



Representative Experience

Antitrust

- Mark has been lead counsel for Toys “R” Us and Babies “R” Us in connection with the defense of class action antitrust claims alleging multiple price fixing conspiracies.
- Mark also represented Toys “R” Us in opt out actions against Visa and MasterCard in antitrust litigation relating to debit cards.

Bankruptcy and Financial Litigation

- Mark has represented Trustees, Liquidators and Bankruptcy Committees to pursue recoveries following fraud and related wrongdoing that left those financial and manufacturing companies insolvent. Some of his notable representations include Globe Manufacturing Company, DVI, Inc. and High Voltage Engineering Corporation in which recoveries were sought against former officers and directors, professionals and other recipients of transfers of funds.

Class Actions

- Mark has extensive experience in both the defense and prosecution of class actions. His recent representations include the defense of multidistrict FACTA litigation on behalf of Century 21 Department Stores and consumer class actions on behalf of Dick’s Sporting Goods, Casual Male, Pep Boys and The Gap.

Shareholder Disputes

- Mark represents shareholders and their companies in disputes concerning closely held corporations. He recently prevailed in an arbitration on behalf of a shareholder squeezed out of his company.

Contracts, Fraud and Breach of Fiduciary Duty

- Mark has litigated many cases involving contracts, fraud and breach of fiduciary duty claims. He has represented both plaintiffs and defendants, as well as parties in arbitration. Recently, he has advised several top international trading and commodity companies concerning contract disputes under New York law.
- Mark has defended Toys “R” Us in a fraud and contract based litigation. He successfully defeated the fraud based claim and the matter resolved in mediation.

Internal and Government Investigations

- Mark represented the Board of Directors of Arochem Corporation in an internal investigation of how it was defrauded by its former CEO and CFO. He also represented the company in its subsequent bankruptcy. The case involved the first prosecution by the United States Government of a continuing financial crimes enterprise. Mark led the cooperation by the Company with the United States Attorney culminating in the successful prosecution of the former CEO.

RICO

- Mark has successfully defended RICO actions. Reported decisions include C.A. Westel de Venezuela v. American Tel. & Tel. Co. (representing AT&T) and Chamarac Properties Inc. v. Pike, (representing a law firm).

Securities Litigation

- Mark's experience includes both the defense and prosecution of securities litigation, including class actions and derivative actions. These cases involved both shareholder and bondholder claims.

Attorney and Accounting Malpractice

- Mark has represented plaintiffs and defendants in malpractice litigation.

ADR – Mediation and Arbitration

- Mark has significant experience in both mediation and arbitration. He has successfully resolved many cases and disputes through mediation.

Other Areas of Experience

- In addition, Mark has meaningful experience in litigation involving solvency and valuation disputes, claims trading, lender liability, trade secrets, health care, environmental issues, product liability, franchise termination, trademark and employment discrimination.

Speeches / Presentations

- "Ponzi Schemes and Other Frauds: Managing the Litigation Risks", Reed Smith New York In-House Counsel Seminar Series (June 18, 2009)
- "Electronic Payments Summit VI: Panel 2: How will regulatory and legal actions impact the payments industry?," UBS, New York (June 11, 2009)
- "Ethical Obligations Attendant to Electronic Discovery," Reed Smith, New York (June 28, 2008)
- "Ethics Parts I & II," New York In-House Counsel Seminar Series, Reed Smith, New York (June 12 & 26, 2008)
- "Significant Developments in Antitrust Law," Harvard Club, New York (May 17, 2007)
- "The 2007 Antitrust Conference: Antitrust Issues in Today's Economy," Reed Smith, New York (March 1, 2007)

- "Successfully Defending Unfair Competition Claims and Consumer Class Actions," Anderson Kill, The Harvard City, New York (June 8, 2006)
- "Current Developments in Conflicts and Disqualification," Ethics Seminar, Part II, The Harvard Club, NYC (March 1, 2006)
- "Multijurisdictional Practice Issues," Ethics Seminar, Part II, The Harvard Club, NYC (March 1, 2006)
- "Current Issues Concerning Privilege," Ethics Seminar, Part I, The Harvard Club, NYC (February 15, 2006)
- "Ethical Issues Involving Witnesses," Ethics Seminar, Part I, The Harvard Club, NYC (February 15, 2006)
- "Sarbanes Oxley in the Real World: Is Litigation Different Now?," Corporate & Commercial Litigation, Business and Financial Seminar Series (June 8, 2005)
- "Are Auditors a Bigger Target?," Corporate & Commercial Litigation, Business and Financial Seminar Series (June 8, 2005)
- "The Class Action Fairness Act: Fair or Foul?," Corporate & Commercial Litigation, Business and Financial Seminar Series (June 8, 2005)
- "Class Actions," Corporate & Commercial Litigation, Business and Financial Seminar Series (September 29, 2004)
- "Overview of Three Celebrity Trials," Corporate & Commercial Litigation, Business and Financial Seminar Series (September 29, 2004)
- "Multijurisdictional Practice," Ethics Seminar, Part II (February 25, 2004)
- "Taping Conversations by Lawyers," Ethics Seminar, Part II (February 25, 2004)
- "Dealing with Witnesses," Ethics Seminar, Part I (February 11, 2004)
- "The Attorney Disciplinary Process in New York," Ethics Seminar, Part I (February 11, 2004)
- "Arbitration and Mediation," Corporate & Commercial Litigation, Business and Financial Seminar Series (December 3, 2003)
- "Merger Clauses: Boilerplate May No Longer Provide Protection," Corporate & Commercial Litigation, Business and Financial Seminar Series (December 3, 2003)
- "Securities Litigation and White Collar Update," Corporate & Commercial Litigation, Business and Financial Seminar Series (December 3, 2003)
- "Creditor Litigation Overview," Bankruptcy & Restructuring (April 23, 2003)
- "Securities and Class Action Litigation: A Review of Developments After the Reform Act and Enron – Is the Pendulum Swinging The Other Way," Corporate & Commercial Litigation, Business and Financial Seminar Series – (December 4, 2002)

- "Multijurisdictional Practice Issues," "Mandatory Engagement Letter and Fee Dispute Arbitration," Ethics and The Corporate Counsel, Part II (February 27, 2002)
- "Minimizing Risks of and Responding to Wrongdoing," Ethics and The Corporate Counsel, Part I (February 13, 2002)
- "Internal Investigations," Ethics and The Corporate Counsel, Part I (February 13, 2002)
- "Joint Defense/Common Interest Agreements," Ethics and The Corporate Counsel, Part I (February 13, 2002)
- "Internal Corporate Investigations," The Corporate Response to Criminal Conduct (October 24, 2001)
- "Overview of Private Litigation Securities Reform Act," Corporate & Commercial Litigation, Update (June 13, 2001)
- "PSLRA – Lead Plaintiff Issue: The Heightened Pleading Standard; Loss Causation," Corporate & Commercial Litigation, Update (June 13, 2001)
- "Effect of Daubert on Damages Models," Corporate & Commercial Litigation, Update (June 13, 2001)
- "Conflicts," Ethics and The Corporate Counsel, Part II (February 23, 2000)
- "Monitoring of Employees' e-mail," Ethics and The Corporate Counsel, Part I (February 16, 2000)

Legal Education

- J.D., with distinction, Duke University

Undergraduate Education

- B.A., magna cum laude, State University of New York at Albany

Professional Admissions / Qualifications

- New York

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals - First Circuit
- U.S. Court of Appeals - Second Circuit
- U.S. Court of Appeals - Third Circuit
- U.S. District Court - Southern District of New York
- U.S. District Court - Eastern District of New York