

## Lawyers



### Thomas C. White

Partner

#### New York

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Thomas C. White is a partner in the Firm's Litigation Group. He represents leading global companies and individuals in complex commercial litigation, including securities class actions, products liability actions, bankruptcy litigation, arbitration, and government investigations. He has represented some of the world's leading corporations, financial institutions and industry organizations, including Goldman Sachs, Volkswagen, California Resources Corp., Barclays, Cytec, Giants Stadium, the New York Bankers Association, The Clearing House, Popular, Swiss Re and UBS.

#### **Rankings and Recognitions**

*AmLaw Litigation Daily* – "Litigator of the Week" (May 2019, November 2020)

*New York Super Lawyers* – Rising Star (2012-2019)

#### SELECTED REPRESENTATIONS

- Acted as trial counsel in obtaining a victory for Micro Systems Engineering, Inc. (MSEI), an affiliate of Biotronik, Inc., against Universal Instruments Corp. in a case alleging copyright, trade secret and contractual claims relating to medical devices. Following a six-day jury trial, the court granted MSEI's motion for judgment as a matter of law, which was upheld on appeal.
- Representing the Republic of Argentina in litigation brought by various hedge funds relating to GDP-linked securities the Republic issued in 2005 and 2010. The Court dismissed the first-filed of the cases in January 2020.
- Represented Barclays before the Southern District of New York, obtaining summary judgment for Barclays and the other defendants in a 1933 Act Section 11 class action arising out of Barclays April 8, 2008 offering of \$2.5 billion of American Depositary Shares, Series

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#### PRACTICES & CAPABILITIES

**Litigation**

**Arbitration**

**Bankruptcy Litigation**

**Corporate Governance  
Litigation**

**Intellectual Property &  
Technology Litigation**

**Products Liability & Mass  
Torts**

**Securities Litigation**

**Supreme Court and  
Appellate**

**Financial Services  
Investigations & Litigation**

**Estates & Personal**

**Latin America**

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#### EDUCATION

**2007, Yale Law School, J.D.**

**2004, Dartmouth College,  
A.B.**

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#### BAR ADMISSIONS

**New York**

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#### CLERKSHIPS

**The Honorable Loretta A.  
Preska, United States  
District Court, Southern  
District of New York,  
2007-2008**

5. The judgment was upheld on appeal.

- Representing Fiat Chrysler as one of their lead counsel in various actions, regarding allegations of various defects, including that certain of FCA's diesel vehicles emitted nitrogen oxides in excess of the limits imposed by U.S. law. Work has included class action litigation, opt-out litigation, securities litigation, and litigation with regulators including the EPA and the Department of Justice.

- Representing Volkswagen in a putative class action in the Northern District of California brought by individuals who purchased and then sold or leased their diesel vehicles before news of the defeat devices became public.

- Representing debtors and creditors in various Chapter 11 bankruptcy proceedings and related litigation.

- Representing Goldman Sachs in a putative class action under ERISA challenging the Goldman Sachs 401(k) Plan's offering of proprietary Goldman Sachs mutual funds.

- Represented UBS and members of its supervisory board and senior management after UBS's market capitalization declined by nearly \$115 billion, following disclosures of UBS's subprime and auction rate securities losses and its DOJ and SEC settlements relating to U.S. cross-border tax issues. Previously, the S&C team including Mr. White obtained the dismissal of all claims brought by all UBS shareholders who purchased shares on foreign exchanges, which eliminated more than 85 percent of the theoretical damages. In May 2014, the United States Court of Appeals for the Second Circuit affirmed these decisions.

- Represented Giants Stadium in its claims in the Lehman bankruptcy concerning swaps used to hedge the risk of financing the new stadium.

- Represented DS Smith in M&A litigation relating to the sale of DS Smith's packaging business.

- Represented Barclays in litigation brought by the Federal Housing Finance Agency, as conservator for Fannie Mae and Freddie Mac, concerning the purchase of RMBS by Fannie and Freddie from Barclays and other financial institutions.

- Represented UBS and several current and former officers and employees in obtaining the dismissal of a putative ERISA "stock drop" class action. This decision was upheld on appeal.

- Represented Popular, Inc. and officers and directors of Popular in federal court in ERISA, shareholder derivative and securities class actions arising out of Popular's accounting for deferred tax assets.
- Represented Cytec Industries Inc. (now part of the Cytec-Solvay group) in obtaining summary judgment in connection with a dispute arising out of the \$1 billion sale of Cytec's coating resins business.
- Represented the New York Bankers Association successfully in persuading the Southern District of New York to strike down the "New York City Responsible Banking Act" under the U.S. and New York State constitutions. The RBA had sought to impose city regulation over banks in contravention of the exclusive regulatory power of the federal and state governments.