



## Partner

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## Practice Focus

Business and Commercial Disputes  
Securities Litigation and Enforcement  
Accountant's Liability  
Investigations

## Education

Cornell Law School, J.D., *cum laude*

University of Michigan, Ross School  
of Business, B.B.A., *with distinction*

## Admitted

New York

United States Court of Appeals for  
the Second Circuit

United States Court of Appeals for  
the Fifth Circuit

U.S. District Court for the Southern  
District of New York

U.S. District Court for the Eastern  
District of New York

## Representative Experience

Steven is a partner in Eisner, LLP's New York office and a nationally recognized litigator with nearly three decades of experience representing plaintiffs and defendants in high-stakes trials in state and federal courts in New York and other jurisdictions. He is equally adept at representing companies and individuals in government and internal investigations, and regulatory proceedings before the Securities and Exchange Commission, FINRA, and other law enforcement and regulatory agencies. He also represents companies and individuals in litigation under the federal securities laws, including securities litigation class action defense.

He has also represented Big Four accounting firms, Fortune 500 companies, and financial services firms in commercial litigation matters in federal, state, and appellate courts across the country. Among his many notable successes, in the New York County Supreme Court's Commercial Division, Steven won a unanimous jury verdict and subsequent appeal for a hedge fund defendant in a \$95 million lawsuit and a complete judgment after a bench trial for an international clothing manufacturer in a multimillion-dollar breach of contract action by an arm of the World Bank.

Before joining Eisner, Steven was a litigation partner at the Am Law 100 law firm Seyfarth Shaw LLP. Earlier in his career, he practiced at the Am Law 100 law firm Vinson & Elkins, where he served for many years as co-head of the securities litigation and enforcement practice.

Selected representative matters include:

### *Trials and Arbitrations*

- Obtained as lead trial lawyer for an Italian clothing manufacturer and its U.S. affiliate a decision, following a trial before a justice of the New York County Supreme Court's Commercial Division, denying any liability of his client on plaintiff's cause of action seeking damages of approximately \$10 million based on client's alleged breach of contract, and successfully argued the appeal before the First Department.\*
- Obtained as lead counsel on behalf of a hedge fund a unanimous jury verdict in New York County Supreme Court's Commercial Division in a \$95 million lawsuit brought against the fund concerning termination of a former business associate and whether the associate had the right to receive any profits from their business venture.\*
- Obtained as lead counsel on behalf of a U.S. broker dealer subsidiary of a large international bank in a FINRA arbitration with fifteen hearing sessions a favorable award on a claim for breach of a consulting agreement seeking damages in excess of \$3 million.\*

### *Business and Commercial Disputes*

- Represented as lead counsel a leading developer of low income and affordable housing in an action for breach of a consent agreement and contempt brought by an investor claiming ownership rights and financial interests in various development projects and seeking damages in excess of \$40 million that was resolved on favorable terms for the client.\*

- Obtained as lead counsel dismissal with prejudice of claims for fraud and breach of fiduciary duty alleged by plaintiff against a company that acquired plaintiff's former business from a third party, and successfully argued and obtained affirmance on appeal to the United States Court of Appeals for the Second Circuit.\*
- Represented as lead counsel a leading owner and operator of ATMs in a \$100 million contractual dispute with a leading New York-based pharmacy that was resolved on favorable terms for the client.\*
- Represented as lead counsel a food flavorings company in a \$25 million action against one of the world's largest food companies and a former employee for misappropriation of trade secrets, Lanham Act violations, and related claims that were resolved through a negotiated settlement after extensive discovery and motion practice.\*

#### *Securities Litigation and Enforcement*

- Represented a broker-dealer and two of its officers in lawsuits commenced by the SEC, SIPC Trustee, and private investors arising from the Madoff Ponzi scheme. Achieved favorable settlement of SEC action after obtaining dismissal of SEC's original complaint and resolved Trustee's claims after seven-year litigation.\*
- Represented a defendant and two relief defendants in an SEC action and parallel criminal investigation and civil litigation arising from an indictment in the SDNY of Joseph Meli who allegedly engaged in a Ponzi scheme involving the resale of tickets for high-profile entertainment events, including the Broadway show "Hamilton."\*
- Obtained as co-lead counsel dismissal of a federal securities fraud lawsuit against a Fortune 500 engineering and infrastructure company on appeal to the 5th Circuit from the lower court's denial of the clients' motion to dismiss, and also represented clients in a related SEC inquiry that was discontinued after 3.5 years with no recommendation of an enforcement action against the company or any of its management.\*

#### *Accountant's Liability*

- Defended a national accounting firm against claims for breach of contract, fraud, negligence, and malpractice; plaintiffs sought a multimillion-dollar recovery; matter was resolved after extensive deposition discovery, and motion practice and mediation.\*
- Represented as lead counsel a national accounting firm in an arbitration dispute with a former audit client seeking damages for professional malpractice and breach of contract; matter was resolved on favorable terms for the client.\*

#### *Investigations*

- Represented audit committee of a leading communications company in an internal investigation pursuant to Section 10A of the Securities Exchange Act of 1934. Various national securities brokerage firms, before both courts and arbitral panels in disputes over whether the departing brokers may solicit firm employees.\*
- Conducted an internal investigation on behalf of a Fortune 500 engineering and infrastructure company into whether an employee's alleged conduct exposed the company to violations of the Securities Exchange Act of 1934.\*

- Represented as lead counsel a financial services firm in an SEC investigation of a publicly traded company that supplied equipment to the client, including conducting an internal investigation into the client's dealings with the vendor.\*

\*Matters handled prior to joining the Firm.

## Honors and Awards

Selected for inclusion in *The Best Lawyers of America*® for Commercial Litigation, 2021-2022

Listed in The Legal 500 USA guide for Securities: Shareholder Litigation, 2012-2015, 2017-2020, and M&A Litigation – Defense, 2014-2015

Named a *Benchmark Litigation* “National Litigation Star” for Securities and Commercial Litigation, 2017-2019; a “Local Litigation Star” in New York, 2013-2015, 2017-2019; and a “Future Star” in New York, 2012

Selected for inclusion in *New York Metro Super Lawyers*, 2007-2018

## Publications and Speaking Engagements

Co-Author, “Particularized Pleading of Underlying Illegal Acts in the Second Circuit,” *New York Law Journal*, September 11, 2020

Co-Author, “Event-Driven Securities Litigation in the Age of COVID-19,” Legal Update, Seyfarth Shaw LLP, June 11, 2020

Co-Presenter, “Securities Litigation and Regulation in the COVID Era: Recent Developments and Expected Trends,” Webinar, Seyfarth Shaw LLP, June 4, 2020

Co-Author, “What To Expect From SEC’s Admission Of Wrongdoing Policy,” *Law360*, July 11, 2013

Program Chair and Moderator, “Securities Litigation: Updates on Developments *Post-Morrison*,” New York City Bar, May 2, 2013

Presenter, “Attorney-Client Privilege Challenges With Social Media and E-Communications,” Strafford, July 7, 2011

Presenter, “Managing Discovery Responses in Government Investigations,” New York City Bar, June 2009

Co-Author, “When a Nonsignatory Can Compel Arbitration With a Signatory,” *New York Law Journal*, December 17, 2008

Co-Author, “Pleading the Loss Causation Link: ‘Dura’ and ‘Twombly’ play out on motions to dismiss,” *New York Law Journal*, December 3, 2007

Presenter, “Developments in Hedge Fund Regulation and Enforcement,” IQPC Securities Litigation Conference, May 18, 2007

## Professional Affiliations and Civic Involvement

The Association of the Bar of the City of New York, Member; Securities Litigation Committee, 2011-2016; Council on Judicial Administration, 1998-2000

American Bar Association, Litigation Section; Co-Chair: Association Subcommittee on Broker-Dealer Litigation, 2002-2008