

## John F. Cambria

### Senior Counsel

212.210.9583

john.cambria@alston.com

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

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John Cambria is senior counsel in Alston & Bird's Litigation & Trial Practice Group in the New York office. John has tried jury and non-jury cases, representing plaintiffs and defendants in state and federal courts in New York and other jurisdictions. He has also frequently litigated and tried matters before various arbitral forums such as the AAA, JAMS, FINRA, and CPR. John appears regularly before the Second Circuit and New York State Supreme Court, Appellate Division, First Department in Manhattan. John has also argued before the New York Court of Appeals, the state's highest court. John has served two terms as a member of the Departmental Disciplinary Committee in the First Department, and has, for many years, been a member of the board of directors of the Office of the Appellate Defender, a pro bono legal services organization.

John has experience in securities, antitrust, products liability, class actions, fraud and theft of corporate assets, misappropriation of trade secrets, bankruptcy and fraudulent conveyances, breach of fiduciary duty, professional liability and malpractice, insurance coverage, transactional disputes, and employment and restrictive covenants. He represents clients in a broad array of business and industry segments. For the past 15 years, John has been listed in The Best Lawyers in America<sup>®</sup> and regularly listed in New York *Super Lawyers* (2006–2012; 2014–2018) in the field of commercial litigation.

#### ***Representative Experience***

- Represented families and survivors of the September 11, 2001, World Trade Center attacks in challenging the Department of Justice regulations and procedures regarding calculations of compensation awards from the federally mandated September 11th Victims Compensation Fund. The courts did not invalidate the regulations, but the challenge and the Second Circuit decision led to markedly improved compensation awards to certain survivors and their families. In compensation proceedings before Special Master Kenneth Feinberg, one of our clients received the single highest death compensation award. (S.D.N.Y.; Second Circuit).
- Represented a syndicated lender in an action brought by a bankruptcy liquidation trustee seeking to hold syndicated lenders liable on a \$200 million claim by bondholders alleging that the lenders had breached the indenture trust. After trial, the court ruled that the liquidation trustee's claim was invalid, and it was dismissed in all respects. (D. Del.).
- Represented a publicly traded international consulting firm and a senior professional in an action brought by a competing firm relating to the hiring of a significant number of professionals in the U.S. and Europe. After extensive discovery, the plaintiff's claim was dismissed on summary judgment with the exception of a single contractual claim, which was thereafter favorably settled. (Suffolk County (MA) Superior Court).

- Represented a publicly traded defense contractor in litigation brought by junior equity owners involving a disputed joint-venture transaction in which the joint-venture partners contended they were being illegally diluted. The plaintiffs' application for an injunction pending arbitration was largely denied. As the arbitration proceeded, the plaintiffs acceded to the challenged transaction and the case was subsequently settled for a fraction of what the joint-venture partners claimed their equity interest was worth. (Delaware Court of Chancery; American Arbitration Association).
- Defended an international life insurance, broker-dealer, and financial advisory firm against a class action relating to alleged deceptive trade practices under the state consumer protection statute. The case was dismissed at the federal trial level, but was reinstated by the Second Circuit and remanded to state court. Thereafter, following the defense of efforts by the plaintiff to obtain discovery to certify a nationwide class, the case was withdrawn. (S.D.N.Y.; Second Circuit; New York Supreme Court, New York County).
- Represented a publicly traded REIT in a suit challenging a merger transaction that eliminated the interests of limited partners in multimillion-dollar residential real estate. After an unsuccessful trial court motion to dismiss, the appellate court reversed and dismissed the action based on exclusive appraisal rights under the New York Limited Partnership Act. An appeal was accepted by the state court of appeals, and our client's position on an issue of first impression under the statute was sustained. (New York Supreme Court, New York County; Appellate Division, First Dept.; New York Court of Appeals).
- Represented an international investor and affiliated entities in wide-ranging litigations designed to recover assets stolen or diverted from a mortgage portfolio company that had been defrauded by insiders who managed the business. After a series of restraining orders and injunctions gained control of the business and its premises for our clients, several evidentiary hearings resulted in contempt citations and several judgments entered against the defendants. Our clients were also awarded summary judgment against the principal defendants who thereafter filed for bankruptcy and were subsequently indicted. (New York Supreme Court, New York County; Appellate Division, First Dept.; Bankruptcy Court, E.D.N.Y.).
- Represented a publicly traded asset management/investment advisory company in litigation filed against an international bank that had, together with certain disloyal senior executives, conspired to take over the client's institutional fixed-income business. A temporary restraining order and two preliminary injunctions were obtained, which effectively ended the immediate threat to the business. Subsequently, after a six-day trial on a related trade secrets claim, a sweeping preliminary injunction was granted requiring the defendants to decommission software tools and systems that had been developed based on our client's proprietary system; the injunction was then affirmed on appeal. On the eve of a scheduled six-week jury trial, the case was settled on extremely favorable terms. (W.D. Ky.; New York Supreme Court, New York County; Appellate Division, First Dept.).
- Represented a group of institutional lenders in an intercreditor dispute against an agent bank and others involving claims that the defendants had improperly deprived our clients of their rightful pro rata interests in collateral acquired from a bankrupt borrower. After the collateral was sold, we obtained a temporary restraining order and preliminary injunction ensuring that the proceeds would be escrowed. Summary judgment on liability was subsequently granted in favor of our clients. (New York Supreme Court, New York County).
- Represented a privately owned Virginia technology company in litigation and arbitration initiated by an international pharmaceutical and medical diagnostics company involving a disputed contractual right of first refusal. The adverse party attempted to enjoin the acquisition of our client by another company, but we defeated that effort after a two-day injunction trial. Emergency proceedings and an appeal followed in the Seventh Circuit. Following a six-day arbitration trial in Indianapolis, the arbitrator issued a final award vindicating our client's position, awarding interest to offset the delay in closing, and permitting our client's acquisition by the other company to proceed. (S.D. Ind.; Seventh Circuit; CPR Arbitration).

- Represented a foreign, publicly traded medical device manufacturer in patent infringement litigation and related antitrust and unfair trade practices counterclaims. The counterclaims against our client were initially dismissed, then stayed after repleading. The case was then favorably settled, with our client receiving lump-sum and royalties consideration for the infringing product. (N.D. Cal.).
- Defended a private, global consulting firm against claims of “raiding” and conspiracy to “lift-out” a practice group and various claims of breaches of and interference with an array of restrictive covenants. The case was favorably settled just before jury selection. (Dade County (FL) Superior Court).

## *Education*

- University of Pennsylvania (J.D., 1976)
- College of the Holy Cross (B.A., 1973)

## *Admitted to Practice*

- New York

## *Related Services*

Litigation | Corporate Plaintiff's Litigation | Financial Services Litigation | Corporate & Business Transactions