

Steven L. Penaro

Counsel

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Steve Penaro is counsel in the New York office and a member of Alston & Bird's Litigation & Trial Practice Group. He focuses his practice on general commercial litigation.

Steve has represented plaintiffs and defendants in a broad range of complex commercial disputes, including litigation involving breach of contract, fraud, right of first refusal claims, various tort claims, securities law, and agency and fiduciary relationships. Steve has represented clients in a wide array of industries, including the health care, retail, and insurance industries, where he has litigated a variety of issues unique to that space. Steve also assists insurance clients seeking to underwrite contingent risk products. His experience spans federal and state practices and appeals. Before joining Alston & Bird, Steve was a voluntary law clerk to the Honorable Richard J. Sullivan of the U.S. District Court for the Southern District of New York.

Steve received his J.D., magna cum laude, in 2009 from the Fordham University School of Law, where he served as an associate editor on the *Fordham Law Review* and was elected to the Order of the Coif. He earned his B.A. in history from the College of the Holy Cross in 2006.

Steve is admitted to practice in New York and New Jersey.

Representative Experience

- Represented three pharmaceutical benefit managers in one of the largest multidistrict litigations in history.
- Counsel to a leading national insurance company in class actions involving business interruption coverage related to the COVID-19 pandemic.
- Counsel to a foreign manufacturer in a breach of contract action involving a manufacturing and supply agreement.
- Counsel to a leading health care insurance company in a dispute involving out-of-network coverage issues.
- Counsel to a national accounting firm in an employment dispute.
- Lead trial counsel in a defamation case in the New Jersey Supreme Court. Obtained a favorable jury verdict protecting the client from a potential adverse judgment exceeding \$25 million.
- Advising a life settlements company on various policy enforcement issues.
- Advising a startup hedge fund on various employment issues.
- Counsel for a Chinese insurance company in a collection dispute.
- Counsel to a limited liability company in an ownership dispute.
- Counsel to a manufacturer of construction materials in a products liability action.
- Counsel to a health care services company in a breach of contract dispute involving actuarial science.
- Appellate counsel in various state and federal court appeals.

- Outside reviewer in an independent review organization involving a major pharmaceutical company's systems, policies, and procedures pursuant to the terms of the company's corporate integrity agreement.
- Counsel to a privately owned Virginia technology company in district courts in two separate jurisdictions and a collateral arbitration initiated by an international pharmaceutical and medical diagnostics company involving a breach of contract claim. Played a key role throughout the matter, including witness and trial preparation. Obtained a result permitting our client to merge with a desired entity.
- Counsel to a generic pharmaceutical company in an action against a branded pharmaceutical company involving breach of contract and specific performance. Played an integral role in discovery matters, dispositive motion practice, and hearing preparation.
- Represented a bank in a breach of contract dispute and obtained a judgment of \$3.7 million on summary judgment.
- Counsel to a life settlements company in a breach of contract and fraud dispute.
- Counsel to a foreign manufacturer in a domestic litigation involving a federal RICO claim.
- Counsel to a Canadian citizen in cross-border litigation seeking to set aside the fraudulent conveyance of various artworks. Secured an order of attachment, defended multiple attempts to dismiss the cause of action, and procured the return of an attached artwork.
- Represented a university in a negligence action moving to dismiss the action saving the client millions in potential exposure.
- Lead counsel to a retail client in a AAA arbitration involving breach of contract and obtained a favorable multimillion-dollar settlement.

Publications & Presentations

Presentations

- "Trends and Updates in Contracts Litigation: Tips and Tactics Explored," The Knowledge Group, November 18, 2019.
- "Considering and Initiating Federal Court Litigation," Federal Court Practice 101: An Introduction to the Nuts & Bolts of Federal Civil Practice, New York City Bar, New York, NY, March 27, 2019.

Professional & Community Engagement

- Chaminade High School Alumni Association, vice president
- Chaminade High School Lawyers Association, president (Spring 2019 – Spring 2021)
- James Lenox House Association Inc., board member
- Holy Cross Lawyers Association, board member
- Housing Rights Program
- New York City Bar Association
- Federal Courts Committee

Court Admissions

- New York state courts
- New Jersey state courts

- District of New Jersey
- Southern District of New York
- Eastern District of New York
- Northern District of New York
- Western District of New York
- U.S. Court of Appeals for the Second Circuit

Education

- Fordham University (J.D., 2009)
- College of the Holy Cross (B.A., 2006)

Admitted to Practice

- New York
- New Jersey

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