



Thomas J. Kavalier
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Cahill Gordon & Reindel LLP

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Practice:

Corporate Governance & Investigations
Crisis Advisory Group
Employee Benefits & Executive Compensation
Litigation

Education:

City College of New York, B.A., 1969
Fordham University School of Law, J.D., 1972,
Editor-in-Chief, *Fordham Law Review*
New York University, LL.M., Trade Regulation,
1975

Clerkships/Government Service:

Honorable Milton Pollack, United States
District Court, Southern District of New York,
1972-1974

Bar Admissions:

New York

Thomas J. Kavalier is a member of the Firm's Executive Committee and its litigation practice group.

Tom joined Cahill in 1975 after clerking for Judge Milton Pollack of the United States District Court for the Southern District of New York. He became a partner in 1980 and was elected as a Fellow of the International Academy of Trial Lawyers in 1996.

Tom has successfully litigated a variety of high-visibility matters for a roster of leading companies (and their boards, officers and directors) in virtually every major field, including financial services, entertainment, energy, telecommunications, publishing, professional services, insurance, food and agriculture, healthcare and heavy manufacturing. His practice is as varied as his clientele, with a long track record of victories in commercial litigation, securities, class actions, insurance, intellectual property, antitrust, employment, tax, corporate governance, product liability, contracts and criminal law matters.

Tom manages jury trials, bench trials, appeals, commercial arbitrations (and other forms of A.D.R.), and administrative and investigatory proceedings throughout the United States. He has served as an arbitrator for the American Arbitration Association, National Association of Securities Dealers, Better Business Bureau, New York Supreme Court and United States District Court for the Southern District of New York.

Tom has argued thirty appeals which were decided in reported decisions, including *Marsh v. Prudential Securities Incorporated*, *General Electric Co. v. Commissioner of Internal Revenue*, and two legs of the Zapata trilogy, *Maldonado v. Flynn* and *Maier v. Zapata Corp.*

Tom has extensively litigated on behalf of Wall Street's largest brokerage firms, including Drexel Burnham and E.F. Hutton (and a number of its senior executives in what the press labeled "the great check kiting scandal"). He continues to represent Prudential Securities, having managed litigation teams for the company in several hundred matters, including one that resulted in a landmark decision from the Second Circuit that made new law on issues relating to the bonding requirement for a preliminary injunction.

Tom is recognized as one of the top twenty-five securities litigators in the country by Euromoney's *Benchmark Litigation* guide and is recommended by *Chambers USA* and *The Legal 500* in commercial litigation in New York. He is also listed in *Who's Who in American Law* and *Who's Who in America*.

SELECTED MATTERS:

- Defending a former SEC chairman in litigation arising out of the numerous investigations into the affairs of Hollinger International.
- Lead defense counsel for one of the nation's largest providers of consumer loans and credit cards in a private treble damages antitrust action targeting client and other issuers of MasterCard and Visa cards. Also lead counsel for this same client and several of its senior officers in a federal securities class action.

- Co-lead counsel to the largest commercial and residential roofing manufacturer in the United States in a RICO, antitrust and tort action against three plaintiffs' law firms, arising from allegations of systemic misconduct in their handling of asbestos litigation.
- Lead defense counsel for officers and directors of a leading provider of investment, insurance, and banking business process outsourcing services in consolidated securities class and derivative litigation arising from an income restatement.
- U.S. counsel to the Estate of Dame Jean Conan Doyle, daughter of Sir Arthur Conan Doyle, creator of Sherlock Homes. Successfully obtained dismissal and recovery of attorneys' fees in a copyright action brought by an individual who claimed to own the rights to Sir Arthur's work in the United States.
- Negotiated (and successfully defended on appeal) a \$110 million settlement in a multidistrict litigation arising from the sale of limited partnerships by a leading securities broker dealer.
- As plaintiff's counsel for a major mortgage company, obtained more than \$10 million in recoveries from numerous title insurers arising from various acts and omissions during hundreds of discrete real estate closings.
- Won a directed verdict in federal court on behalf of a leading Wall Street broker dealer against claims of securities and commodities fraud. Subsequently, numerous related actions in other jurisdictions were favorably settled.
- Successfully defended an international Fortune 500 manufacturer in an SEC inquiry and private securities class action arising from widely publicized reports alleging insider trading by senior executives.
- Successfully represented record labels in contract litigation involving popular recording artists, including Luther Vandross, George Michael, Barbara Streisand, Boston, Michael Jackson, The Beastie Boys, Moby Grape, Pearl Jam, The Estate of Leonard Bernstein, Destiny's Child and others.
- Won significant jury verdict for senior officers of a dot com in non-compete and compensation litigation with their former employer, including an award of punitive damages.
- Successfully defended product liability class action concerning Sony Playstation I.
- Won notable jury verdict on grounds of truth arising from libel claims brought by Lyndon Larouche against NBC, and obtained \$3 million jury verdict on a counterclaim for tortious interference with newsgathering (remitted to \$250,000 by the district court and affirmed by the Fourth Circuit).
- Obtained dismissal of numerous actions (including state and federal class actions and several arbitrations) that alleged a major insurer's employee benefit plan operated to effect an illegal forfeiture of wages.
- Successfully defended major accounting firm against tax and audit malpractice claims.
- Obtained a multi-million dollar judgment (including punitive damages) for a client claiming investment fraud.
- Favorably resolved several breach of contract claims for international manufacturing conglomerate and for a major consumer products manufacturer.
- Won summary judgment for a popular record club in a class action challenging its key business practice.
- Obtained (and affirmed) dismissal in an action brought against a Wall Street brokerage firm by foreign nationals seeking \$275 million in

commissions and finders' fees on a petro-dollar loan allegedly made by Saudi Arabian interests to the Government of France. Subsequently supervised the trial of the action in Parisian court and obtained a favorable decision for the brokerage firm.

- Successfully defended a client against a race discrimination claim tried before a state agency during numerous sessions over a two-year period. No appeal was taken by the unsuccessful claimant.

PROFESSIONAL ACTIVITIES:

Tom is a Fellow of the American Bar Foundation, and a Life Fellow of the New York Bar Foundation. He received the Fordham Law Alumni Association's Medal of Achievement in 1998, and the Fordham University School of Law Dean's Medal of Recognition in 2002.

Tom is a former Vice President of the Federal Bar Council and a former President of the Fordham Law Alumni Association. Tom also has been a member of the Judiciary Committee of the Association of the Bar of the City of New York.