



## David L. Goldberg

Partner

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### Practices

FOCUS: Litigation

Securities Litigation and Enforcement

Financial Services Litigation

Financial Services

Broker-Dealer Regulation

Financial Services Regulatory and Compliance

White Collar, Investigations and Compliance

### Recognition

Super Lawyers, New York, 2018

Legal 500, 2014, 2016

US Attorney General, John Marshall Award for Outstanding Legal Achievement, 1998

### Education

JD, Boston University School of Law, *cum laude*

BA, University of Pennsylvania, with honors

David L. Goldberg represents corporate and individual clients in a wide range of securities litigation and regulatory enforcement matters, including class actions, broker-dealer litigation and arbitration, commercial litigation in federal and state courts involving contract, fraud and fiduciary duty claims, raiding and recruiting litigation, employment disputes, regulatory enforcement investigations and inquiries, and internal investigations.

David's professional experience includes in-house, government and law firm service, providing him with a deep knowledge of the litigation and regulatory challenges facing major financial institutions, experience dealing with government regulators and trial practice acumen. Prior to joining Katten, David served as executive director/senior associate general counsel within the Litigation and Investigations Group at UBS Securities LLC, where he managed many of the firm's largest investment banking litigations and regulatory investigations. His experience extends to virtually every type of major class action and securities litigation, including residential mortgage-backed securities (RMBS), auction rate securities, collateralized debt obligations (CDOs), structured products, affiliated bank sweeps programs and market timing cases. David has worked across all the key product areas that comprise an integrated modern financial institution, including equities, fixed income, investment banking advisory and wealth management franchises. David also spent seven years at UBS Wealth Management Americas, where he personally handled hundreds of retail investor arbitrations, litigations and regulatory matters.

David served as an Assistant US Attorney in the US Attorney's Office for the Eastern District of New York, where he was presented with the John Marshall Award, among the highest honors given by the US Department of Justice, by US Attorney General Janet Reno. During his tenure as an Assistant US Attorney, David tried numerous complex cases to verdict and engaged in extensive appellate advocacy before the US Court of Appeals.

### Selected Experience

- Successful defense of state-licensed industrial bank against allegations of wrongful liquidation of securities collateral in action seeking more than \$60 million. Obtained summary judgment dismissing breach of contract and fiduciary duty claims; client was awarded attorney's fees/costs incurred in successful defense of action.



## **Bar Admissions**

New York

- Successful representation of employer in breach of contract dispute with former employees; won TRO and preliminary injunction in state court action to enforce restrictive covenants.
- Successful motion for change of venue in ISDA swaps litigation.
- Successful representation of international banking client in trading dispute; won dismissal and First Department appeal.
- Successful representation of US-based broker-dealer in federal and state court consumer protection statutory litigation; won dismissal of class action claims.
- Successful representation of registered representatives in FINRA investigations resulting in no formal actions.
- Successful representation of US-based broker-dealer in FINRA arbitration proceedings related to alleged wrongful liquidation claims; FINRA arbitration panel awarded less than 4% of claimed damages after two-week evidentiary hearings.
- Representation of international financial institution in insurance policy dispute.
- Representation of defendant in RICO action.
- Successful representation of international financial institution in RMBS class action litigation.
- Successful representation of international financial institution in FINRA arbitration proceeding arising from credit crisis market failures.
- Counsel in connection with the internal investigation/review of fee dispute for a global investment banking firm.
- Counsel in connection with the internal investigation/review of trading loss for a global investment banking firm.
- Representation of the successor in interest of an industrial partnership in an ICC arbitration involving breach of contract claims.

## **Memberships**

- Securities Industry and Financial Markets Association, Litigation Advisory Committee Chairman
- West Side Campaign Against Hunger, Board Member

## **Advisories**

- Second Circuit Decision May Have Significant Implications for Whistleblowers and Their Employers (September 21, 2015)
- Fee Advancement Considerations Arise From Recent Delaware and Third Circuit Decisions (July 20, 2015)
- Second Circuit Decision Provides Guidance for Drafting Enforceable Broker-Dealer Agreement Forum Selection Clause (September 4, 2014)



- SDNY Holds No Attorney-Client Privilege Applies to Communications With In-House Legal Department in China (December 13, 2013)
- *Gruss v. Zwirn*: SDNY Strikes a Blow Against Selective Waiver (December 5, 2013)
- SEC Issues Frequently Asked Questions on Supervisory Liability of Broker-Dealer Compliance and Legal Personnel Under Section 15(b)(4) and 15(b)(6) of the Exchange Act (October 9, 2013)

#### Articles

- Quoted Source, Attorney-Consultant Privilege? Key Considerations for Fund Managers When Utilizing, Invoking and Waiving the Kovel Privilege for Consultants, *The Hedge Fund Law Report* (October 20, 2016)
- Co-author, SDNY Strikes a Blow Against Selective Waivers, *Law360* (January 14, 2014)

#### Newsletters

- Author | *Corporate & Financial Weekly Digest* (Weekly)

#### Speaking Engagements & Presentations

- Speaker | Litigation Update | Katten's Annual Financial Services Litigation Symposium | New York, New York (October 26, 2017)
- Panelist | A Practitioner's Guide to Managing a Regulatory Investigation | C&L 2017 Annual Seminar | San Diego (March 19–22, 2017)
- Presenter | Katten's Annual Financial Services Litigation Symposium | New York, New York (October 27, 2016)
- Panelist | Recent Legal Developments on Securities and Derivatives Issues for Sell-Side and Buy-Side Market Participants | New York, New York (July 27, 2016)
- Host | Financial Services Litigation Symposium | New York, New York (October 6, 2015)
- Panelist | Financial Crisis Litigation: Is the End in Sight? | Compliance & Legal Society Annual Seminar | Phoenix, Arizona (March 15–18, 2015)
- Presenter | Financial Services Litigation Symposium | New York, New York (October 16, 2014)
- Panelist | Katten's Summer 2014 Review: Financial Services Regulatory and Legal Development Highlights | New York, New York (September 10, 2014)
- Presenter | Can't Take My Eyes Off You; Regulatory Overreach | Can't Take My Eyes Off You; Regulatory Overreach | NERA's 15th Securities and Finance Summer Seminar | Truckee, California (July 6–8, 2014)
- Presenter | Attorney-Client Privilege: Key Issues for In-house Attorneys | New York, New York (April 29, 2014)



- Panelist | Mortgage Litigation and Regulatory Landscape | Compliance & Legal Society Annual Seminar 2014 | Orlando, Florida (March 30–April 2, 2014)
- Presenter | Enforcement and Examination Priorities of Options Regulators | New York, New York (October 1, 2013)
- Presenter | Successful Partnering Between Inside and Outside Counsel | Webinar (August 29, 2013)
- Presenter | Internal Investigations: Hot Topics and Red Flags | Association of Corporate Counsel Greater New York Chapter Full Day CLE Event | New York, New York (July 24, 2013)
- Presenter | An Overview of Significant Recent Developments in Mortgage and RMBS Litigation | SIFMA Compliance & Legal Society 2013 Annual Seminar | Phoenix, Arizona (March 1, 2013)