

## Joseph G. Tully Counsel

212.210.9493

joe.tully@alston.com

New York | 90 Park Avenue, 15th Floor | New York, NY 10016-1387

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As a member of Alston & Bird's Litigation & Trial Practice Group, Joe focuses his practice on complex, business-related litigation. Beyond commercial disputes, he has experience in securities fraud class actions, derivative suits, and merger and acquisition litigation.

Joe frequently represents clients in government investigations, representing individuals and entities before state and federal agencies, including the DOJ, SEC, CFTC, and OCC.

Joe started his legal career as a transactional attorney, representing lenders and investors in real estate mortgage and structured investment transactions.

Given his background as a transactional attorney, clients trust Joe for advice outside of the litigation arena. For example, he has represented foreign companies – including a number of Irish transnationals – that wish to establish operations in the U.S. In particular, he has guided these companies through the formation of entities in the U.S., immigration compliance, and other regulatory issues.

In 2005, Joe received his J.D., cum laude, from St. John's University School of Law, where he served as an editor for the *American Bankruptcy Institute Law Review*. As a law student, he interned with the Hon. Kevin T. Duffy of the U.S. District Court for the Southern District of New York. Joe graduated from Boston College in 2000, with degrees in finance and information systems.

### **Representative Experience**

- Counsel to a former securities trader named as a defendant in highly publicized criminal and civil securities fraud actions. A jury found the client not guilty on all counts after a seven-week trial. Two years later, the SEC agreed to dismiss all claims against the client, with prejudice, after extensive discovery and a presentation to senior staff members.
- Represented international insurance brokerage in disputes, arbitrations, and court actions following an M&A transaction with a large UK-based insurance brokerage, which resulted in a global settlement.
- Representing one of the nation's largest financial services firms in multiple litigations stemming from the bank's debt and equity investment in an upstate New York senior-housing development.
- Secured the dismissal of a putative shareholder class action asserted against a publicly traded cancer drug developer, allowing the client to consummate a critical cash investment that would fund its promising therapies. The court granted dismissal following expedited discovery and a multiday preliminary injunction hearing on the plaintiff's corporate governance claims.
- Represented a derivatives trader in global and parallel investigations into the alleged manipulation of LIBOR by the DOJ, CFTC, and the UK's FSA, along with other regulators.
- Counsel to an \$8 billion investment company, its officers and trustees in a multi-office SEC investigation regarding investment advisory fee and compliance issues.

- Represented a multinational financial services company in a joint forensic investigation between the Secret Service and Manhattan District Attorney's Office, focused on allegations that a former employee had misappropriated source code for a proprietary trading algorithm.
- Secured the appointment of a temporary receiver to complete the renovation of an office building in Manhattan and represented the investor in the related action to foreclose the \$48 million mortgage.
- Counsel to large marketer, seller, and distributor of well-recognized, branded consumer products in a variety of complex commercial matters, including securities litigation and breach of contract actions.
- Counsel to an Irish company that produces and markets food items across Europe and that more recently expanded into the North American market.
- Counseled an Irish liquor company on its entry into the U.S. market.

## ***Publications & Presentations***

### ***News Items***

- *Global Legal Chronicle* | Alpha Holdings, Inc. v. OncoSec Medical Incorporated, et al. | March 17, 2020  
Brett Jaffe, Joe Tully, Matt Mamak, Dennis Garris, Dave Brown, Mark McElreath, James Sullivan, Gerard Catalanello, Jim Vincequerra, Bryan Skelton, and Gidon Caine are noted for successfully representing OncoSec Medical Inc. in a putative shareholder class action.
- *Law360* | Nomura Traders, Gov't Feud Over 'Victim-Blaming' Evidence | August 9, 2016  
Brett Jaffe and Joe Tully are referenced as counsel to a former Nomura securities trader accused of wire and securities fraud.
- *Law360* | Nomura Traders Deny 'Victim Blaming' In RMBS Suit | July 26, 2016  
Brett Jaffe and Joe Tully are noted for defending a former Nomura securities trader against wire and securities fraud allegations.
- *Law360* | Lender, PE Funds Dodge Investor Suit Over Loan Program | April 1, 2016  
Jessica Corley and Joe Tully are mentioned as counsel to a syndicate of underwriter defendants who were named in a class action alleging claims under the Securities Act and whose motion to dismiss in full was granted by the federal district court.
- *Law360* | Ex-Nomura Traders Say Lack of Intent Dooms Fraud Charges | March 21, 2016  
Brett Jaffe, Craig Carpenito and Joe Tully are noted for defending a former Nomura Securities trader against wire and securities fraud allegations.

### ***Publications***

- "SDNY Raises the Bar for Claims Based on Short Reports," *Law 360*, December 4, 2015.
- "Multinational Aspects of SEC Investigations," in *SEC Compliance and Enforcement Answer Book 2015*, Practising Law Institute, 2015.

### ***Professional & Community Engagement***

- American Ireland Fund, patron and young leader
- Alston & Bird's Diversity Committee
- CFA Institute's Claritas® Investment Certificate

### ***Education***

- St. John's University (J.D., 2005)

- Boston College (B.S., 2000)

*Admitted to Practice*

- New York

*Related Services*

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