



Joshua S. Margolin

Partner
jmargolin@selendygay.com
212 390 9022

Joshua Margolin is a seasoned litigator with experience in a wide array of [complex commercial](#) and financial disputes.

Joshua has been recognized as a “Plaintiffs’ Lawyer Trailblazer” by *The National Law Journal* and one of the “500 Leading Litigators in America” by *Lawdragon*. He has litigated, arbitrated, and mediated matters involving complex financial products, [securities](#) fraud, [corporate governance](#), mergers, natural resources, real estate, insurance, contracts and employment. Named a “Future Star” by *Benchmark Litigation* and a “Rising Star” by *Super Lawyers*, Joshua has successfully argued before trial and appellate courts and has extensive experience achieving favorable results through mediation and in guiding his clients, including companies and individuals, through investigations.

Joshua is frequently called upon to provide legal commentary on emerging issues and key legal decisions across a variety of industries and practice areas for the *Wall Street Journal*, *Reorg*, *Bloomberg*, and other financial publications. He has also joined panels at conferences, including ABS East and GIR Live, speaking on topics including reporting requirements and corporate recidivism.

Representative Matters

Commercial Litigation

- *UMB Bank as Trustee*: Representing Trustee under Contingent Value Rights (“CVR”) Agreement in a lawsuit against Bristol Myers Squibb (“BMS”) seeking nearly \$7 billion arising from BMS’s failure to pay out holders of CVRs that were issued in connection with BMS’s acquisition of Celgene.
- *Fairfield Sentry Limited (in liquidation) et al.*: Represented Krys Global, a British Virgin Islands-based foreign representative of several funds in liquidation abroad, in chapter 15 proceedings in Bankruptcy Court for the Southern District of New York, and before the U.S. District Court on appeal, asserting foreign avoidance, common law, and breach of contract claims, seeking to recover about \$6 billion in redemption payments from hundreds of entities arising out of the Madoff scheme.
- *Matterport*: Represented a leading real estate technology company, Matterport Inc., against its former CEO following its loss in a phase one trial regarding the effectiveness of the company’s post-SPAC by-laws to lock up legacy shareholders. As new counsel in a five-day phase two trial in the Delaware Court of Chancery, defeated all remaining claims and cut the plaintiff’s damages in half on the claim lost in phase one.
- *AIG RMBS Issuers*: Represented AIG in claims against Wall Street sponsors of RMBS, achieving over \$2 billion in recoveries.
- *Alix v. McKinsey & Co.*: Represented McKinsey & Co. in a bench trial in bankruptcy court in Houston, Texas, in which Jay Alix, through Mar-Bow Value Partners, objected to the debtors’ application to retain McKinsey on the basis that McKinsey’s Bankruptcy Rule 2014 disclosures

were noncompliant and that McKinsey was not disinterested. The case, *In re Westmoreland Coal Co., Inc.*, was dismissed after eight days of trial testimony after McKinsey reached a comprehensive settlement regarding future bankruptcy disclosures with the U.S. Trustee.

- *Davis v. Scottish Re*: Represented MassMutual in corporate governance suit arising out of its investment in Scottish Re, twice achieving dismissal of all claims with both rulings successfully upheld on appeal.
- *U.S. Bank v. Merrill Lynch Mortgage Lending Inc.*: Represented U.S. Bank as trustee in successful recovery against Merrill Lynch for breaches of representations and warranties in RMBS trusts.
- *ResCap bankruptcy litigation*: In numerous lawsuits in federal district court in Minnesota and bankruptcy court in the Southern District of New York, represented plaintiffs seeking to recover billions of dollars in indemnity and damages from correspondent defendant lenders that sold defective mortgage loans that resulted in substantial losses and liabilities for the trust's predecessor, the Residential Funding Company; achieved settlements to date of \$590 million.
- *Ambac Military Housing Litigation*: Represented Ambac in seven lawsuits pending across the country arising from Ambac's provision of financial guaranty insurance to various military housing projects.

Investigations

Joshua has led internal investigations on behalf of corporations, boards of directors, special committees, and individuals. His experience includes:

- A global financial services company regarding an internal investigation of a cryptocurrency bank as part of an SEC and DOJ investigation.
- A medical device company subject to a U.S. Department of Justice investigation related to insurance reimbursement claims it submitted on behalf of customers covered by federal employee health plans.
- An elite private club's governing board in an internal investigation into an allegation of toxic misogyny and to investigate its civil and criminal exposure.
- An educational institution in New York City in the internal investigation of a possibly racially motivated incident.
- An automotive parts leasing company in a post-merger investigation of potential inappropriate conduct in the workplace.
- A key individual in an investigation of alleged campaign finance violations.
- A large Chinese pharmaceutical company in connection with an affiliated drug discovery start-up accused of misappropriating trade secrets.

Public Interest Litigation

Joshua also maintains an active public interest practice. His efforts to safeguard voting rights were recognized by *The Financial Times*, which shortlisted him for its top prize in "Social Justice and the Rule of Law."

Anticipating that the Covid-19 pandemic would lead to an unprecedented number of new absentee voters, Joshua led a team, along with Campaign Legal Center and League of Women Voters, that filed a lawsuit urging a change in New York's absentee ballot verification requirements in time for the 2020 General Election. Joshua's work helped secure passage of a bill by the New York State Senate – which was

signed into law by Governor Cuomo – that gave voters an opportunity to resolve challenges to their absentee ballots by providing notice if their ballot was in danger of rejection.

Joshua currently represents eight Capitol Police Officers who were on duty during the January 6 riots in an ongoing case that goes to the core of the peaceful transition of power in our democracy.

He recently represented clean energy advocacy group Vote Solar before the State of Utah Public Service Commission to determine the value customer generators receive for exporting solar energy to the power grid. The Commission ruled in favor of an export credit significantly above Rocky Mountain Power's proposed rate, which, if approved, would have ceased all residential solar development in Utah.

Education & Community Involvement

Joshua earned his J.D. from New York University School of Law, where he was on the Dean's List. He clerked for Chancellor William B. Chandler and Vice-Chancellor John W. Noble of the Delaware Court of Chancery.

Joshua is an ambassador for DREAM, a nonprofit network of extended-day charter schools and community-based youth programs for New York City students across East Harlem and the Bronx.

Joshua leads Selendy Gay's Wellbeing Initiative and is a past member of the New York City Bar Association's Lawyer Assistance Program. In both roles, he has helped to advance programs that provide critical resources and support to those struggling with mental health issues.

Education

New York University School of Law
(J.D., 2004)

Tufts University
(B.A., International Relations, 2001)

Prior Associations

Quinn Emanuel Urquhart & Sullivan
Of Counsel, 2015-2018
Associate, 2011-2015

Katsky Korins
Associate, 2007-2011

Weil Gotshal & Manges
Associate, 2005-2007

Law Clerk to Chancellor William B. Chandler and Vice-Chancellor John W. Noble
Delaware Court of Chancery, 2004-2005

Admissions

- State Bar of New York
- United States District Court: Southern District of New York