



Oscar Shine

Partner
oshine@selendygay.com
212 390 9034

Oscar Shine specializes in litigating complex commercial disputes. He has represented plaintiffs and defendants in a wide range of matters, including breach of contract and business tort disputes, labor and employment issues, securities class actions, and multidistrict product-liability litigations. Oscar also has experience representing individuals and companies in internal investigations and in enforcement matters involving the Securities and Exchange Commission, the Commodity Futures Trading Commission, and several state attorneys general.

Oscar was named to *Benchmark Litigation's* "40 & Under" list for 2024, which recognizes the nation's most notable up-and-coming litigation attorneys. He was also recognized as a "Plaintiffs' Lawyer Trailblazer" by *The National Law Journal* for his successful history representing plaintiffs in cryptocurrency disputes.

Before attending law school, Oscar served on the communications team for Google Inc. in the Asia-Pacific region.

Representative Matters

- *Fortis Advisors v. J&J*: Represented the former shareholders of Auris Health, a revolutionary robotic surgery startup, in an earnout dispute with its acquiror, Johnson & Johnson. The former shareholders alleged that Johnson & Johnson breached the merger agreement and defrauded the shareholders, resulting in its failure to achieve certain earnout milestones. After four years of litigation—including approximately 70 depositions, nine experts, and a 10-day trial—the Delaware Court of Chancery ruled on September 4, 2024, that Johnson & Johnson owed the former shareholders more than \$1.1 billion in damages. The significant 145-page decision found the former shareholders entitled to the largest earnout-related damages award in Delaware history.
- *Cerberus Capital Management, L.P.*: Represented a leading private equity firm as plaintiff in a breach of contract action against the Canadian Imperial Bank of Commerce, one of Canada's largest banks. In 2018, the First Department agreed with Cerberus' interpretation of the agreements and held that CIBC's contrary interpretation was "unmoored" from the contracts. After a damages hearing and related decision that rejected nearly all of CIBC's damages arguments, the New York Supreme Court – on February 6, 2023 – entered judgment for Cerberus for \$855 million.
- *Defended 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.
- *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.

- *Kingate Global Fund and Kingate Euro Fund*: Represented the Joint Liquidators of the Kingate Funds in defending against claims brought by Deutsche Bank Securities Inc. relating to DBSI's alleged purchase of more than \$1.6 billion of Kingate claims against the Bernard Madoff estate.
- *Crypto-asset investors*: Represented the investors in 13 class actions in the Southern District of New York against five of the world's major crypto-asset exchanges and seven digital token issuers, which allegedly offered and sold billions of dollars of unregistered digital tokens and other financial instruments to investors in violation of federal and state law.
- *Leibowitz et al. v. iFinex Inc. et al.*: Represents a putative class of cryptocurrency investors in an antitrust, commodities act, and fraud suit alleging that various defendants falsely represented that Tether, a purported "stablecoin," was fully backed by U.S. dollars as part of a market-manipulation scheme that inflated the price of Bitcoin and other cryptocurrencies, costing investors hundreds of billions of dollars.
- *Successfully represented a CEO in an employment dispute*. Obtained a seven-figure settlement without having to initiate litigation.
- *Successfully represented a startup founder in an earnout dispute*. Obtained a seven-figure settlement for the founder of a startup, without having to initiate litigation, in a dispute involving "earn out" provisions of an acquisition agreement. Later represented the founder in matters involving a noncompete agreement.

In his public interest practice, Oscar has represented indigent defendants facing criminal charges in federal court. At the height of the Covid-19 outbreak, he worked with the ACLU to assert a class action habeas petition seeking the temporary release of all medically vulnerable people incarcerated at a federal prison in New Jersey. Oscar also acted as trial counsel in the Eastern District of New York on behalf of an airline passenger alleging racial and national-origin discrimination against the airline.

Oscar serves on the Lawyers' Advisory Council of the New York City Urban Debate League, an organization focused on creating equitable access to debate opportunities for students from underserved communities. He is also a member of the Board of Directors of the National Center for Law and Economic Justice, a group of advocates and lawyers committed to advancing economic, racial, and disability justice for low-income families, individuals, and communities across the country.

Education

Duke University School of Law

(J.D., 2013)

Executive Editor, *Duke Law Journal*

University of California, Berkeley

(B.A., Political Science, 2006)

Prior Associations

Sullivan & Cromwell LLP

Associate, 2014-2018

Law Clerk to the Hon. Gerald Bard Tjoflat

United States Court of Appeals for the Eleventh Circuit, 2013-14

Admissions

- State Bar of New York

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