust challenges, including by the U.S. Department of Justice, to provisions of merchant contracts
 - a major insurance company defending class actions relating to non-guaranteed elements in life insurance policies
 - a media company litigating post-acquisition earn-out claims
 - a private equity firm challenging the accuracy of representations and warranties in connection with a portfolio company's purchase of a power plants
 - a private equity executive facing RICO and other claims ancillary to a bankruptcy of a portfolio company
 - a Bitcoin mining company regarding alleged defaults under a financing agreement entered into in connection with a SPAC transaction
 - an ad hoc group of hedge funds seeking to void a financing transaction and reinstate collateral in connection with the bankruptcy of a major consumer products company
 - the largest minority shareholder of a large reinsurance company in litigation challenging the terms of a merger in which the majority shareholders took full control of the company
 - hedge funds in appeals from an adverse verdict handled by prior counsel imposing hundreds of millions of dollars of fraudulent conveyance and preference liability in connection with the bankruptcy of a major homebuilder
 - a major gaming company in an intellectual property dispute raising issues of first impression regarding the application of the Lanham Act to trademarks used outside the United States
 - a major cable provider in connection with an accounting scandal, the related governmental investigations and settlements, and the prosecution of several complex litigations involving billion dollar claims for securities fraud, RICO, and accountant malpractice
 - a suit involving price-fixing allegations against two major auction houses that resulted in a \$512 million settlement that has been referred to as "the most outstanding result ... in the history of the antitrust laws," *In re Auction Houses Antitrust Litig.*, 2001 WL 170792, *6 (S.D.N.Y. Feb. 22, 2001)
 - a major independent power producer in connection with claims brought by a major utility seeking relief from substantial power purchase obligations based on alleged violations of environmental regulations
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