



Joshua S. Margolin

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

Named a “Plaintiffs’ Lawyer Trailblazer” by *The National Law Journal* and a “Rising Star” by *Benchmark Litigation* and *Super Lawyers*, Joshua has litigated, arbitrated and mediated matters involving complex financial products, [securities](#) fraud, [corporate governance](#), mergers, natural resources, real estate, insurance, contracts and employment. He 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.

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.”

Joshua leads Selendy Gay’s Wellbeing Initiative and serves on the New York City Bar Association’s Lawyer Assistance Program. Both programs provide critical resources and support to those struggling with mental health issues.

Representative Matters

- *Fortis Advisors v. J&J*: Representing former stockholders of the robotic medical devices company Auris Health in a \$2.3 billion earn-out suit against Johnson & Johnson and its subsidiary Ethicon in the Delaware Court of Chancery, in an action centered around the acquiror’s post-merger failures to achieve regulatory and net sales milestones.
- *UMB Bank as Trustee*: Representing Trustee under Contingent Value Rights (“CVR”) Agreement in a lawsuit against Bristol Myers Squibb (“BMS”) seeking \$6.4 billion arising from BMS’s failure to pay out holders of CVRs that were issued in connection with BMS’s acquisition of Celgene.
- *Cerberus Capital Management, L.P.*: Represented private equity firm Cerberus Capital Management 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.
- *Matterport*: Representing the technology company and its directors in the Delaware Court of Chancery in a dispute with a former executive in connection with a de-SPAC transaction.

- *AIG v. Bank of America, N.A.*: Represented AIG in multi-billion-dollar claims against Wall Street sponsors of residential mortgage-backed securities, achieving public settlement of Bank of America suit for \$650 million and successful confidential resolutions of additional claims.
- *Alix v. McKinsey & Co.*: Represented McKinsey & Co., a worldwide management consulting firm, against claims by Jay Alix, founder of consulting firm AlixPartners, and Mar-Bow Partners, a company founded by Jay Alix, challenging McKinsey's Chapter 11 disclosures under Rule 2014.
- *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 and investors in seeking recovery for Merrill Lynch's breaches of representations and warranties.
- *ResCap bankruptcy litigation*: Represented Rescap bankruptcy trust in suits against dozens of loan originators for indemnity and breaches of contract, achieving 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.
- An educational institution in New York City in the internal investigation of a possibly racially motivated incident.
- 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 automotive parts leasing company in a post-merger investigation of potential inappropriate conduct in the workplace.
- A key individual in an on-going 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

Anticipating that the COVID-19 pandemic would lead to an unprecedented number of new absentee voters, he 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.

Additionally, Joshua 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.

Affiliations & 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.

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