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RELATED PRACTICES

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Bankruptcy LitigationSecurities and
Shareholder Suits

Civil Litigation

Our clients turn to RK&O for representation in sophisticated, high-stakes litigation that often involves cutting-edge legal issues. Our advocacy is characterized by vigor, superior analytic skills and strategic judgment, with a sharp focus on the client's business goals and a commitment to cost-efficiency. We understand the importance of realistic risk assessment and committing the right resources for success. Our litigation clients know they will benefit from the attention of senior attorneys and from a staffing approach that stresses quality over quantity.

RK&O's litigation group is experienced, tough and client-focused. Our lawyers are veterans in every phase of litigation — from negotiation through arbitration or trial and appeal. We have appeared in state and federal trial courts and bankruptcy courts throughout the United States; have extensive experience authoring appellate briefs and arguing before federal and state courts of appeals; and are broadly skilled in arbitration and mediation. Many of our litigators have served as Assistant United States Attorneys, in senior positions with the U.S. Securities and Exchange Commission, or as law clerks in federal or state courts. In addition, our deep regulatory and criminal practice makes us uniquely adept at addressing civil litigation strategy and risk assessment in the context of parallel proceedings.

RK&O's litigators advise and represent major commercial banks, investment banks, hedge funds, insurance companies, investment advisers, broker-dealers, accounting firms, and Fortune 500 companies. In addition to our prominence in the financial services industry, we have particular experience in the advertising, aircraft, manufacturing and pharmaceutical sectors. We also represent individual professionals in the financial services industry, senior management of public and private companies and public company directors.

Our litigation matters often involve the capital markets; complex commercial disputes over contract, tort, antitrust, and intellectual property claims; executive employment and compensation issues; creditors' rights and bankruptcy; and securities and shareholder litigation.

We are counselors as well as advocates. We measure our success not only by dispute outcomes, but also by future conflicts avoided. Clients often seek our assistance in evaluating possible litigation risks or arbitrage opportunities associated with an investment or other business decision. Our clients trust us to understand the interplay between litigation risk and commercial judgment.

RK&O is proud of its reputation for litigation expertise, judgment, and integrity. We seek to provide our clients with the kind of service we would want to receive.

PUBLICATIONS

"Derivatives risk remains poorly understood" by Craig Newman and David Daniels published in *Financial Times*

CIVIL LITIGATION (Cont.)

"Managing Insider Trading Risks as an Ad Hoc Committee Member" by Jon Kibbe, Michael Mann, Eva Marie Carney and Scott Budlong featured in the *LSTA 2012 Loan Market Chronicle*

"Still in Flux: Legal and Regulatory Developments Affecting the Analysis of Information Flow in the U.S. Secondary Loan Market" by Julia Lu and Jennifer Grady published in the *LSTA 2012 Loan Market Chronicle*

"The imperfect hedge: bail-in risk and CDS contracts" by Julia Lu and John Clark published in *Butterworths Journal of International Banking and Financial Law*

"Deconstructing *WaMu*: Managing Insider Trading Risks as an Ad Hoc Committee Member" by Eva Marie Carney, Michael Mann and Scott Budlong featured as *Law360* Expert Analysis piece

"Deconstructing *WaMu*: Managing Insider Trading Risks as an Ad Hoc Committee Member" by Eva Marie Carney, Michael Mann and Scott Budlong

"Participations in Commercial Bank Loans" by Jon Kibbe published in *Consumer Finance Law Quarterly Report*

"Tribune suits put public liability on trial" by Craig Newman published in the *Financial Times*

"The Secured Lender Review: Seven Cautionary Rules" by Keith Sambur

"Denial of Consents to Secondary Loan Assignments on the Rise" by Paul B. Haskel and Neil Binder

"Court Tests a Borrower's Ability to Block Loan Transfers to Competitors" by Jon Kibbe, Brian Fraser and Eric Rosen published in the *Conference on Consumer Finance Law Quarterly Report*

"Distress in the United States Public Finance Market?" by Jon Kibbe and Brian Fraser

Litigation Counsel of America Fellow and RK&O partner Brian Fraser featured in *Litigation Commentary and Review*

"US Jurisdiction in International Securities and Swaps Transactions: Boundless?" by Lucinda McConathy published in *Financier Worldwide* magazine

"The Dustbin of History? Second Circuit Makes Clear that Champerty Won't Impede the Rights of Secondary Purchasers" by Brian Fraser

"New York's Highest Court Relieves Debt Trading Market From Uncertainty Regarding The Application Of Champerty" by Brian Fraser

"Champerty And The Assignability of Legal Claims" by Eva Marie Carney and Jon Kibbe

"A Third District Court Has Dismissed SEC Claims Relating to Short Selling and PIPEs" by Eva Marie Carney

"Recent Decisions on Short Selling and PIPEs: Section 5 Claims Dismissed, Insider Trading Claims Survive" by Eva Marie Carney

"Recent Decision Entering Temporary Restraining Order Barring Secondary Market Purchasers of Loan Participations from Bringing Tort Claims Against Agent Bank" by Neil Binder

PRESENTATIONS

Daniel Stein and Craig Newman to lead "Civil Enforcement Cases: Emerging Trends and Issues in the Wake of the Financial Crisis" PLI briefing

CIVIL LITIGATION (Cont.)

James Walker presents "LinkedIn, Facebook and Twitter, Oh My! Ethics & Privacy in Social Media" hosted by the LSTA

Brian Fraser speaks in "Litigation Super Star Strategies & Techniques" webinar

James Walker participates in PLI "Ethics for Corporate Counsel: Multijurisdictional Practice and Other Current Issues" seminar

James Walker participates in "Preserving Privileges: Ethical Issues Confronting Insurers, Policyholders, & Counsel" panel sponsored by the New York City Bar Association

James Walker participates in "How to Effectively Maneuver Through the Forest of Social Media," hosted by the Association of Black Women Attorneys

James Walker presents "Assessing, Investigating and Responding to Data Breaches" at the 4th Annual Corporate Counsel Institute

James Walker co-presented "High Tech/High Impact Ethics" at the National Employment Lawyers Association New York City Conference on Representing Employees

RK&O partners participate in the panel discussion "Receiving Information, Managing Risk, and Preserving Liquidity: Strategies for the Current Regulatory Landscape" at the Financial Services General Counsel Luncheon in San Francisco

James Walker speaks at the PLI "Information Technology Law Institute 2011: Navigating the New Risks in Mobile Technology, Social Media, Electronic Records and Privacy" seminar

RK&O partners present "Receiving Information, Managing Risk and Preserving Liquidity: Strategies for the Current Regulatory Landscape" at the Alternative Asset Management General Counsel Luncheon in New York City

James Walker speaks at the Women in eDiscovery "Ethics, E-Discovery & Social Networking" seminar

James Walker speaks at the PLI "Ethics for Corporate Lawyers 2010" seminar

Jon Kibbe speaks at the 15th Annual Conference of The Loan Syndications and Trading Association

Neil Binder and Michael Friedman present "Analysis of Claims against BP arising from Gulf of Mexico Disaster" hosted by the Susquehanna Financial Group

MaryJeanette Dee participates as a Panelist in the PLI "Overlapping Civil Litigation and Government (Regulatory/Department of Justice) Investigations" seminar

NEWS & ANNOUNCEMENTS

Craig Newman quoted in *Arizona Republic* article "ASU history professor at center of plagiarism debate"

Craig Newman quoted in *The Wrap* article "For Rupert Murdoch, Parliament Report Could Spur U.S. Legal Woes"

Brian Fraser quoted in *The Bond Buyer* article "Providence Confronts a Pension Problem That's Not So Divine"

Shari Brandt quoted in *Investor's Business Daily* article "Best Buy Botched CEO Exit News But Shined in Probe"

CIVIL LITIGATION (Cont.)

Craig Newman quoted in *Westlaw Journal* article "Website operator can't claim absolute immunity for alleged defamation"

Richards Kibbe & Orbe LLP names Matthew Riccardi a partner and Grace Wen counsel

U.S. News-Best Lawyers awards RK&O "Law Firm of the Year" in White Collar-Government Investigations Law and recognizes firm's other practice areas

Craig Newman quoted in *Management Today* article "Off on a Rant"

Neil Binder recognized among *AVENUE* magazine's Legal Elite for second consecutive year

Chambers USA recognizes Richards Kibbe & Orbe LLP nationally and regionally in 2011 edition

Richards Kibbe & Orbe LLP names Jeffrey Lehtman a partner and Catherine Turgeon and Ryan Jackson counsel

James Walker quoted in the *CBS New York* article "NY Bar: Lawyers May Comb Social Media For Dirt"

Chambers USA recognizes RK&O and highlights firm's expertise in Commercial and White-Collar Litigation and Securities Regulation

Lee Richards recognized in the 2010 Edition of *The Best Lawyers in America*

RK&O attorneys recognized as 2009 Super Lawyers

New York Court of Appeals hears oral argument regarding an *amicus curiae* brief filed by RK&O Partners Brian Fraser and Lucinda McConathy on behalf of the LSTA

New York Court of Appeals grants application to file an *amicus curiae* brief submitted by RK&O Partner Brian Fraser on behalf of the LSTA

RK&O Partners, Brian Fraser and Lucinda McConathy, submit an *amicus curiae* brief on behalf of the LSTA to the New York Court of Appeals

Recent Successes: RK&O Secures Dismissal of Directors of Foreign Company from U.S. Securities Lawsuit

Best Lawyers in America® Recognizes Partner Lee S. Richards