

Anthony L. Paccione

Partner

New York Office

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Practices

FOCUS: Litigation
Appeals and Critical Motions
Commercial Litigation
Electronic Discovery and Information Governance
Financial Markets Litigation and Enforcement
Intellectual Property Litigation
International
Investment Management and Funds
Real Estate
Real Estate Litigation
Securities Litigation

Industries

Finance and Financial Markets

Education

JD, Fordham University School of Law
BA, Fordham University

Bar Admissions

New York

Court Admissions

US Court of Appeals, Sixth Circuit
US Supreme Court
US District Court, Eastern District of Michigan
US District Court, Eastern District of New York
US District Court, Northern District of New York
US Court of Appeals, Second Circuit
US Court of Appeals, Eleventh Circuit

Anthony is known for handling high-stakes business litigations of all types in an aggressive but practical way. He approaches cases with a goal to avoid nonsense and plot the straightest line to the endgame. With that style, he has compiled a track record of successes including a complete victory for a real estate company in a fast-moving billion-dollar dispute, a dismissal of nine-figure lender-liability claims against a syndicate of lenders and a dismissal of all claims against one of the world's largest credit insurance companies. Anthony is equally comfortable representing plaintiffs and defendants, in courtrooms throughout the United States as well as in arbitrations and ADR *fora*.

An instructive approach

Anthony doesn't just resolve disputes for banks, hedge funds, real estate companies and other businesses; he helps avoid them in the first place. He outlines steps businesses can take to protect themselves from possible claims and, when a matter ends, conducts a "lessons learned" program. His broad experience – which includes Ponzi scheme cases, contract disputes, corporate law, financial services litigation financial and international proceedings – allows him to design strategies that anticipate the full range of possibilities.

Anthony knows that disputes in the public eye require a deft multi-prong strategy. He has represented clients in claims arising from the Bernard Madoff Ponzi scheme, including one that spawned international proceedings in the United States, United Kingdom, Gibraltar and the Cayman Islands. When he represented a real estate company in a billion-dollar dispute over the sale of the nation's largest federally subsidized housing development, the media kept a close watch. In each case, Anthony found the right balance between public relations concerns and aggressive advocacy.

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US District Court, Southern District of
New York

Community Involvements

Association of the Bar of the City of New
York, Professional Ethics Committee
Mediation Program, US District Court,
Southern District of New York, Panel

Representative Experience

- Defend owners of one of the largest federally subsidized housing developments in the country in litigation seeking to prevent the \$905 million sale of that complex.
- Represented bank syndicate in \$500 million litigation involving Town Square Mall in Las Vegas. Prevailed all the way through appeals heard by the Supreme Court of the State of Nevada.
- Defend lender against claims arising out of a failed resort/residential development involving loan default, conditions precedent to draw requests, fraud, fraudulent transfers, violation of transfer prohibitions and unjust enrichment.
- Represent agent bank in claims to recover losses on a loan made to finance a film distribution company.
- Represent construction loan lender in billion-dollar, multidistrict litigation relating to the Fontainebleau Las Vegas resort.
- Defend Farm Credit Bank against allegations of wrongful redemption of \$500 million subordinated notes.
- Defended a global leader in the credit insurance market in New York State Court Commercial Part action asserting tort claims. Obtained dismissal of all claims before discovery that was sustained on appeal to First Department.
- Defend private investment fund against claims that it caused an unrelated hedge fund's losses in BLMIS Ponzi scheme. All of the \$2.9 billion claims were dismissed in Federal District Court and sustained on appeal by the US Court of Appeals for the Second Circuit.
- Represent major financial institution in action seeking to recover substantial losses caused when money market "broke the buck."
- Represent numerous institutions, partnerships, hedge funds, investment managers and individuals in connection with highly publicized Ponzi schemes, including Madoff, West Gate and Stanford.

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- Defend futures commodities merchant against multimillion-dollar fraudulent conveyance claims.
- Represent several hedge funds in SEC, New York Attorney General and CFTC investigations and related civil lawsuits arising from mutual fund market timing trading practices.
- Represent public company and senior management in federal securities class action, related derivative cases and SEC investigation. Obtained dismissal of all class and derivative claims. Appeal is pending.
- Represent defendants in securities fraud action brought by investors in a hedge fund that invested in subprime automobile finance loans.
- Represent trader in FINRA investigation concerning credit default swaps.
- Represent president of public utility company in shareholder derivative actions.

Recognitions

Recognized or listed in the following:

- *Best Lawyers in America*
 - Commercial Litigation, 2012–2022
- Lexology Client Choice Award
 - Litigation, 2015
- Lexology Global Counsel Awards
 - Litigation, 2015
- Super Lawyers
 - New York, 2010–2011, 2014–2021
- The Legal 500 United States
 - Recommended Attorney, 2019–2021

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News

- 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)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)
- 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 Named Top-Tier Firm in Structured Finance and Securitization by The Legal 500 United States 2020 Guide (June 16, 2020)
- Katten's Insolvency and Restructuring Team Wins Two Turnaround Awards (December 12, 2019)
- Katten Attorneys Nominated to 2019 New York Super Lawyers, Rising Stars Lists (September 12, 2019)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Attorneys Named to 2018 New York *Super Lawyers*, Rising Stars Lists (September 13, 2018)
- Katten Finalizes Historic Starrett City Sale (May 8, 2018)
- Katten Bitcoin Webinar Offers Legal and Compliance Insight (December 18, 2017)
- Katten Attorneys Acknowledged in 2017 New York Super Lawyers, Rising Stars Lists (September 20, 2017)
- Eighteen Katten Attorneys Distinguished in 2016 New York Metro *Super Lawyers* List (September 21, 2016)

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- 79 Katten Attorneys Selected for *Best Lawyers in America*® 2017 (August 15, 2016)
- Twenty Katten Attorneys Recognized in 2015 New York Metro *Super Lawyers* List (September 16, 2015)
- 91 Katten Attorneys Recognized in *Best Lawyers in America*® 2016 (August 17, 2015)

Publications

- A Closer Look at the 5th Circuit Decision Vacating the Fiduciary Rule (April 2, 2018)
- Rising Shareholder Demands Drive New Insurance Solutions (July 18, 2017)
- Ponzi Scheme Clawback Litigation (April 2013)
- *In Terrorem* Impact of Securities Class Actions May Increase After *Amgen* (June 21, 2012)
- Supreme Court Holds That Proof of Loss Causation Not Required at Class Certification (June 9, 2011)
- US Attorney for Southern District of New York Warns of Looming Crackdown on Insider Trading (November 8, 2010)
- Clawback of Fraudulent Transfers from Investors—"Good Faith" Defense Update (September 30, 2010)
- Privilege and Conflicts Post-Petition (March 6, 2006)

Presentations and Events

- Market Correction Curriculum: Ponzi Schemes: Dealing With Regulatory and Litigation Risks Exposed by Market Downturns (June 2, 2020) | *Presenter*

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- Katten's Annual Financial Markets Litigation and Enforcement Symposium (October 10, 2019)
- The Evolution of the Application of Law to Blockchain Technology and Cryptoassets: Where Have We Come From and Where Are We Going? (June 26, 2019) | *Panelist*
- ABA Section of International Law Annual Conference (April 18, 2018) | *Speaker* | *Welcome Home: Legal Ethics at the Border When Government Agents Pull You Aside and Ask For Your Laptop and Cellphone*
- Trading Bitcoin: Legal and Compliance Considerations for Trading and Facilitating Transactions in Bitcoin (December 13, 2017) | *Panelist*
- Ponzi Scheme Clawback Litigation in Bankruptcy: Bringing or Defending Claims (November 7, 2017) | *Participant*
- Katten's Annual Financial Services Litigation Symposium (October 27, 2016) | *Presenter*
- Ponzi Scheme Clawback Litigation in Bankruptcy: Bringing or Defending Claims (October 22, 2015) | *Panelist*
- Financial Services Litigation Symposium (October 6, 2015) | *Participant*
- Financial Services Litigation Symposium (October 16, 2014) | *Presenter*
- Ponzi Scheme Clawback Litigation in Bankruptcy: Bringing or Defending Claims (March 11, 2014) | *Panelist*
- Hedge Funds Under Siege (June 12, 2013) | *Panelist*
- Seminar (May 3, 2013) | *Ethics and Protecting the Attorney Client Privilege*
- NYCLA Law Day Luncheon (April 27, 2012)
- Seminar (April 13, 2011) | *Ethical Issues for In-House Corporate Counsel*
- Ponzi Schemes: US Law Overview, British Institute of International and Comparative Law (March 25, 2011) | *Speaker* | *The Litigation Aftermath of the Global Financial Crisis*
- Hedge Fund Auditing, Accounting and Administration Forum (July 19–20, 2010) | *Panelist* | *Avoiding Litigation in a Post-Madoff World*
- Infected Hedge Funds: Rights and Remedies (March 16, 2010) | *Speaker*

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- Accounting, Auditing & Risk-Control Standards for Hedge Funds (December 9–10, 2009) | *Speaker* | *Avoiding an Investor Lawsuit*
- Alternative Investment Funds under Scrutiny: Response to Ponzi and other Schemes (June 30, 2009) | *Speaker* | *Defendant's Perspective*
- Across the Table from the SEC: Defending and Handling SEC Investigations (April 2, 2009) | *Presenter*
- Hot Topics in the Lehman and Madoff Broker-Dealer Liquidations (March 11, 2009) | *Presenter*
- N.Y.S. Society of CPAs (February 26, 2009) | *Speaker* | *Breakfast Briefing on Madoff and Taxes*
- Madoff Litigation Conference (February 25, 2009) | *Presenter* | *Overview of the Madoff Investment Fraud*
- The Madoff Ponzi Scheme and the Litigation Horizon 2009 (February 23, 2009) | *Presenter*
- Seminar (January 14, 2009) | *When the SEC Calls...*
- ABS East Forum (October 20, 2008) | *Distressed RMBS/CDO Challenges: Investment Opportunities, Restructuring and Litigation*
- Katten Investment Management Forum (September 20, 2007) | *Recent SEC Enforcement Actions and Litigation Involving Hedge Fund Managers*