



Ann M Cook

PARTNER

PROFILE

Ann Cook is a partner in the New York Business Litigation Practice Group. She is an experienced trial lawyer who has tried cases before juries, judges and arbitration tribunals around the country. Her practice focuses on complex commercial litigation matters concerning accountant liability, fraud, securities, regulatory investigations, insurance coverage, and contract disputes.

Ms. Cook is a graduate of Union College in Schenectady, New York, where she earned a B.A. in Sociology, *magna cum laude*. She graduated with honors from Hofstra University School of Law where she was an editor of the *Hofstra Law Review*. Before joining King & Spalding in 1999, Ms. Cook was a litigation associate at Rogers & Wells. She is presently a member of the King & Spalding Associate Evaluation Committee and the Lawyer's Development Committee.

Ms. Cook is admitted to the New York State Bar as well as to the United States District Courts for the Southern and Eastern Districts of New York and the Second Circuit Court of Appeals. She is the co-author of "Fast Food: The Next Tobacco?", which was published in *Engage*, vol. 4:1 (2000). Ms. Cook is a frequent presenter at CLE programs, including the King & Spalding monthly e-Learn series.

MATTERS

Ms. Cook's recent matters include:

- Successfully defended Ernst & Young LLP in an action brought by the Kentucky Commissioner of Insurance as the Rehabilitator of AIK Comp, a defunct workers' compensation self-insurance fund, seeking more than \$250 million in damages. Ms. Cook second chaired the eight-week jury trial that culminated in a full defense verdict on all counts. Ms. Cook coordinated the discovery efforts for the entire case and deposed numerous key witnesses and experts. She examined nine fact and expert witnesses at trial. She argued numerous pre-trial motions and arguments, including *in limine* motions, motions to exclude expert witnesses and led the hearing to set jury instructions.
- Represented BAE Systems plc, as plaintiff, against a Mexican travel company in a breach of contract action in New York Supreme Court. Obtained summary judgment on all claims and first chaired the damages trial, after which the client was awarded the full amount of its claim with pre and post judgment interest.
- Represented Big Four accounting firm in two-week arbitration against former healthcare client involving financial statement auditing, internal auditing, healthcare consulting and compliance with Medicare and Medicaid billing rules. Examined several witnesses during arbitration hearing that resulted in a full dismissal of all claims against the client and an award for the full amount of the counterclaim.
- Represented Big Four accounting firm in *qui tam* lawsuit alleging state and federal False Claims Act violations related to Medicare and Medicaid filings. Representation included numerous presentations and discussions with federal and state governments, each of which ultimately decided not to intervene. Subsequently obtained full dismissal of *qui tam* complaint in Southern District of New York.
- Represented former General Counsel of failed hedge fund against class and derivative actions alleging various violations of securities laws. Obtained full dismissal of all claims.

CONTACT

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PRACTICES

Professional Liability Litigation
Financial Services Litigation
Commercial Disputes
Shareholder and Securities Litigation
Healthcare Litigation

EDUCATION

J.D., with distinction, Hofstra University
B.A., magna cum laude, Union College

ADMISSIONS

New York
U.S. District Court for the Eastern District
of New York
U.S. District Court for the Southern
District of New York

- Defended Banc of America Securities in seven-week jury trial in the Southern District of New York involving alleged securities fraud regarding asset backed securities.
- Represented international car part manufacturer in arbitration with former joint venture partner concerning breach of joint venture agreement and supply and distribution agreements. Examined several witnesses during week-long arbitration hearing that resulted in an award in favor of the client.
- Represented national pharmacy benefit manager in breach of contract dispute concerning payment allegedly due under stock purchase agreement. Representation included successful appeal of denial of motion to compel arbitration to the Sixth Circuit Court of Appeals.
- Represented pulp manufacturer in international arbitration filed by former financier alleging breach of contract.
- Conducted internal investigations for large pharmacy benefit manager on behalf of Compliance Committee concerning Medicare and Medicaid overpayments and alleged violations of the False Claims Act and Corporate Integrity Agreements.
- Negotiated full dismissal of charges against pharmacy concerning alleged violations of state pharmacy laws and worked with DEA to uncover persons responsible for narcotics theft.
- Represented New York specialty pharmacy in wrongful death lawsuit related to alleged improper dispensing of prescription medications. Represented pharmacists in investigation by state pharmacy board.
- Represented clients in connection with entering into and complying with Corporate Integrity Agreements.
- Represented international oil company at an arbitration hearing concerning breach of a financial advisory agreement.
- Represented international car manufacturers against claims of breach of exclusive distribution agreements, including successfully defending dismissal of complaint in Second Circuit appeal.
- Represented large investment bank in bankruptcy litigation concerning recovery of secured debt.
- Successfully defended national quick service restaurant in high profile class action lawsuit alleging restaurant failed to warn that products caused obesity in consumers.

NEWS & INSIGHTS

NEWS

- 10 Mar 2010* **Healthcare Executives to Discuss Latest Legal, Regulatory and Public Policy Developments at 19th Annual King & Spalding...**
- 25 Jan 2010* **King & Spalding Advises BioScrip in \$343 Million Health Service Acquisition**
- 31 Oct 2006* **King & Spalding Announces Twelve New Partners**
- 29 Sep 2006* **King & Spalding's October E-Learn Seminar to Examine Recent Developments in the US Supreme Court**
- 30 Sep 2005* **Clients of King & Spalding Secure Sweeping Victory Against Subaru Distributors**
- 06 Jun 2005* **King & Spalding's June E-Learn Program Reviews Recent Decisions by the U.S. Supreme Court**

PUBLICATIONS

- 13 Dec 2010* **Health Headlines**
- 11 May 2009* **Health Headlines**