

BUCKLEY SANDLER

Complex Civil Litigation Practice

Buckley Sandler represents individual and corporate clients in nearly every category of complex civil litigation, from contract enforcement to class-action defense, in state and federal courts nationwide.

Our deep understanding of the industries we represent and the regulatory environment in which disputes arise informs our litigation strategy. Our attorneys analyze complicated issues with a business-minded perspective that helps clients set appropriate goals and meet them. We are skilled at resolving disputes before they ripen into litigation — and when litigation becomes necessary, we litigate effectively, efficiently, and creatively. The firm's well-established record of multimillion dollar judgments and settlements attests to our success in court.

Our complex civil litigation practice is supported by FORTÉ, Buckley Sandler's comprehensive e-discovery process that combines strategic input from our attorneys, state-of-the-art technology, and metrics-based document review.

We assist clients in a wide range of industries in matters involving multidistrict actions, class and mass actions, and domestic and international arbitration. We regularly handle disputes involving anti-discrimination laws, contract enforcement, indemnification, breach of fiduciary duty, civil Racketeer Influenced and Corrupt Organizations (RICO), corporate governance, director's and officer's liability, emergency injunctions and asset-freeze orders, fair debt collection, lender-placed insurance, lender liability, multistate and transnational disputes, shareholder disputes, securities litigation, and statutory and common law torts.

We offer significant experience prosecuting and defending commercial claims involving all types of financial services products, including home equity lines of credit (HELOCs), deposit accounts, credit cards, payment systems, investment products, and the purchase and sale of financial assets such as loan portfolios and mortgage servicing rights.

We regularly defend clients in cases involving allegations of unfair and discriminatory lending, unlawful discrimination and retaliation, unfair competition, and unfair, deceptive, or abusive acts or practices.

Noteworthy representations include:

- Universal Entertainment Corp. (UEC), a large Japanese gaming manufacturer, in litigation brought by Wynn Resorts Ltd. in Nevada state court. A UEC subsidiary was Wynn Resorts' largest shareholder, but in 2012 Wynn Resorts alleged that UEC and its now-former Chairman, Kazuo Okada, had bribed foreign government officials in violation of the Foreign Corrupt Practices Act (FCPA). Wynn Resorts then asserted that Mr. Okada had breached his fiduciary duties and "redeemed" UEC's stock at a substantial discount to its market value. After years of litigation — during which the parties produced millions of documents, argued scores of motions, and took dozens of depositions — Wynn Resorts agreed to pay \$2.6 billion to settle UEC's claims shortly before trial.

- Preston Moon, son of Rev. Sun Myung Moon, in major civil litigation pitting the son against his mother in a battle for control of the Unification Church and its assets. The case raises important constitutional questions about court resolution of intrareligious disputes. It also involves breach of trust and breach of fiduciary duty claims related to decades-old conduct in multiple countries. This extraordinarily complex litigation is set for trial in the Superior Court of the District of Columbia in late 2018.
- Mark Jackson, the former CEO/CFO of an oilfield services company, in a Securities and Exchange Commission (SEC) enforcement action regarding alleged FCPA violations in Nigeria. After more than two years of litigation in federal court, the SEC voluntarily dropped several claims, paving the way for a favorable settlement prior to trial. The settlement did not include monetary damages or any restrictions on Mr. Jackson's future employment.
- Leanne Spencer, the former controller of Fannie Mae, in one of the largest securities fraud class action lawsuits ever litigated in the United States. Arising out of a highly publicized regulatory report alleging intentional accounting fraud, followed by the company announcing a \$6 billion restatement, the plaintiffs claimed that our client and others had intentionally misstated Fannie Mae's earnings over a multi-year period. After eight years of litigation, which included the production of millions of documents and more than 150 depositions, the court granted summary judgment based on a lack of evidence of intent to defraud, completely exonerating our client. Parallel derivative and ERISA lawsuits were also dismissed, and the DOJ and SEC investigations were conducted without charges.
- The Navajo Nation in a landmark lawsuit alleging that the U.S. breached fiduciary obligations by failing to manage, invest, and account for tribal trust funds and resources under the custody and control of the U.S. in a manner that maximized financial return from those assets. The firm secured a \$554 million settlement on behalf of its client — the largest settlement obtained in any action by a single Native American tribe against the U.S.
- Latvian bank AS Citadele Banka and its CEO in a matter involving allegations of RICO violations and fraud brought by real estate developers in federal district court in the Central District of California. The developers alleged that our client conspired with a U.S.-based private equity firm to wrongfully foreclose on more than 80 properties. After several rounds of briefing (on U.S. and Latvian law), the court granted a motion to dismiss without leave to amend.
- Numerous correspondent lenders in actions for breach of contract and indemnification brought by the ResCap Liquidating Trust as successor to the Residential Funding Company (RFC) arising from the sale and subsequent securitization of residential mortgage loans.
- A leading mortgage servicer in a lawsuit asserting breach of contract and indemnification claims in connection with the mortgage servicer's acquisition

of mortgage servicing rights.

- Lender-placed insurance providers and mortgage servicers, including National General Insurance Co., BB&T, and Carrington Mortgage Services, in multiple class action lawsuits alleging that homeowners were overcharged for lender-placed insurance when their homeowners insurance lapsed, in violation of the federal civil RICO statute and various state statutes and common law. The firm has prevailed on motions to dismiss and negotiated favorable settlements in these matters.