



Claire O'Brien

Partner
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Claire O'Brien is a trial and appellate litigator with experience in a wide array of matters in federal and state courts, as well as arbitral panels across the country. Claire has represented plaintiffs and defendants in various complex commercial disputes, as well as criminal and bankruptcy litigation matters.

In her commercial practice, Claire has extensive plaintiff- and defense-side experience in litigations related to technology- and innovation-focused companies, as well as liquidators and creditors concerning bankruptcy and foreign insolvency proceedings. Claire also has extensive experience representing state executive officials and agencies in policy matters.

In her public interest and pro bono practice, Claire has focused on criminal matters at both the trial and appellate level and has filed numerous amicus briefs before the U.S. Supreme Court.

Claire's commercial representations include:

- **A technology-focused venture capital firm and its founders** in a long-running arbitration against a group of former passive investors challenging a management-buyout transaction. The investors asserted claims for breach of contract, breach of fiduciary duty, and unjust enrichment. After a week-long hearing in February 2024, the arbitration panel denied the investors' claims in their entirety and ordered the investors to pay the defendants' share of the arbitration costs, plus reasonable attorneys' fees and expenses.
- **Blq**, a blockchain technology solutions provider, in Illinois state court, defending against allegations relating to the introduction and marketing of the token Metronome.
- **Archer Aviation Inc.**, an aircraft manufacturing company, against The Boeing Company in a California state court lawsuit that sought up to \$1 billion in damages caused by defamatory statements made by Wisk Aero LLC in furtherance of The Boeing Company's electric aircraft joint venture with Kitty Hawk Corporation.

Claire's insolvency and bankruptcy related representations include:

- **The Litigation Oversight Committee of Genesis Global Holdco, LLC**, which filed for chapter 11 bankruptcy protection, in anticipation of potential claims exceeding \$1 billion against the Genesis parent entity, Digital Currency Group, and other entities.
- **Assured Investment Management** and several of its managed funds in a Chapter 15 adversary proceeding in Bankruptcy Court for the Southern District of New York arising from the International Investment Group fraud, involving fraudulent transfer and aiding and abetting fraud and breach of fiduciary duty claims brought under New York and Cayman Islands law.
- **The Official Committee of Unsecured Creditors** in the Chapter 11 case of Celsius Network LLC in the U.S. Bankruptcy Court for the Southern District of New York, acting as special litigation

counsel to investigate and pursue causes of action against preferred equity holders on behalf of 1.7 million account users that used the Celsius platform before its bankruptcy filing.

- **Hornblower Group**, a global leader in experiences and transportation, representing the debtors as special litigation counsel in their Chapter 11 cases with respect to a dispute with the debtors' credit card processing vendor regarding the vendor's credit card chargeback liabilities resulting from the debtors' cancellations of cruise trips.
- **Interpath**, as joint liquidators of the BVI-based Kingate Global Fund and Kingate Euro Fund, in defending against claims brought by Deutsche Bank Securities Inc. relating to DBSI's alleged purchase from the funds of more than \$1.6 billion of claims against the Bernard Madoff estate. The parties reached a mediated settlement.
- **The Weinstein Company** as debtors' counsel in connection with its bankruptcy and the sale of its assets.
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A resource and technology-based company in action brought by a bankruptcy estate, defending against breach of contract, breach of fiduciary duty, and fraud claims in a three-week arbitration hearing.

Claire's public interest and pro bono representations include:

- Successfully briefed and argued the appeal of her client's criminal conviction for a *Batson* violation in the Appellate Division First Department. Claire is continuing to represent her client along with the Legal Aid Society on retrial.
- Filed an amicus brief in the U.S. Supreme Court on behalf of the American Civil Liberties Union and the New York Civil Liberties Union in *Hemphill v. New York*, an important case concerning the rights of criminal defendants under the Sixth Amendment to confront witnesses against them in the courtroom.
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Filed an amicus brief in the U.S. Supreme Court on behalf of the Rutherford Institute in *Young v. Georgia*, arguing against Georgia's statutory imposition of a heightened burden of proof for certain defendants to show that their death sentence violates the Eighth Amendment.

Claire earned her J.D. from Cornell Law School. Prior to joining Selendy Gay, Claire served as a law clerk for the Honorable Richard C. Wesley of the U.S. Court of Appeals for the Second Circuit and for the Honorable Brian M. Cogan for the U.S. District Court for the Eastern District of New York.

Education

Cornell Law School

(J.D.)

Cum laude, Senior Notes Editor, Cornell International Law Journal

Wesleyan University

(B.A.)

Prior Associations

Law Clerk to the Hon. Richard C. Wesley

U.S. Court of Appeals for the Second Circuit

Law Clerk to the Hon. Brian M. Cogan

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

Cravath, Swaine & Moore
Associate

Admissions

- State Bar of New York
- United States District Courts: Southern District of New York, Eastern District of New York