



Steven W. Perlstein

Lawyer

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Steven Perlstein is an experienced trial lawyer who practices in the area of appellate and complex civil litigation, focusing on litigation related to complex commercial transactions (such as collateralized debt obligation and mortgage-backed securities transactions), business break up disputes and securities-related litigation. Mr. Perlstein also conducts litigation related to data security, particularly with regard to civil remedies available to prevent the widespread dissemination of proprietary information. In addition, Mr. Perlstein regularly represents clients in white-collar criminal defense matters and regulatory investigations.

Mr. Perlstein has participated in a variety of civil and criminal proceedings, including International Chamber of Commerce, Financial Industry Regulatory Authority and American Arbitration Association arbitrations, as well as litigations in state, federal and bankruptcy courts in New York and Delaware. Mr. Perlstein has also litigated patent disputes in the Eastern District of Texas.

In addition, Mr. Perlstein has briefed several civil and criminal appellate matters before the U.S. Court of Appeals, including for the Second, Eleventh and Ninth Circuits, and has assisted as an advisor at the firm on others, including in the Fourth Circuit and D.C. Circuit. Among his extensive experience with appellate litigation, Mr. Perlstein has represented clients in federal criminal and civil appeals in the U.S. Court of Appeals for the Second Circuit, recently argued in the Eleventh Circuit on a complex issue of standing and assisted in briefing regarding an international alternative asset manager in an appellate matter in the U.S. Court of Appeals for the District of Columbia.

Prior to joining Kobre & Kim, Mr. Perlstein practiced at Schulte Roth & Zabel LLP, where he focused on complex commercial and securities litigation and bankruptcy litigation.

Mr. Perlstein previously served as a judicial clerk to the Honorable John D. Butzner Jr. of the U.S. Court of Appeals for the Fourth Circuit.

Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the District of Colorado

Education

- University of Virginia School of Law, JD (*Journal of Law and Politics*, Executive Editor)

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- Pennsylvania State University, BS
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Clerkships

- Honorable John D. Butzner Jr., U.S. Court of Appeals for the Fourth Circuit
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Accolades

New York Metro Super Lawyer

Select Engagements

Intellectual Property Litigation

- Representation of Spanish R&D company Fractus S.A. in several patent infringement actions against the major U.S. cellular carriers (Verizon, AT&T, T-Mobile, Sprint) and two antenna manufacturers. After a successful trial representation in the Eastern District of Texas, Kobre & Kim obtained a favorable out-of-court settlement for the client resulting in the of its transfer of its base station antenna technology patent portfolio.

Commercial Litigation and Arbitrations

- Representation of a prominent international investment adviser and business consultant in relation to claims arising out the consultant's role in reverse-merged Chinese companies.
- Successful representation of a large multinational company in International Chamber of Commerce (ICC) arbitration regarding a royalty dispute in which the amount in controversy was US \$100 million+.
- Representation of an executive of AIG in investigations by the New York State Attorney General, the U.S. Securities and Exchange Commission (SEC) and U.S. Congress regarding business practices, products, and transactions in the insurance industry. Kobre & Kim successfully withdrew the executive's guilty plea and the case was adjourned in contemplation of dismissal.
- Representation of a Financial Industry Regulatory Authority (FINRA) broker-dealer in several securities arbitrations.

Government Enforcement Defense

- Representation of a large public company in the airline industry in connection with the U.S. Department of Justice (DOJ) investigation into alleged price-fixing in air cargo surcharges.

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- Representation of a senior executive of a major pharmaceutical products company in an investigation by the DOJ and the U.S. Securities and Exchange Commission (SEC) related to accounting fraud allegations in which no action was taken at the end of the investigation.
- Defense of private individual in criminal proceeding with related asset forfeiture claims.
- Representation of a senior trader at a broker-dealer relating to a New York Stock Exchange (NYSE) inquiry in which the NYSE concluded investigation without taking any additional action against trader.

Investigations & Monitorships

- Internal investigation of a UK-based media company after allegations of accounting fraud by a whistleblower.

International Judgment Enforcement & Offshore Asset Recovery

- Representation of various individuals in criminal matters in which the government sought forfeiture of assets allegedly related to criminal enterprise.

Financial Products & Services Litigation

- Representation of residential mortgage-backed securities trustees in numerous civil litigations in New York Supreme Court asserting claims concerning breaches of representations and warranties.
- Representation of an investment banking group of a foreign-based investment bank in a multimillion-dollar federal lawsuit by their former employer for alleged theft of trade secrets and alleged violations of the Computer Fraud and Abuse Act (CFAA).
- Representation of an institutional client in a significant mortgage-backed securities related claim against a Wall Street bank.
- Representation of an institutional client in connection with a dispute of breaches of representations and warranties in a pooling and servicing agreement (PSA) and mortgage loan purchase agreement (MLPA) in a securitization worth US \$1 billion+.
- Representation of a real estate investor in connection with bankruptcy proceeding in which the investor is a creditor, a related adversary proceeding, and various other civil litigations related to bank loans and guarantees.
- Representation of a commercial bank in litigation against an investment bank in connection with a dispute over a US \$80 million repurchase agreement.

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- Representation of a homebuilding company in connection with litigation against an investment bank over claims regarding US \$120+ million in private-label mortgage-backed securities.
- Representation of a hedge fund adviser against an investment bank regarding a US \$400 million repurchase transaction in which a favorable settlement was secured for the client three days after obtaining a temporary restraining order against the investment bank.
- Secured favorable settlement for a prominent hedge fund against an investment bank for short position trading losses.
- Representation of an investment adviser to numerous hedge funds regarding advice in connection with the Madoff securities fraud and other Ponzi schemes.
- Representation of a former chief financial officer (CFO) in connection with an options-backdating investigation by the U.S. Attorney's Office for the Eastern District of New York in which no action was taken against the CFO and related civil securities and derivative actions.
- Representation of the former senior vice chairman of a major insurance company in connection with various derivative and class actions in Delaware and New York.
- Representation of the former CFO in class and derivative actions in the U.S. District Court for the Eastern District of New York and related derivative litigation brought in the Commercial Division of the New York State Supreme Court.
- Representation of a hedge fund in trust instruction proceedings against a leading U.S. financial institution in Minnesota State Court.

Professional & Community Involvement

- Securities Industry and Financial Markets Association Asset Management Group, CCO and Enforcement Committee, Counsel
- American Bar Association, Member
- Federal Bar Council, Member
- American Inns of Court, Member

Publications & Presentations

- Speaker, "Enforcing High-Yield Bond Indentures" (Kobre & Kim, New York, November 2021)
- Co-Chair, "SPACS | Recent Trends in Regulatory and Litigation Issues" (New York Inn of Court, New York, September 2021)
- Co-author, "The End of LIBOR: Near-Term Litigation Over Historical LIBOR 'Fallback' Rates" (*Financier Worldwide*, May 2021)
- Co-author, "How Regulating GameStop's 'Market Manipulation' Could Harm Crypto" (*CoinDesk*, March 2021)
- Co-Chair, "Cybersecurity/Cryptocurrency" (New York Inn of Court, New York, July 2020)

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- Co-author, "Minimizing Litigation Risks From Valuation Disputes During Covid-19" (*Bloomberg Law*, May 2020)
- Co-author, "Protecting Your Business Against Automated Intruders" (*New York Law Journal Cybersecurity Special Report*, June 2019)
- Co-author, "International Defendants Sued in the US Should Not Overlook Rule 4(m)" (*Westlaw*, February 2019)
- Speaker, "Hackers: The Latest on Cybersecurity and How to Defend Firm and Personal Data" (Kobre & Kim, New York, January 2019)
- Speaker, "Insider Threats and the Computer Fraud and Abuse Act" (SIFMA Insider Threat Roundtable, November 2018)
- Guest lecture, "SEC Cyber Enforcement Actions" (Benjamin N. Cardozo School of Law, New York, October 2018)
- Co-author, "Fighting Digital Threats And Winning Courtroom Battles" (*Family Wealth Report*, July 2018)
- Speaker, "How Not to Get Away with Bribery: A View of the FCPA from the Boardroom" (New York Inn of Court, New York, April 2018)
- Speaker, "Recent Developments in Cybersecurity and Data Privacy" (Federal Bar Council, New York, March 2018)
- Speaker, "Computer Fraud and Abuse Act" (Presentation to Fortune 500 company, New York, February 2018)
- Co-author, "SEC Tightens Screws on Cyber-Breaches; How to Prepare for Increased Risk" (*Family Wealth Report*, November 2017)
- Chair, "Cybersecurity and Privacy: Practical, Legal and Ethical Considerations Before and After a Law Firm is Hacked" with a presentation on privacy enforcement in the EU (New York Inn of Court, New York, September 2017)
- Speaker, "Suits and Sanctions; Culpability and Cybercrime" (*Family Wealth Report*, New York, September 2017)
- Co-author, "Guardianship: Strategies for Minimizing Risk" (*Family Office Exchange*, September 2016)
- Speaker, "Judge Judith Kaye's Transformational Legacy " (New York Inn of Court, New York, May 2016)
- Speaker, "Tech-Data Security, The Remedies Available from a EU and US Perspective" (*Family Office Exchange*, Webinar, April 2016)
- Moderator, "Cyber Law Symposium: White Collar Cyber Crime: Applicable Criminal Laws and Strategies for Corporations and Victims" (St. John's University, New York, February 2016)
- Speaker, "U.S. Discovery v. U.K. Disclosure: Comparing Approaches to Gathering Evidence" (Kobre & Kim, Webinar, February 2016)
- Speaker, "Cyber Attacked? Key Steps Firms May Take to Mitigate Risk Before and After an Event" (SIFMA, Fort Lauderdale, October 2015)
- Speaker, "Under Attack: Cyberdefense in the Network Age" (100 Women in Hedge Funds, London, October 2015)
- Co-author, "The Department of Justice and SEC Provide Guidance on How to Prevent and Respond to Cybersecurity Threats" (*Family Office Exchange*, July 2015)
- Co-author, "Ask the Experts: Data Security" (*Private Asset Management*, May 2015)

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- Speaker, "Before the Data Breach: Planning Ahead to Minimize Risk" (Family Office Exchange, Webinar, March 2015)
- Speaker, "Recent Trends in Cybersecurity: A Walkthrough of the Considerations Before & After A Data Breach" (New York American Inn of Court, New York, February 2015)
- Speaker, "Recent Trends in Mortgage-Backed Securities Litigation: Investor Claims & Defenses" (New York City Bar Association, New York, April 2013)
- Speaker, "Recent Trends in Mortgage-Backed Securities Litigation" (New York City Bar Association, New York, March 2012)
- Speaker, "Residential Mortgage Litigation and Regulatory Enforcement: Residential Mortgage Litigation & Regulation in the Capital Markets, A Look at the Latest Investor Claims and Defenses" (American Conference Institute, Dallas, September 2011)
- Speaker, "Preservation, Cost-Allocation and Cooperation: An Exploration of E-Discovery Issues" (New York American Inn of Court, New York, March 2011)
- Speaker, "The Dodd-Frank Act & Its Impact on Bankruptcy & Securities Laws" (New York City Bar Association, New York, January 2011)
- Speaker, "Using E-Discovery to Your Advantage" (BDO Consulting, November 2010)
- Speaker, "Does a New Era of Ponzi scheme Fraud Necessitate Heightened Regulation?" (New York American Inn of Court, New York, April 2010)
- Speaker, "Meeting the Challenges of Cross-Border Investigations" (New York City Bar Association, New York, March 2010)
- Speaker, "Asset Forfeiture Proceedings Are On The Rise" (New York City Bar Association, New York, September 2009)
- Speaker, "An Interdisciplinary Approach to the Credit Crisis: The Overlap of Securities, Bankruptcy & Criminal Law" (New York City Bar Association, New York, July 2009)
- Speaker, "The Future of Securities Regulation Under the Obama Administration: A Critical Analysis of Key Legislative Proposals" (New York American Inn of Court, New York, March 2009)
- Speaker, "Securities Litigation: Stoneridge, Tellabs, Recent Developments and Decisions" (New York City Bar Association, New York, July 2008)
- Speaker, "Subprime Mortgage Meltdown Litigation: The Next Legal Frontier for Wall Street and Investors: Discussing how Collateralized Debt Obligations (CDOs) have influenced the market and affected the sub prime mortgage crisis" (New York American Inn of Court, New York, March 2008)
- Speaker, "Hedge Funds, New Targets for Regulation and Litigation: Discussing hedge fund litigation and recent efforts by the Securities & Exchange Commission to regulate the hedge fund industry under the Investment Advisers Act of 1940" (New York American Inn of Court, New York, March, 2007)