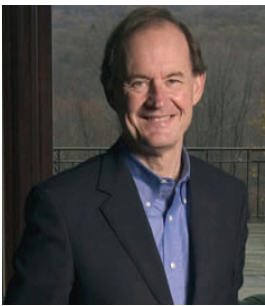


BS&F Wins Genesco M&A Trial and Obtains Multi-Billion Dollar Antitrust Settlement for American Express

BS&F Secures Record \$2.25 Billion Settlement for Amex



David Boies

In November 2007, the Firm obtained, on behalf of its client, American Express, more than twice the size of the largest previous antitrust recovery for a single plaintiff in the history of United States private antitrust litigation. The settlement came in American Express' litigation against Visa, MasterCard and several banks.

Under the agreement, Visa agreed to pay American Express \$2.25 billion in exchange for American Express' dismissal of its claims against Visa and the banks. The case continues against MasterCard; trial is scheduled for September 2008.

The case arises out of an agreement by Visa, MasterCard and their member banks to adopt and abide by rules that prohibited banks from issuing American Express and Discover cards in the United States. Both American Express and Discover filed private damages actions in late 2004.

After the court denied a variety of defendants' motions to dismiss, an extensive period of fact discovery commenced in February 2006, and concluded at the end of May 2007. Expert discovery began in July 2007, and will conclude in January 2008.

This historic success was led by Managing Partners **David Boies** and **Donald Flexner**. Key team members included: **Lawrence Ashe**, **Philip Bowman**, **Cynthia Christian**, **Robert Cooper**, **John Cove**, **Steven Davis**, **Richard Drubel**, **Richard Feinstein**, **Damien**



Donald L. Flexner

BS&F Wins Trial Requiring Completion of \$1.5 Billion Deal

On December 27, 2007, the Firm won one of the most closely watched M&A trials in years. After a seven-day bench trial, Chancellor Ellen Hobbs Lyle of the Tennessee Chancery Court granted the Firm's client, Genesco Inc., a complete victory—ordering specific performance—in its lawsuit against Finish Line and UBS.

Partners **Jim Denvir**, **Mike Brille** and **Jonathan Shaw** adduced testimony from key witnesses that was relied upon by the Court in her verdict for Plaintiff Genesco.

Genesco had sued, three months earlier, asking the court to order Finish Line to proceed with its \$1.5 billion acquisition of Genesco. In her decision, Chancellor Lyle flatly rejected Finish Line's and UBS' claims that they had been fraudulently induced to enter into the merger agreement and a financing commitment letter. She also held that Genesco's disappointing second and third quarter financial performance did not give Finish Line or UBS grounds to terminate those agreements, and granted Genesco's request for specific performance.

On June 17, after more than a month of due diligence, Finish Line had agreed to buy Genesco for more than \$1.5 billion. UBS, which had advised Finish Line on the transaction, simultaneously committed to provide the necessary financing. But in the wake of the credit crunch—which hit just two weeks after the deal was signed—UBS and Finish Line sought to back out of the



Mike Brille



Jim Denvir

Litigation Highlights

FIRM REPORT

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2008, when federal Judge William O. Bertelsmann granted NASCAR, and its affiliate International Speedway Corporation ("ISC"), summary judgment.

In July 2005, Kentucky Speedway brought claims in federal court in the Eastern District of Kentucky under Sections 1 and 2 of the Sherman Act alleging that NASCAR monopolized an alleged market for "premium stock car racing" and conspired with ISC in allegedly monopolizing the hosting of such races. The claim sought to change the manner in which NASCAR had run the



Helen Maher

sport for more than fifty years and sought over \$1.2 billion in damages. The case could also have implications for the rights of other sports-sanctioning bodies to make rules and award franchises.

Following discovery, NASCAR filed summary judgment and *Daubert* motions. Defendants argued that the plaintiffs had not shown antitrust injury—that is, injury to competition as opposed to injury to a single party—that NASCAR had the right to decide with whom it would do business, and that plaintiff's experts had failed to define and prove a relevant economic

market. **David Boies** argued the motion against Steve Susman of Susman, Godfrey, one of the plaintiff's counsel.



Stuart Singer

The case was set for a month-long jury trial in March, 2008 but, on January 7th, Judge Bertelsmann granted defendants' summary judgment motions. The court found that Kentucky Speedway was simply a "jilted distributor" and that a "producer of a product is free under current antitrust laws to select its distributors and to refuse to deal with would-be distributors, no matter how worthy or deserving they may be." In addition, the court found that plaintiff's experts' support for their market definition was flawed, excluded both of plaintiff's expert reports, and found no support for the plaintiff's market definition. Kentucky Speedway has appealed the decision to the Sixth Circuit.

BS&F's team included **Stuart Singer, Helen Maher, William Dzurilla, Olav Haazen, Matt Baer, Lauren Fleischer, Timothy Karpoff, Michael Merley, Kate Ruggieri, and Jack Wilson.**

BS&F Obtains Injunction For CBS Outdoor From Third Circuit

BS&F lawyers representing CBS Outdoor recently persuaded the Third Circuit to order a temporary injunction against New Jersey Transit based upon the claim that New Jersey Transit was threatening to take CBS Outdoor's private property for a non-public purpose, in violation of the Fifth Amendment.

CBS Outdoor is a subsidiary of CBS Corporation, and is one of the two largest outdoor advertising companies in the country. It owns several hundred billboards on land owned by New Jersey Transit.

In late 2005, New Jersey Transit announced plans to "monetize" these billboard locations by terminating

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Litigation Highlights

U.S. Dep't of Justice Ends 2 1/2-Year Grand Jury Investigation of DuPont

On October 12, 2007, the Environmental & Natural Resources Division of the U.S. Department of Justice announced that it was closing its 29-month grand jury investigation of DuPont's use and study of PFOA. That announcement also stated that DOJ would not be pursuing criminal charges against DuPont. The investigation involving that chemical (also known as "C-8"—an essential ingredient in the manufacture of Teflon® and other DuPont products) had been active since May 17, 2005, when DuPont was served with a grand jury subpoena ordering the production of "all documents" since 1980 relating broadly to the use, study, and/or manufacture of PFOA.

In response to that subpoena, DuPont produced millions of pages of documents from the files of over 700 custodians. The firm interviewed over 900 potential witnesses and collected, reviewed, and analyzed hundreds of thousands of highly technical documents from nearly two dozen locations across North America.

According to Stacey J. Mobley, DuPont Senior Vice President and General Counsel, the DOJ's decision to end the PFOA investigation "supports our position that DuPont acted responsibly in this matter."

DuPont's response to the subpoena was led by **David Boies, Jim Denvir and Robert Dwyer**, and included **Harlan Levy, Tanya Chutkan, Adam Shaw, Mike Endler, Carla Hogan, Phil Iovieno, Scott Bassinson, Terry Gray, Tom Higgs, Joseph LaValley, Kavi Reddy, and Bob Tietjen**.

Firm at the Center of the Global "Subprime" Storm

Led by Managing Partner Jonathan Schiller, the Firm has sharpened its financial products practice area by developing a team that has harnessed several features of the firm—its experience in taking cases to trial, its litigation experience in insurance and financial services-related matters, its corporate group's expertise in structured finance, and its international dispute resolution expertise—to provide solutions for creditors, borrowers and investors in the wake of the liquidity crisis.

Although much of that work remains confidential, some of it has been publicly reported—the Genesco trial being a prime example (see *BS&F Wins Trial Requiring Completion of \$1.5 Billion Deal*, p. 1). Our work in this area also involves our work for core client the Bank of New York Mellon to assist it in New York and London as security trustee for a so-called "structured investment vehicle;" our work for U.S. and London-based hedge and private equity funds who seek financial restructur-

ing; our work for one of the largest sovereign wealth funds in the world in resolving a dispute with an investment bank arising out of a U.S.-based SIV; and our work on matters relating to how companies have accounted for SIVs and various collateralized debt obligations (leveraging the firm's extensive accounting and securities litigation expertise).

In addition to **Jonathan Schiller** (and the Genesco trial team), lawyers who have been handling this work include: **Richard Birns, Robert Leung, Jonathan Sherman, Phil Bowman, Phil Korologos, Richard Drubel, Michael Kosnitzky, Alan Vickery, Courtney Rockett, Kathleen Franklin, Drew McLelland, Bridget Brown, Maria Meditis, and Scott Wilson**.

Litigation Highlights

BS&F Obtains Important Post-*Twombly* Class Action Victory

On November 7, 2007, in an important precedent interpreting the Supreme Court's recent decision in *Bell Atlantic Corp. v. Twombly*, Judge William Alsup of the Northern District of California ruled that plaintiffs' proposed amended complaints in the *In re Graphics Antitrust Litigation* satisfied the new pleading standard set forth in *Twombly*. The firm is the sole interim lead class counsel for the direct purchaser plaintiffs in this action, a multi-district litigation alleging price fixing in the sale and marketing of graphics processing units used in discrete graphics cards.

Judge Alsup had dismissed an earlier complaint, finding it insufficient under *Twombly*. To address Judge Alsup's concerns, BS&F filed an amended complaint demonstrating that competition in the industry prior to the alleged conspiracy was vigorous, both in price and in the pace of innovation. After the conspiracy began, however, the defendants adopted a near lock-step pattern of simultaneous product introductions at

identical prices. The court found the amended allegations sufficient, even in the absence of direct evidence, to meet the plaintiffs' burden under *Twombly*.

Judge Alsup also lifted the discovery stay in the case and ordered defendants to produce to plaintiffs within ten calendar days all materials provided to the Department of Justice in connection with DOJ's ongoing criminal investigation into similar allegations of price fixing. Judge Alsup imposed a speedy litigation schedule with trial set for January 12, 2009.

The BS&F team includes **Bill Isaacson, John Cove, Phil Iovieno, Kevin Barry, Tom Higgs, Joe LaValley, and Anne Nardacci,** .

Las Vegas Jury Awards Verdict to BS&F Clients

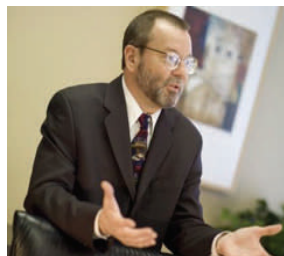
Genesco was not the only trial the firm won in recent weeks. On November 7, 2007, the jury in *Andrews v. Raphaelson* returned a verdict in favor of BS&F clients Ashley Andrews and Ashtonwood Stud, following an eight-day trial in federal court in Las Vegas.



Chris Green

The case concerned defendants' undisclosed sales of syndicate shares and breeding rights jointly-owned by the parties in leading thoroughbred stallions. After

deliberating for four hours, the jury found defendant Robert Raphaelson liable for breach of fiduciary duty, conversion and fraud, and defendant Kentucky Blue Stables liable for conversion and fraud. The jury awarded Andrews and Ashtonwood compensatory and punitive damages.



Rick Pocker

The BS&F team was led by **Chris Green and Rick Pocker** and included **Ted Normand, Ian Duman, Lisa Nousek, Jeremy Vest, and Bridget Brown.**

Litigation Highlights

BS&F Obtains Summary Judgment for Fidelity National

On December 5, 2007, lawyers from BS&F's Oakland office obtained summary judgment in a fraud lawsuit brought in California state court against Fidelity National Financial, Inc. ("FNF"), Fidelity National Information Solutions, Inc. ("FNIS"), and two corporate officers. The plaintiffs sought approximately \$15 million in damages in connection with FNIS's acquisition of the plaintiffs' company.

FNIS purchased the company in 2003 for \$13 million in cash. The plaintiffs sued three years later, alleging that FNIS did not tell them its "true" reason for offering them cash rather than a consideration package composed of \$13 million in stock and cash previously outlined in a nonbinding letter of intent.

While the defendants disputed the plaintiffs' allegations, summary judgment was granted before a single deposition was taken—the second case for Fidelity in which the firm obtained a favorable outcome before depositions.

BS&F's team consisted of **David Shapiro, Fred Norton, Jeremy Goldman, Beko Richardson, Ted Uno, and Catherine Duong.**

BS&F Advances Claims for Clients Broadcom and Texas Instruments Against Qualcomm

In recent months, BS&F clients Broadcom and Texas Instruments have scored significant successes in proceedings at the cutting edge of both cell phone technology and international competition law. The firm's work concerns anticompetitive conduct by Qualcomm, Inc., which holds dominant positions in several sectors of the wireless industry, including manufacturing more than 90% of the chipsets used in cell phones which use a technology called CDMA.

Qualcomm claims that its patents are essential to the

CDMA standard, as well as to the other leading third-generation standard, UMTS, and it competes against Broadcom and Texas Instruments for sales of UMTS chipsets.

The CDMA and UMTS standards, which soon will likely account for virtually all cell phone usage, were adopted through a process of industry debate and consensus during which Qualcomm committed to license its essential patents on terms that are fair, reasonable, and non-discriminatory ("FRAND").

continued on page 9

BS&F Wins Settlement for Class in Ohio Savings Bank Case

BS&F recently won a significant settlement that requires Ohio Savings Bank, the defendant in the case, to pay \$14 million to a class of residential mortgagors. The case was filed in the Ohio Court of Common Pleas on behalf of approximately 27,000 borrowers who obtained mortgage loans from 1970 through 1995. The Court granted final approval of the settlement on November 16, 2007.

The litigation concerned the bank's use of the "365/360 method" to calculate interest on class members' mortgages. Using this method, the bank calculated daily interest by dividing the per annum interest rate by 360, and then multiplied that daily interest by the actual number of days in the month. As a result, over the course of a 365 day year, customers were charged 1/360th of the per annum rate 365 times.

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Litigation Highlights

BS&F Leads Effort to Get Cameras into Federal Courts

The firm has recently obtained important victories in its work for Courtroom View Network, the leading provider of audio-visual coverage of proceedings over the Internet. CVN uses encrypted technology to provide secure feeds to stream judicial court proceedings, both to subscribers generally and also to parties and law firms working on trials. (CVN, which is located at www.courtroomview.com, streamed the *Genesco* trial the firm recently won in Tennessee.)

In two recent orders, the Southern District of New York, granted BS&F's applications for CVN to cover two proceedings, one a civil bench trial and the other a summary judgment hearing. Given the prevailing—though incorrect—view that cameras are banned in federal courts, these were enormous successes.

In fact, the local rules of some federal trial courts permit a judge to make his or her own decision as to

whether to permit a camera to cover proceedings. The two decisions represented only the fifth and sixth times judges have permitted cameras into federal trial court proceedings—and the first two in more than a decade.

Much of the recent press attention about cameras in federal courts has been focused on lobbying Congress to change rules at a national level. BS&F has been and will continue to work with and advise CVN as it applies for access to specific proceedings in those jurisdictions that already do permit some coverage—as well as to develop advocacy plans to educate the federal judiciary in different circuits that they ought to adopt circuit-wide rules according federal judges discretion to permit proceedings to be filmed.

The BS&F team includes **Jonathan Sherman** and **Nick Jabbour**.

CBS Outdoor, *continued from page 2*

CBS Outdoor's licenses, and selling the locations to the highest bidder.

CBS Outdoor hired BS&F, which filed a federal court action against New Jersey Transit in June 2006, alleging, among other things, that the plans would constitute a “taking.” The District Court dismissed the complaint in August 2007.

The Third Circuit granted the motion for the injunction on December 6, 2007. The appeal is expected to be heard sometime in the spring of 2008.

The case is being handled by **Jonathan Schiller**, **Hamish Hume**, **Robert Magnanini**, **Nick Jabbour**, **Maria Medetis**, and **Amy Wagner**.

American Express, *continued from page 1*

Marshall, **Kieran Ringgenberg**, **Ken Rossman**, **Alanna Rutherford**, **Jack Simms**, **Jack Stern**, **Todd Thomas**, **Marcy Lynch**, **Kimberly Schultz**, **Hershel Wancjer**, **Edward Baker**, **Stephen Bourtin**, **John Clifford**, **Mikal Condon**, **Michael Favretto**, **Alicia Gutierrez**, **Matthew Henken**, **Matthew Tripolitis**, and **Theodore Uno**.

Pro Bono Highlights

Settlement of *Pro Bono* Personal Injury Case Funded

In October 2007, the Firm collected on behalf of our clients—victims of sexual assault—the balance of \$1 million due in settlement of a *pro bono* personal injury action. Our clients are the adoptive parents of two minor sisters, now 16 and 12 years old, who were each the victims of multiple sexual assaults by three adult males over a two-year period, beginning when the older of the two sisters was 10 years old. Each of the attackers and the girls' biological mother has pleaded guilty and has been sentenced to prison for his or her role in the crimes.

The defendants in our case, one of the attackers

and his new wife, were co-owners of an 85 acre farm in upstate New York, where some of the abuse occurred. As a condition of the settlement, they were required to sell the farm and use the proceeds to satisfy their \$1 million obligation to our clients. The settlement proceeds have been placed into a medical and educational trust for the benefit of both sisters.

In addition to litigating the case, the Firm drafted and obtained court-approval of the medical and educational trust.

Ian Dumain is primarily responsible for this matter, working with **Chris Green**.

BS&F Defends Int'l Crisis Group in Defamation Action

BS&F successfully represented the International Crisis Group before the D.C. Circuit in a *pro bono* defense of a defamation suit failed against Crisis Group by a Serbian businessman and two of the companies under his control. Crisis Group is an independent, non-governmental organization that works to prevent and resolve deadly conflict. It has been recognized as one of the world's premier non-governmental organizations and was praised by Kofi Annan as a "global voice of conscience, and genuine force for peace." The individual plaintiff, Philip Zepter, is a self-described "prominent international businessman and investor" and the founder of a global conglomerate of companies.

Zepter's defamation suit against Crisis Group arose

from two of Crisis Group's official reports and an email regarding the troubled Balkan region. Zepter's suit claimed that these publications accused Zepter and his business ventures of maintaining improper ties to the regime of the deceased Serbian president Slobodan Milosevic. The district court twice dismissed Zepter's Complaint in response to motions to dismiss filed on behalf of Crisis Group. Zepter appealed both orders to the D.C. Circuit.

On July 24, 2007, the D.C. Circuit affirmed a majority of the district court's order, but found that the district court erred in dismissing the claim arising out of publication of a portion of the writing that could give the impression that Zepter was a "crony" of Milosevic and that association with Milosevic was sufficiently notorious to be defama-

continued on page 9

Firm Represents Prisoner In Civil Rights Suit

The Firm represents an inmate at Arthur Kill Correctional Facility on Staten Island in his civil rights suit against members of the staff who failed to provide him with appropriate medical care. As a result of their failure to appropriately test, diagnose and treat the inmate's cancer, a quarter of his stomach was re-

moved and he underwent both radiation and chemotherapy treatment to contain the 6 centimeter tumor and its invasion of his lymph nodes.

Scott Shuchart and **Christopher Wimmer**, overseen by **Nick Gravante**, represent the inmate.

Pro Bono Highlights

BS&F Takes on Landmark Case on Behalf of 1.5 Million Medicaid Eligible Children in Florida

In November 2005, the Firm filed a lawsuit—featured on January 14, 2008 as the subject of a front page story in the DAILY BUSINESS REVIEW, the paper of record for South Florida’s legal and business communities—on behalf of a putative class of the 1.5 million Medicaid eligible children in Florida, the Florida Pediatric Society, and the Florida Academy of Pediatric Dentistry, against Florida State public health officials, alleging that the systemic failure of Florida’s Medicaid system to provide healthcare to Medicaid-enrolled children violates federal law. Because of the State’s violation of federal law, hundreds of thousands of eligible Florida children have not been furnished any preventive health care services. For example, according to the State of Florida’s own statistics, in FFY 2004, more than 500,000 Medicaid-enrolled Florida children were furnished no preventative health care services at all. The case does not seek damages, but

rather prospective injunctive relief to reform the pediatric health system in Florida.

The case is pending in the U.S. District Court in the Southern District of Florida and is currently in discovery. The Court has denied the State’s motion to dismiss, and plaintiffs’ motion for class certification is fully briefed.

The case represents a major commitment of the Firm to its *pro bono* practice. The case is being handled by **Stuart Singer, Sashi Bach Boruchow, Carl Goldfarb, Damien Marshall, Paul Kunz, Gera Peoples, Alec Schultz** and **Josh Riley**.

DC Office Brings Action to Compel Licensing of Assisted Living Facilities

BS&F represents the District of Columbia Long Term Care Ombudsman, which investigates and brings grievances for long term care residents in the District, in a mandamus action to compel the District of Columbia to license Assisted Living Facilities in the District as required by a law passed in 2000. Despite the popularity of these facilities and the requirement that all be licensed, the District had failed to implement any licensing. In September, after the trial court indi-

cated its intent to enter summary judgment for the Ombudsman, the District entered a consent order agreeing to accept license applications on October 1 of this year and to process the applications. All Assisted Living Facilities in the District will be licensed by April 2008 or face legal action.

The BS&F team consists of **Bill Isaacson** and **Chris Hayes**.

Ohio Savings Bank, *continued from page 5*

This had the effect of increasing the annual interest yield 0.14 % over the per annum rate stated on class members’ mortgage notes. The Complaint alleged, among other things, breach of contract, fraud, and violations of the Truth in Lending Act.

The case was filed in 1985. In 2004, after many years of the case bouncing back and forth between the trial court, the Ohio Court of Appeals, and the Ohio Su-

preme Court, class counsel asked BS&F to enter the case as lead litigation counsel. On the eve of the pretrial conference and after denial of a motion to decertify the class, the Bank decided to settle and BS&F successfully negotiated the settlement for the class.

Bill Isaacson and **Jennifer Milici** from BS&F represented the class.

Genesco, *continued from page 1*

deal, eventually claiming that Genesco's disappointing second and third quarter results constituted a "Material Adverse Event" under the contract. Finish Line and UBS also claimed that Genesco had fraudulently induced them to enter into the transaction.

This was the first of a new line of cases involving the question of whether firms may back away from deals in the wake of the "subprime crunch," which has made the financing of such deals more difficult. As the WALL STREET JOURNAL noted, "[t]he trial [was] closely watched on Wall Street, as investors and corporate boards look for guidance in how to handle a spate of litigation over scuttled merger agreements." Dennis Berman, *Judge Rules Finish Line Must Acquire Genesco*, WALL STREET JOURNAL, Dec. 28, 2007.

Press coverage of the trial focused in part on the great lawyering. In reporting on the verdict, the JOURNAL noted the rarity of the relief obtained—"[c]ourts are generally hesitant to accept so-called 'specific performance'"—and, writing in the NEW YORK TIMES, Floyd Norris singled out the significance of the Court's find-

ings of witness credibility. *A Winner, but Now with a Lot to Lose*, THE NEW YORK TIMES, Dec. 29, 2007.

The expedited schedule—less than three months from filing of complaint to completion of the trial—required substantial efforts from numerous lawyers, paralegals, and staff from the DC office, many of whom essentially moved to Nashville for the duration. Collectively, the parties produced millions of pages of documents and deposed dozens of witnesses (as many as six in a day) in a three-week discovery period.

The BS&F team includes **Jonathan Schiller, Jim Denvir, Mike Brille, David Boyd, William Jackson, Jonathan Shaw, Ian Crichton, Chris Hayes, Rob McGough, and David Zifkin.**

Qualcomm, *continued from page 5*

Broadcom filed suit under federal and state law for antitrust violations, however, because Qualcomm violated its FRAND licensing promises (and committed other misconduct in industry standards groups). The U.S. District Court in New Jersey initially dismissed the case, but the Third Circuit reversed on September 4, 2007. The Third Circuit ruling is a key development in the growing body of law at the intersection of antitrust and intellectual property—the first decision recognizing a Sherman Act claim based on a patentholder's violations of licensing commitments it made

to a standards-setting organization.

The case now returns to the district of court to move toward further discovery and trial.

The BS&F team includes: **Steve Holtzman, Kieran Ringgenberg, David Barrett, Scott Gant, David Stone, Bob Magnanini and Beko Reblitz-Richardson.**

International Crisis Group, *continued from page 7*

tory. The appellate court specifically declined to rule, however, on whether the passage might be constitutionally protected opinion or be protected by the "fair comment" and "fair report" privileges recognized under D.C. law, and remanded the case for further consideration of those issues.

At its recent annual meeting, the Board of Trustees of Crisis Group officially commended BS&F for its pro bono efforts on this litigation.

Amy Neuhardt handles the matter for Crisis Group.

New Partners and Counsel

AT ITS ANNUAL DECEMBER MEETING IN JAMAICA, THE FIRM ELECTED THE FOLLOWING NEW PARTNERS:



Tricia Bloomer (Albany)—Tricia has been involved in a wide variety of complex commercial litigation with emphasis in securities and class actions. Tricia graduated from Harvard Law School, *magna cum laude*, in 2001, and served as Editor of the Harvard Law Review. At Harvard Law School, she was a co-recipient as a 1L of the Sears' Prize, awarded to the two persons in each of the first two years with the highest cumulative grade point averages. She received her B.A. *magna cum laude* from the University of Rochester in 1998.

Sashi Bach Boruchow (Ft. Lauderdale)—Sashi focuses on complex commercial litigation and arbitration. Sashi graduated from Harvard Law School, J.D., *cum laude*, in 2000. She was awarded a B.A., *magna cum laude*, from Dartmouth College in 1997. After law school, Sashi served as law clerk for the Hon. K. Michael Moore, United States District Court for the Southern District of Florida, 2001-2002.



Philip Bowman (NYC)—Philip specializes in antitrust and complex commercial litigation. Philip graduated from Yale Law School, in 2001, where he was an Editor of the Yale Journal of International Law. At Yale, Philip was a teaching assistant to Professor Owen Fiss and a moot court semifinalist. He spent a semester in the Office of the Legal Advisor to the President of Eritrea, where he was involved in advising the government of Eritrea in connection with its border dispute with Ethiopia. He received his B.A., *cum laude*, from Columbia University in 1998.



Christopher Duffy (NYC)—Chris specializes in complex commercial litigation, regularly representing plaintiffs and defendants, and advising on internal investigations and litigation-related business issues.



Chris graduated from Columbia University School of Law in 2001 where he was a Harlan Fiske Stone Scholar and Senior Editor of the Columbia Law Review. He received his B.A. from the University of Virginia in English in 1994.



Jason Hill (NYC)—Jason is a member of the Firm's corporate group. Jason graduated from Cornell Law School, *magna cum laude*, in 1998 and was a member of the Order of the Coif. He received a B. A., with distinction, from Cornell University in 1993. Before joining the firm, Jason clerked for the Hon. Karen Nelson Moore, United States Court of Appeals for the Sixth Circuit, 1998-1999.

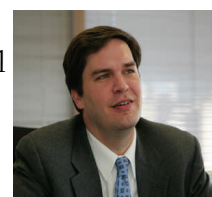
Patricia Melville (Miami)—Patricia specializes in complex commercial litigation, intellectual property, high-risk product liability, and mass tort cases. She graduated from the University of Miami School of Law, *cum laude*, in 2000 with a Dean's Certificate of Achievement Award (Contracts), a Corpus Juris Secundum Award (Civil Procedure I), served as Staff Editor, Inter-American Law Review, and was awarded the Levenson Scholarship as well as the Dean's Scholarship. She received her B.A.S. from Florida International University in 1996.



Amy Neuhardt (NYC)—Amy has been involved in complex commercial litigation, civil appeals, and media law, constitutional law and first amendment/mass media litigation. Amy graduated from the University of Virginia Law School in 1995, where she served on the Editorial Board of the Virginia Law Review. She received her B.A. from Harvard University, *cum laude*.



Kieran Ringgenberg (Oakland)—Kieran focuses on complex commercial litigation and antitrust issues, particularly in the telecommunications and technology sectors. Kieran graduated from the New York University School



continued on next page

New Partners and Counsel

New Partners, continued from page 10

of Law, *magna cum laude*, in 1999, where he was a member of the Order of the Coif and Executive Editor of the NYU Law Review. He received his B.A. from the University of Missouri - Kansas City in 1995.



Courtney Rockett (Armonk)—Courtney specializes in complex civil litigation, with emphasis on antitrust, securities, and complex commercial transactions. She graduated, *summa cum laude*, from St.

John's University School of Law in 1998 as Valedictorian, where she contributed to the St. John's Law Review and was recipient of the President's Scholarship. She holds a B.B.A. from the University of Texas at Austin, *magna cum laude*.

Motty Schulman (Armonk)—Motty handles complex commercial litigation and litigation involving derivative securities and hedge funds. He graduated from the Nova Southeastern University Law School, *summa cum laude*, in 1999, where he was on



Deans List, served as Editor of the Law Review and participated in the Moot Court Society. He was awarded a B.A. from the Talmudic College of Florida in 1995.



Jack Simms (Washington, DC)—Jack handles antitrust and complex litigation matters. He graduated from Northwestern University School of Law in 2000 and received his B.A. from Haverford College in 1995.

Luis Suarez (Miami)—Luis focuses on complex commercial matters and high-risk product liability matters. Luis earned his J.D. from Villanova University in 2000, an M.B.A. from The George Washington University in 1996, and B.A. from the University of Florida in 1994.



IN JAMAICA, THE FIRM ALSO PROMOTED FIVE ATTORNEYS FROM ASSOCIATE TO COUNSEL:

George Coe (Orlando)—George focuses on a variety of complex commercial litigation matters. George is a 1992 graduate of the University of Denver College of Law, where he was an Editor of the Law Review. George received his undergraduate degree from Centre College, and also studied at the University of Heidelberg in Germany.

Olav Haazen (Armonk)—Olav focuses on antitrust, securities class actions and other complex litigation. Olav received an SJD from Tilburg University (Netherlands) in 2001 and an LLM from Harvard Law School in 1997. Prior to his graduate work in law, Olav earned degrees from Leiden University (Netherlands) and Oxford University.

Kimberly Schultz (New Hampshire)—Kimberly specializes in class action, antitrust and consumer fraud litigation. Kimberly received her J.D. in 1998 from the South Texas College of Law. She received a B.A. from Texas A&M in 1995.

Hershel Wancjer (Washington, DC)—Hershel's practice focuses primarily on antitrust litigation. Hershel received his J.D. from Case Western University School of Law in 1999, where he was Executive Notes Editor of the Journal of International Law. He received a B.A. from the University of Michigan in 1995.

Kelly Yuan (NYC)—Kelly's main practice area is complex commercial litigation. Kelly received a J.D. from Columbia in 1998, where she was a Harlan Fiske Stone Scholar and Articles Editor of the Columbia Business Law Review. Kelly earned her undergraduate degree at the Wharton School at the University of Pennsylvania.

Items of Interest

Albany Office:

George F. Carpinello was among five New York attorneys nominated last Fall for a vacancy on the New York Court of Appeals (New York's highest court). This is the second time George has received this honor.

Armonk Office:

David Boies was recently named one of the U.S.' leading attorneys by Lawdragon 500 Leading Lawyers in America.

Olav A. Haazen was recently featured in *Quote Magazine*, a Dutch monthly for business and finance, as the only Dutch-American lawyer in New York practicing complex U.S. litigation, including securities and antitrust class actions, and sports and entertainment law.

Ft. Lauderdale Office:

Stuart Singer was recently named one of the U.S.' leading attorneys by Lawdragon 500 Leading Lawyers in America; he was also recognized in Best Lawyers in America 2008 for Commercial Litigation and Antitrust.

In addition, September 2007, Stuart spoke before the national conference of the American Financial Services Association and National Association of Consumer Credit Administrators in Santa Fe, NM on constitutional issues on the regulation of multistate and internet lending.

Miami Office:

Tony Castro was appointed to the Civil Procedure Rules Committee of the Florida Bar. His term lasts until 2010. Tony also was appointed by the Chief Judge to the Ad Hoc Advisory Committee on Rules and Procedures for the U.S. District Court for the Southern District of Florida.

New York City Office:

The Miami Herald (Nov. 4, 2007) published a Q&A with **Paul Verkuil** regarding his recently published book, "Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It" (2007; Cambridge University Press).

Washington, DC Office:

William Isaacson was recently named one of the U.S.' leading attorneys by Lawdragon 500 Leading Lawyers in America.

Washingtonian magazine named **Jonathan D. Schiller** as one of few lawyers who are best at "Dealing With the World;" Jonathan was also recently named one of the U.S.' leading attorneys by Lawdragon 500 Leading Lawyers in America.

On February 27, 2008, **Jonathan Sherman** will give a public lecture at Syracuse University's Institute for the Study of the Judiciary, Politics and the Media at the Newhouse School for Journalism and Syracuse Law School. The lecture is entitled "The Media in Court."

Reminder: to keep current on all Firm news, please visit the BS&F website regularly at www.bsflp.com.