

Director & Officer Litigation

Overview

The Firm's Director & Officer (D&O) Litigation practice has been a mainstay of Munsch Hardt for decades, with senior attorneys providing invaluable advice and counsel to corporations and sophisticated organizations in the midst of challenging disputes with former officers and directors. More specifically, Munsch Hardt focuses on representing trustees and creditors' committees in actions on behalf of defunct companies against their directors and officers for breaches of fiduciary duties, self-dealing and fraudulent transfers. Our attorneys are well-versed in handling tough issues such as in pari delicto, the Business Judgment Rule and the establishment of gross negligence against the fiduciaries of bankrupt organizations.

While a significant portion of our practice focuses on prosecuting officers and directors, we are also frequently called upon to represent such parties, as well as managing directors, general partners and other fiduciaries in either defense of claims or to provide preventative advice. Regardless of whether the best resolution is to quietly settle out of court or pursue a trial in state or federal court, it is our experience on both sides of the table that enables us to aggressively and successfully represent our clients' best interests.

Finally, when working with Munsch Hardt, clients benefit from the Firm's multidisciplinary approach. In addition to our D&O litigators, we also bring to the table a combination of Corporate and Insurance Coverage expertise. Our Corporate & Securities practitioners understand the full range of governance issues, while our Insurance Coverage team understands D&O Insurance policies and can guide claimants in order to maximize recoveries under those policies. Even before we draw on our experience litigating, arbitrating and/or settling coverage disputes, our attorneys will provide in-depth advice related to the coverage available under these policies.

Experience

Plan Administrator Counsel

Co-Lead Counsel for the Plan Administrator for a failed professional baseball franchise, pursuing claims against the Franchise's former owner.

Fiduciary Litigation

Represented a Director in a fiduciary duty lawsuit arising from claims of insolvency and guarantee obligations.

Director & Officer Litigation

Represented the liquidating trust of a bankrupt public telecommunications company in a suit against the company's officers and directors. The claims were for breach of fiduciaries duties. The case resulted in a very favorable settlement prior to trial.

Creditors' Trust Counsel

Represents Trustee in litigation against the former brokers and officers and directors of a failed life settlement company that was engaged in a massive fraud selling fractional interests in life insurance policies.

Director & Officer/MDL Litigation

Represented the liquidating trust of a bankrupt public telecommunications company in an suit against a public company's officers and directors and its former auditors. The claims were for breach of fiduciary duty against the directors and officers and negligent auditing and negligent advisory services in relation to the booking of revenue. The case was consolidated in a multi-district litigation along with numerous securities class action lawsuits, and, after more than 160 depositions and successfully defeating numerous summary judgment motions. The case against the auditing firm settled prior to trial.

Director & Officer Litigation

Represented the liquidating trustee of a failed public energy company. On behalf of the debtor, the Firm brought claims against the directors and officers of the company as well as against its auditor for negligence and breach of contract. The case settled shortly after defeating the auditor's motion to dismiss.

Director & Officer Litigation

Represented the liquidating trustee of a failed architectural and design firm. On behalf of the debtor, the Firm brought claims against the debtor's directors and officers for breach of fiduciary duty and claims against the company's auditor, a "Big Four" accounting firm, for breach of contract and negligence. The claims against the company's auditors settled following defeat of the auditor's motion to dismiss.

Practice Leaders



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Brandon Stendara
Marc Taubenfeld
Fred Wahrlich

Related Practices

Litigation
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Appellate
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Financial Institution Litigation
Insolvency Litigation
Lawyer & Law Firm Litigation
Personal Injury & Wrongful Death
Products Liability
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Environmental Litigation
Intellectual Property Litigation
Employment Litigation
Trade Secrets
Tax Controversy

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Financial Services
Construction
Energy
Health Care
Hospitality
Insurance
Manufacturing
Retail
Technology & Telecommunications
Transportation

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Article: Don't Set Sail In A Leaky Ship — D&O Insurance: How To Negotiate Your Policy To Plug The Holes In Coverage