

Counsel, New York
Complex Litigation and Trials



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Education

J.D., University of Virginia
School of Law, 1996 (Member, Editorial
Board and Articles Review Board,
Virginia Law Review)

B.A., Amherst College, 1993

Bar Admissions

New York

William O'Brien represents corporations and individuals in complex litigation involving corporate, commercial and securities-related matters. His practice focuses on pre-trial, trial and appellate work in federal and state courts. Mr. O'Brien also has participated in commercial arbitrations before the AAA and regulatory proceedings before the SEC and FINRA.

Mr. O'Brien has represented clients, both as plaintiffs and defendants, in actions involving a variety of federal and state statutes, including the Securities Exchange Act of 1934, the Securities Act of 1933, the Racketeering Influenced and Corrupt Organizations Act (RICO), the Delaware General Corporation Law and New York's Business Corporation Law. He also has litigated a wide range of common law claims, including alleged breaches of contract, breaches of fiduciary duties, fraud, negligence and tortious interference.

Among others, Mr. O'Brien has represented:

- BRF S.A., a Brazilian food company, in contesting federal securities fraud claims brought under the Securities Exchange Act of 1934;
- JPMorgan Securities LLC in responding to common law claims that arose from a bond offering involving OGX Petróleo e Gás Participações S.A., a Brazilian oil and gas company;
- JPMorgan Securities LLC and other financial institutions in defending against Securities Act claims stemming from an alleged bribery and corruption scandal involving Petrobras, Brazil's state-owned oil and gas company;
- Citigroup Global Markets, Inc., Goldman, Sachs & Co. and other financial institutions in opposing Securities Act claims arising from certain bond and equity offerings by Cobalt International Energy, Inc.;
- Compuware Corporation and its board of directors in defending against breach of fiduciary duty claims arising from the company's acquisition by Thoma Bravo, LLC;
- The Royal Bank of Scotland Group plc and certain of its affiliates in defending against CDO-related lawsuits filed in both state and federal court;
- Citigroup Inc., Discover Financial Services and Student Loan Corp. in defeating federal securities fraud claims arising from accounting-related disclosures;
- UBS in defending against RMBS-related claims brought under the Securities Act of 1933 and the Blue Sky Laws of Virginia and the District of Columbia;
- UniCredit S.p.A. in its defense of Madoff-related litigation, which was named among the top matters in the Litigation & Dispute Resolution category in the *Financial Times*' 2013 U.S. Innovative Lawyers report;
- former officers and directors of Fremont General Corporation, a subprime lender, in defeating federal securities fraud claims stemming from the decline of the company's residential mortgage lending business;
- Citigroup Global Markets Inc., Goldman Sachs Credit Partners L.P., Deutsche Bank Trust Company Americas and Deutsche Bank Securities Inc. in a trial arising from a \$2 billion financing facility for Solutia, Inc.;
- an underwriting syndicate of financial institutions in multiple shareholder actions arising from the collapse of WorldCom, Inc., the global telecommunications provider; and
- American Funds Distributors, Inc. in a seven-day enforcement hearing before the NASD (now FINRA).

William J. O'Brien III

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Publications

Co-author (with Nancy J. Laben and Susan L. Saltzstein), "Chapter 67B, Securities Litigation," Thomson Reuters treatise *Successful Partnering Between Inside and Outside Counsel*, April 2019

"What to Look for in *Cyan v. Beaver County* Oral Arguments," *Law360*, November 26, 2017

"Lessons for the Defense in Light of *Halliburton II* and *Omnicare*," *Inside the Minds: New Developments in Securities Litigation*, June 2015

"Interpreting Preemption Under New York's Martin Act," *BNA, Inc - Securities Regulation & Law*, July 4, 2011

"Tips on U.S. Cautionary Risk Disclosures," *International Financial Law Review*, January 28, 2011

"Securities Class Actions: Recent Developments," *The National Law Journal*, April 27, 2009

"The Supreme Court Rejects 'Scheme Liability' in *Stoneridge Investment Partners v. Scientific-Atlanta, Inc.*," *Securities Litigation Journal*, Winter 2008 (Volume 18, Number 2)

"Dynex Capital Inc.: Second Circuit Weighs in on Pleading Corporate Scierter," *Securities Litigation Journal*, Fall 2008 (Volume 19, Number 1)