



## David G. Januszewski

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**David Januszewski is a member of Cahill’s Executive Committee and Chair of the firm’s Litigation Department. He has extensive litigation experience in federal and state courts and arbitrations, particularly in securities and other complex financial matters.**

Most recently, David prevailed on behalf of a global bank in antitrust, securities and derivative-related matters. He has obtained successful results for another global bank in a long-running multi-billion dollar litigation with a billionaire investor in multiple jurisdictions around the world. He has recently obtained dismissals of actions brought against a financial institution under the Antiterrorism Act and the Trafficking Victim Protection Reauthorization Act.

David has served as lead counsel in complex litigation challenges including securities, insurance, employment, bankruptcy and environmental issues. He has also led internal investigations arising from alleged violations of banking, insurance, securities, and other laws and regulations, as well as allegations of accounting irregularities. David has defended leading corporations and professionals in investigations by the Securities and Exchange Commission, the Department of Justice, and other federal and state agencies.

**“David is a really terrific civil litigator who gives very detailed, thoughtful plans of how things will play out. He has a really calming presence and is able to lead clients through difficult issues.” – *Chambers USA***

David is ranked nationally as a Litigation Star and in New York by *Benchmark Litigation*, and is named among the leading securities litigators in New York by *The Legal 500* as well as recommended for antitrust, corporate investigations and white collar defense, general commercial litigation, and financial services litigation. David has also been recognized as one of New York’s top litigators for commercial and securities matters by *Chambers USA* and is listed in the area of commercial litigation by *Best Lawyers*, in *Lawdragon’s* 500 Leading Litigators in America guide, and in the Metro New York *Super Lawyers* list.

David co-chairs Cahill’s Ethics Committee and served as the firm’s Co-Administrative partner from 2016-2018. He joined the firm in 1990 and became a partner in 1997.

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### SELECTED MATTERS

- Representing global financial institutions in antitrust class actions involving foreign exchange, credit default swaps, interest rate swaps, US Treasuries and other markets.
- Representation of commercial real estate company in arbitration relating to dispute with investor over valuation issues.
- Representation of a global bank in actions brought under the Antiterrorism Act and the Trafficking Victim Protection Reauthorization Act, obtaining dismissals in both actions.
- Representation of a global bank in three securities fraud actions brought by shareholders over the course of two decades.

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- Representation of global power generation industry provider, obtaining dismissal of shareholder class action complaint in claims brought under the Securities Exchange Act of 1934 alleging misstatements in the company's financial reports.
  - Representation of global bank, obtaining dismissals in both the Supreme Court and Appellate Division, First Department of claims brought by an off-shore investment fund seeking over \$1 billion in losses.
  - Representation of global bank, obtaining dismissal of claims brought by an alleged class of purchasers of trust preferred securities who challenged the sufficiency of disclosures concerning the bank's investment in and exposure to mortgage-related securities during the financial crisis.
  - Representation of a national homebuilder with respect to federal criminal and SEC investigations and civil litigation.
  - Representation of several companies in litigations and arbitrations brought by former officers.
  - Representation of major hotel and resort company in an action against former employees and a competitor alleging theft of electronic and hard copy materials constituting trade secrets and proprietary information.
  - Representation of international insurance and financial services company in class actions arising from losses associated with collateralized debt obligations and other products impacted by the subprime crisis.
  - Representation of corporations and compensation committee directors with respect to investigations relating to stock option grant issues.
  - Representation of several leading issuers, together with their officers and directors, in federal shareholder class actions across the country.
  - Representation of a major international insurance company in an arbitration hearing arising from the company's acquisition of another company, in which the sellers unsuccessfully claimed certain contingent payments totaling \$85 million.
  - Representation of the audit committee of an iconic Internet company in an investigation of accounting improprieties, and subsequent representation of the company in related federal criminal proceedings and an SEC investigation, resulting in no charges being brought against the company, notwithstanding multiple felony convictions of former officers and employees.
  - Representation of a leading resort company in a three year SEC investigation, where the Commission terminated its investigation without taking any action against the company or its directors, officers or employees.
  - Successful representation of a corporation in a two-month arbitration hearing in which a former executive claimed more than \$26 million in additional consideration arising from his sale of his company to the corporation and his subsequent employment by the corporation.
  - Defended a national insurance broker in federal and state investigations arising from bribery of government officials by an officer, resolving the matter with no charges filed against the company.
  - Served as plaintiff's counsel for a leading corporation in a professional liability case, prevailing after a two week jury trial in New York Supreme Court.

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## Education

Harvard Law School, J.D., 1988, *cum laude*

Yale University, B.A., 1985, *summa cum laude*

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## Practices

Antitrust Litigation

Broker-Dealer – Regulatory & Litigation

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Commercial Litigation

Insurance and Reinsurance Litigation

Securities Litigation, Regulation & Enforcement

White Collar Defense & Investigations

Congressional Investigations

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### **Clerkship/Government Service**

Honorable Thomas J. Meskill, United States Court of Appeals, Second Circuit, 1988-1989

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### **Admissions**

New York

Connecticut