

David L. Goldberg

Partner

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Practices

FOCUS: Financial Markets Litigation and Enforcement

Broker-Dealer Regulation

Financial Markets and Funds

International Arbitration

Litigation

Securities Litigation

White Collar and Internal Investigations

Education

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

BA, University of Pennsylvania, *with honors*

Bar Admissions

New York

Community Involvements

Securities Industry and Financial Markets Association, Litigation Advisory Committee Chairman

West Side Campaign Against Hunger, Board Member

Veteran litigator David Goldberg helps financial institutions in high-stakes, complex litigation and enforcement matters. As a former AUSA who spent a decade as in-house counsel for a financial services firm, David knows firsthand the pressures and challenges his clients face. His no-surprises approach to litigation and investigations offers peace of mind when stakes are high and the outcome is uncertain.

Understanding financial services disputes from the inside out

As executive director and senior associate general counsel for UBS Securities LLC, David managed many of the firm's largest investment banking disputes and regulatory investigations. He knows the challenges and opportunities financial institutions face during regulatory investigations and enforcement matters, and his understanding of the industry allows him to position his clients for the best outcomes possible. David also spent seven years at UBS Wealth Management Americas, where he personally handled hundreds of retail investor arbitrations, disputes and regulatory matters.

In his role as in-house counsel, David handled most types of major class-action and securities litigation. These included residential mortgage-backed securities, auction rate securities, collateralized debt obligations, structured products, affiliated bank sweeps programs and market timing cases. David also worked across all of the key product areas that comprise an integrated modern financial institution, representing UBS's equities, fixed income, investment banking advisory and wealth management franchises.

David previously served with distinction as an AUSA in the US Attorney's Office for the Eastern District of New York, where he received the John Marshall Award, one of the highest honors given by the DOJ.

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Representative Experience

- Defended 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.
- Trial counsel in over one dozen related arbitrations arising from losses in options trading strategy. Won full defense awards in majority of cases, and limited recoveries to less than 10% of Claimants' collective investment losses.
- Trial counsel for broker-dealer in FINRA arbitration claiming conflicts of interest caused investor to lose over \$250 million. Won full defense award and costs.
- Trial counsel for broker-dealer in FINRA arbitration seeking over \$9 million in investment costs. Won full defense award.
- Represent underwriting syndicate in federal securities litigation. Won threshold decision barring Class Plaintiffs from pursuing claims against all clients based on prior litigation conduct.
- Represented employer in breach of contract dispute with former employees. Won TRO and preliminary injunction in state court action to enforce restrictive covenants.
- Successfully moved for change of venue in ISDA swaps litigation.
- Represented US-based broker-dealer in federal and state court consumer protection statutory litigation. Won dismissal of class action claims.
- Represented registered representatives in FINRA investigations. No formal actions resulted.
- Counsel in internal investigation/review of trading loss for global investment banking firm.
- Represented successor in interest of industrial partnership in ICC arbitration involving breach of contract claims. Won damages award for

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late equipment delivery.

Recognitions

Recognized or listed in the following:

- *Best Lawyers in America*
 - Litigation – Securities, 2020–2024
- *Super Lawyers*
 - New York, 2018–2023
- *The Legal 500 United States*
 - Recommended Attorney, 2014, 2016, 2020, 2022
- US Attorney General
 - John Marshall Award for Outstanding Legal Achievement, 1998

News

- Katten Attorneys Named to 2023 New York Super Lawyers, Rising Stars Lists (September 29, 2023)
- Katten Attorneys Distinguished by *Best Lawyers*® (August 17, 2023)
- Katten Attorneys Earn 2022 New York Super Lawyers and Rising Stars Distinctions (September 29, 2022)
- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)
- Katten Awarded Top Ranking in Structured Finance: Securitization in The Legal 500 United States 2022 (June 8, 2022)
- Katten Attorneys Named 2021 New York Super Lawyers and Rising Stars Honorees (September 30, 2021)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)

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- Katten Attorneys Chosen for New York Super Lawyers and Rising Stars Lists (October 28, 2020)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Katten Attorneys Nominated to 2019 New York Super Lawyers, Rising Stars Lists (September 12, 2019)
- Katten Attorneys Named to 2018 New York *Super Lawyers*, Rising Stars Lists (September 13, 2018)
- Eighteen Katten Practices and 70 Attorneys Recognized by *The Legal 500 United States* 2016 (June 17, 2016)
- Eight Katten Practices and Forty-Two Attorneys Recognized by *The Legal 500 United States* 2014 (July 3, 2014)
- UBS Executive David L. Goldberg Joins Katten Litigation Practice (July 11, 2013)

Publications

- *Mallory v. Norfolk Southern Railway Co.*: Supreme Court Recognizes Existence of Consent-Based Theory of General Personal Jurisdiction (August 2, 2023)
- Recent DC Circuit Court of Appeals Case Brings FINRA to the Forefront of the SRO State Actor Controversy (July 17, 2023)
- *Coinbase, Inc. v. Bielski*: Interlocutory Appeals on the Question of Arbitrability Automatically Stay District Court Proceedings (June 27, 2023)
- INSIGHT: Five Suggestions for Drafting (and Defending) Pre-Dispute Contractual Jury Waivers (October 10, 2019)

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- Attorney-Consultant Privilege? Key Considerations for Fund Managers When Utilizing, Invoking and Waiving the Kovel Privilege for Consultants (October 20, 2016)
- 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 Strikes a Blow Against Selective Waivers (January 14, 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)
- *Corporate & Financial Weekly Digest* (Weekly) | *Author*

Presentations and Events

- Market Correction Curriculum: Peak-To-Valley Portfolio Disputes and Damage Claims (June 9, 2020) | *Presenter*
- Market Correction Curriculum: Margin Liquidations (May 19, 2020) | *Co-presenter*
- Katten's Annual Financial Markets Litigation and Enforcement Symposium (October 10, 2019)
- Katten's Annual Financial Services Litigation Symposium (October 26, 2017) | *Speaker* | *Litigation Update*

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- C&L 2017 Annual Seminar (March 19–22, 2017) | *Panelist* | *A Practitioner's Guide to Managing a Regulatory Investigation*
- Katten's Annual Financial Services Litigation Symposium (October 27, 2016) | *Presenter*
- Recent Legal Developments on Securities and Derivatives Issues for Sell-Side and Buy-Side Market Participants (July 27, 2016) | *Panelist*
- Financial Services Litigation Symposium (October 6, 2015) | *Host*
- Compliance & Legal Society Annual Seminar (March 15–18, 2015) | *Panelist* | *Financial Crisis Litigation: Is the End in Sight?*
- Financial Services Litigation Symposium (October 16, 2014) | *Presenter*
- Katten's Summer 2014 Review: Financial Services Regulatory and Legal Development Highlights (September 10, 2014) | *Panelist*
- NERA's 15th Securities and Finance Summer Seminar (July 6–8, 2014) | *Presenter* | *Can't Take My Eyes Off You; Regulatory Overreach*
- Attorney-Client Privilege: Key Issues for In-house Attorneys (April 29, 2014) | *Presenter*
- Compliance & Legal Society Annual Seminar 2014 (March 30–April 2, 2014) | *Panelist* | *Mortgage Litigation and Regulatory Landscape*
- Enforcement and Examination Priorities of Options Regulators (October 1, 2013) | *Presenter*
- Successful Partnering Between Inside and Outside Counsel (August 29, 2013) | *Presenter*
- Association of Corporate Counsel Greater New York Chapter Full Day CLE Event (July 24, 2013) | *Presenter* | *Internal Investigations: Hot Topics and Red Flags*
- SIFMA Compliance & Legal Society 2013 Annual Seminar (March 1, 2013) | *Presenter* | *An Overview of Significant Recent Developments in Mortgage and RMBS Litigation*