

## Peter Isajiw

Partner

*Trial and Global Disputes*

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Peter Isajiw is a partner in the firm's business litigation practice. He focuses on complex commercial and securities litigation, as well as regulatory investigations. He represents corporations, financial institutions, directors, officers, and other individuals in high-stakes litigation involving business disputes, securities laws and regulations, fraud, tortious conduct, breach of contract, corporate governance and the fiduciary obligations of corporate directors. He also assists clients with regulatory enforcement matters and government investigations.

Peter has experience with electronic discovery and data privacy issues, which are essential areas of knowledge in modern litigation. He also devotes a significant amount of time to a variety of *pro bono* matters.

A frequent speaker and author, Peter has been recognized by *Legal 500 U.S.* as a Key Individual for securities and shareholder litigation in 2014–2016, and with a Recognition of Excellence in 2013. Super Lawyers has listed him as a top rated business litigation attorney in its 2014–2018 New York Metro editions. Both the *New York Law Journal* and *Super Lawyers* named him as a Rising Star in 2013.

Peter has also been honored with the *2015 Burton Award for Distinguished Legal Writing* for his article, “Cybersecurity Risks Reviewed: Directors and Officers Must Be Proactive and Prepared,” published in the *Bloomberg BNA Corporate Accountability Report*.

## Matters

### Complex Commercial Litigation

**Darwin Deason, Xerox’s third-largest shareholder**, in a successful action to stop Fuji from acquiring control of Xerox in a proposed \$6.1 billion Xerox-Fuji merger. Following a two-day evidentiary hearing in New York Supreme Court, the court preliminarily enjoined the transaction and, for the first time under New York law, the court also allowed Xerox shareholders to nominate new director candidates even though the company’s notice deadline had passed.

**Global Brokerage, Inc., (formerly known as FXCM), its CEO, CFO and Board of Directors** in a federal securities class action filed in SDNY alleging claims under Sections 10(b) and 20(a) of the Securities and Exchange Act of 1934

**Equifax** in the defense of more than 250 consumer class actions relating to the data breach announced in September, 2017

**Deutsche Bank Securities Inc.** in 26 class actions consolidated in the Southern District of New York claiming violations of Antitrust laws and the Commodity Exchange Act for alleged manipulation of gold and gold derivative prices, and six class actions making similar allegations concerning silver and silver derivatives.

**The Special Committee of Directors** exploring strategic bankruptcy alternatives for **Digital Domain Media Group (DDMG)**, a digital effects provider responsible for visuals in movies including “Iron Man 3,” the “Transformers” and “Titanic” and for creating virtual performers such as the “Hologram Tupac” at the 2012 Coachella festival.

**The Outside Directors of DDMG** in a Section 11 securities class action and multiple state court matters alleging negligent misrepresentation, aiding and abetting fraud, and civil conspiracy, arising from purported misstatements concerning DDMG’s financial condition.

**The CEO and Chairman of KIT digital Inc.**, a premium video management software provider, in a federal securities class action and several shareholder derivative suits stemming from financial restatements and disclosures of material weaknesses in the company’s internal controls over financial reporting.

**The Home Depot** in multiple putative class action complaints alleging violations of the Consumer Protection Acts of various states as well as violations of the federal Telephone Consumer Protection Act.

**Deutsche Bank Securities Inc.** in multiple lawsuits against leading prime brokers alleging, among other claims, unlawful securities market manipulation, state RICO and federal antitrust law violations in connection with purportedly illegal “naked short selling” practices.

**MBIA Insurance Corp.** in connection with a New York State Court action for fraud and breach of contract related to financial guaranty insurance policies issued for multi-billion dollar residential mortgage-backed securitizations sponsored by Residential Funding Corp.

**The United States Treasury Department Presidential Auto Task Force** in connection with the Chrysler bankruptcy proceedings.

**Omnicare, Inc.**, the nation’s leading pharmaceutical care provider to the elderly, in the enforcement of a multi-million dollar contractual guarantee.

**Charming Shoppes Inc.**, a leading multi-channel specialty women’s apparel retailer, in an action seeking to enjoin several hedge funds from violating various Securities Exchange and Clayton Act provisions in connection with a proxy contest.

**The former Director of Investor Relations of Abercrombie & Fitch** in a federal securities law class action alleging, among other things, selective disclosure of same-store-sales results to favored analysts.

**Bank of America** in multiple Enron-related lawsuits.

**Merrill Lynch, Lehman Brothers, UBS Securities, CS First Boston, Bank of America Securities, CIBC World Markets, Goldman Sachs and Salomon Smith Barney** in a federal securities law class action against the underwriters of securities offerings in excess of \$3 billion

issued by The Williams Companies.

## **Regulatory Enforcement and Government Investigations**

**A major broker-dealer** with multiple FINRA investigations related to the Market Access Rule (SEA Rule 15c3-5).

**A major broker-dealer** with FINRA investigations related to the Customer Protection Rule (SEA Rule 15c3-3).

**A major international financial institution** with a FINRA investigation concerning alleged rule violations related to certain prime brokerage activities.

**A major international financial institution** in connection with a CFTC non-competitive trading investigations.

**A major international financial institution** in connection with a CFTC investigation concerning certain Credit Default Swaps.

**A major international financial institution** and **two individuals** in a joint investigation by the FBI and SEC concerning the alleged improper use of “stock loan finders” in securities lending transactions.

**A large retail mortgage lender** in an SEC investigation related to the subprime mortgage crisis.

## **Pro Bono**

**A federal death row inmate** in post-conviction proceedings for a new trial based on multiple constitutional errors. Peter’s work on this matter was featured in the 2009 *American Lawyer Pro Bono 100* project and nominated for the American Bar Association’s Death Penalty Representation Project’s Exceptional Service Award.

**An unmarried woman who was fired** because she chose to live with her boyfriend in violation North Carolina’s anti-cohabitation law. The law was declared unconstitutional because it violated the liberty rights established by the Supreme Court’s landmark decision, *Lawrence v. Texas*. As one of the first applications of *Lawrence*, Peter’s work was covered by *The New York Times*, BBC, CNN, *Colbert Report* and other international news outlets.

Working with **Kids in Need of Defense (“KIND”)**, secured Special Immigration Juvenile Status in the U.S. for **3 children** who entered the US immigration system without parents or guardians.

Assisted a **low-income immigrant victim of domestic violence** with minimal English-speaking abilities obtain legal status under the Violence Against Women Act.

Secured asylum for a **woman facing severe political persecution** in her home land of Moldova.

## **Credentials**

### **EDUCATION**

J.D., Temple University, Dean's List

B.A. Sociology, Villanova University, honors program

### **ADMISSIONS**

Supreme Court of the United States

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Fifth Circuit  
U.S. District Court for the Eastern District of New York  
U.S. District Court for the Northern District of New York  
U.S. District Court for the Southern District of New York  
New Jersey  
New York

#### CLERKSHIPS

Law Clerk, Honorable Yvette Kane, U.S. District Court for the Middle District of Pennsylvania

#### ASSOCIATIONS

Empire State Counsel, New York State Bar Association, 2013-2014

## Recognition

Distinguished Legal Writing Award for “Cybersecurity Risks Reviewed” — Bloomberg BNA  
Corporate Accountability Report  
BURTON AWARDS, 2015

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Key Individual: Securities and Shareholder Litigation  
LEGAL 500 U.S., 2014–2016

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Recognition of Excellence: Securities and Shareholder Litigation  
LEGAL 500, 2013

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"Terrific attention to detail and subject-matter knowledge."  
LEGAL 500, 2013

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Top Rated Business Litigation Attorney  
SUPER LAWYERS, NEW YORK METRO EDITION, 2014–2018 AND BUSINESS EDITION, 2015

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Rising Star  
SUPER LAWYERS, NEW YORK METRO EDITION, 2013

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Rising Star  
NEW YORK LAW JOURNAL, 2013

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Outstanding Service Award  
THE LEGAL AIDE SOCIETY, 2011

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## Insights

#### CLIENT ALERT

*February 22, 2019*

Novel Concerns in FINRA's 2019 Risk Monitoring and Examination Priorities Letter

#### NEWSLETTER

*July 25, 2019*

Financial Services Focus – July 2019

*April 29, 2019*

Financial Services Focus – April 2019

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## Events

### CONFERENCE

*September 12, 2019*

Financial Services Summit

### SPEAKING ENGAGEMENT

*July 2, 2018*

Peter Isajiw to Speak at NERA Securities & Finance Summer Seminar

*October 18, 2017*

Peter Isajiw to Co-Host WNYC Event Examining the Commerce Clause

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## News

### CASES & DEALS

*November 5, 2019*

Xerox Restructures FUJIFILM Relationship, Will Receive \$2.3B from Related Transactions

### IN THE NEWS

*September 10, 2019 • Source: Law360*

Rich Marooney, Israel Dahan, Jeremy Bylund and Peter Isajiw represent Genuine Parts Co. before the Delaware Chancery Court, which declined to dismiss the company's suit against Essendant

*June 7, 2019 • Source: Law360*

Rich Marooney, Israel Dahan, Jeremy Bylund and Peter Isajiw represent automotive and industrial parts distributor Genuine Parts Co. before a Delaware vice chancellor

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