

John P. Doherty

Partner

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John Doherty is a partner in Alston & Bird's Litigation & Trial Practice Group. John advises financial institutions, investment funds, and special servicers in complex disputes involving structured finance, real estate finance, and distressed assets, securities, and derivatives. John's practice extends beyond litigation to include risk management and strategic advisory services for capital markets clients facing possible litigation. In addition, John handles complex commercial litigation and arbitration for Fortune 500 and other companies across multiple industries.

John was previously a partner at Thacher Proffitt & Wood LLP in New York. He is a frequent speaker and author on legal issues relating to the credit crisis.

Representative Experience

Financial Services/Litigation

- Represented CMBS special servicers in commercial loan foreclosure actions involving hotels, office buildings, and raw land and related receiverships in New York and nationwide.
- Defended banks in four RMBS representation and warranty lawsuits filed by trustees and liquidating trusts involving more than \$12 billion in loans.
- Counsel for a financial institution at trial and on appeal in a multifaceted breach of contract and fraud action arising from a failed real estate joint venture.
- Represented indenture trustees in four federal court securities law and breach of contract actions filed by subordinate certificateholders of RMBS securitizations.
- Counseled a credit default swap counterparty in a \$1 billion termination dispute.
- Represented investment banks in 20 litigations against residential mortgage loan originators for breach of representation and warranty claims concerning \$10 billion in commercial and residential loans.
- Represented mezzanine lenders in litigation filed by mezzanine borrowers to enjoin a UCC foreclosure sale of mezzanine collateral based on non-monetary defaults and in connection with parallel criminal proceedings.
- Represented a CMBS special servicer in the largest commercial loan workout in U.S. history.
- Represented the administrator for \$12 billion student loan securitizations in multiple litigations and regulatory proceedings.
- Represented the collateral manager for 15 collateralized debt obligations (CDOs) in connection with several litigations.
- Counsel for a warehouse lender in a breach of contract and fraud action against a borrower.

- Represented a bank lender in a lawsuit arising from the financing of a copyright in master recordings of a well-known rock band.
- Represented the master servicer, special servicer, and trustee in litigation with a CMBS borrower relating to interpretation of a loan agreement.
- Represented banks, as mortgage lender, in a lawsuit by a mezzanine loan holder regarding priority of payment under the waterfall provision of an intercreditor agreement.
- Defended an investment bank in connection with a dispute arising from forward commitments for a \$2 billion transaction.
- Counseled a high-speed trading firm in contract, technology, and compliance matters.
- Represented senior lenders in multiple actions with mezzanine lenders and guarantors arising from a \$350 million loan portfolio, including StuyTown injunction proceedings.
- Represented an investment bank in adversary proceedings (breach of contract and UCC Art. 3) against title insurers and closing agents arising from a Ponzi scheme.
- National counsel to an investment bank in suits on notes and guaranties in 10 states arising from a \$200 million commercial loan portfolio, including workouts and foreclosures.
- Represented the senior participant in a contract action arising from a junior participant's purported right of first refusal to purchase senior interest based on a qualified institutional lender (QIL) provision.
- Trial counsel to a national bank's credit card group.
- Represented financial institutions in approximately 15 predatory lending suits (TILA, RESPA).
- Defended a financial institution in a Fair Debt Collection Practices Act class action lawsuit.

Financial Services/Regulatory

- Independent counsel in connection with a high-profile Office of the Comptroller of the Currency and Federal Reserve Bank examinations of foreclosure and loan modification practices at four national banks pursuant to consent orders.
- Represented securitization party in connection with a New York attorney general investigation and CFPB proposed consent judgment.
- Represented employees in one of the UK's largest banks in an Office of Foreign Asset Control regulatory investigation by U.S. authorities.
- Counseled a hedge fund in responding to a civil investigative demand issued by the attorney general of Massachusetts concerning a CDO program.

General Commercial Litigation

- Defended a Belgian company in the "Oil for Food" litigation filed by the Republic of Iraq.
- Represented London-based insurers in an insurance coverage dispute in which the insured sought indemnification for \$400 million in claims under a commercial general liability policy.
- Represented London-based excess insurers in a \$44 million property damage and wrongful death case arising from a power plant fire.
- Represented the estate of deceased victims of the July 2000 Concorde aircraft crash in high-profile wrongful death actions in New York and Texas.

- Defended an offshore survey and positioning company in two complex negligence and breach of contract cases arising from multimillion-dollar construction accidents in connection with a natural gas pipeline installation.
- Counsel to a South American pharmaceutical and home products company in a worldwide dispute with a U.S. pharmaceutical conglomerate concerning the licensing, manufacture, and sale of pharmaceutical products that involved three international litigations, two ICC arbitrations, and three U.S. arbitral award confirmation proceedings.
- Represented UK insolvency administrators in a multifaceted dispute with a debtor and related companies in two U.S. court proceedings.

Domestic and International Arbitration

- Represented a Chilean natural gas company against an Argentine gas supplier (ICDR, New York).
- Represented a South American pharmaceutical company in a \$100 million arbitration against a U.S. pharmaceutical company in a dispute concerning breach of contract and product licensing and distribution issues (ICC, New Jersey).
- Represented a hedge fund investor against a fund manager in an action for 1933 and 1934 Act violations, breach of contract, and fraud (AAA, New York).

Education

- Fordham University (J.D., 1996)
- University of Notre Dame (B.A., 1992)

Admitted to Practice

- New York

Related Services

Litigation | Commercial | Securities Litigation | Derivatives & Structured Products | Financial Services Litigation | International Arbitration & Dispute Resolution | Structured & Warehouse Financing Disputes | Commercial Real Estate Master & Special Servicing | Enforcement, Workouts & Foreclosures | Real Estate Litigation