



## Jennifer Selendy

Partner  
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Jennifer Selendy is a founding partner of Selendy Gay.

Jennifer's leadership has been recognized by *Corporate Counsel*, which named her 2020's "Managing Partner of the Year," and the *New York Law Journal*, which lists her among 2020's "Distinguished Leaders."

A seasoned trial and appellate litigator, Jennifer represents both plaintiffs and defendants in high-stakes disputes. She has tried more than two dozen cases in state and federal courts and arbitration.

Jennifer was named one of "America's Top 200 Lawyers" by *Forbes*, "2023 Litigator of the Year" by *International Financial Law Review*, and one of 2022's "Elite Women of the Plaintiffs Bar" by the *National Law Journal*, a small and highly selective list. She is also recognized as a "Litigation Star" by *Benchmark Litigation*, one of the "Leading Plaintiff Financial Lawyers in America" by *Lawdragon* and noted for her skill in complex commercial litigation by *The Legal 500*. *Crain's* has twice named her one of the "100 Notable Women in Law."

In addition to representing plaintiffs in high-stakes disputes, Jennifer also specializes in complex defense work and is frequently tapped for sensitive internal and governmental investigations into antitrust, financial misconduct, and employment-related matters. She has represented private equity and investment companies in precedent-setting litigation, represents renewable energy companies and related interests in cutting edge litigation aimed at protecting competition in power generation for the benefit of consumers, and has extensive expertise in RICO, [bankruptcy](#), domestic and international [arbitration](#), and cross-border disputes.

### Representative Matters

- *A group of lenders* excluded from a 2023 uptiering transaction against design, engineering, and manufacturing company Robertshaw, its sponsor, and other participating lenders.
- *Audax Credit Opportunities Offshore Ltd., et al. v. TMK Haw Parent, Corp., et al.*: Represented an ad hoc group of term lenders, in New York Supreme Court, alleging defendants TriMark, its equity sponsors, and several of its other lenders violated the governing credit agreement by issuing new senior debt that effectively turned plaintiffs' first-lien debt into third-lien debt and by issuing new "super senior" debt without inviting plaintiffs to participate. Plaintiffs alleged that the credit agreement did not allow defendants to amend it without their consent or to strip them of their pro rata and priority payment rights. In August 2021, the Court rejected defendants' motions to dismiss plaintiffs' contract claims. In January 2022, the parties settled the case, with TriMark allowing the former first-lien lenders to exchange their debt for new "super senior" debt and to pay all lenders' attorneys' fees.
- *Cerberus Capital Management and Bayside Capital Inc.*: Represented in the Chapter 11 bankruptcy of petrochemical company TPC Group. Cerberus and Bayside did not consent to a pre-bankruptcy debt priming transaction that favored another group of lenders and formed the basis for awarding that group additional priming debt and equity in the Chapter 11 proceedings. Our firm prevailed on four motions, obtained a significant ruling that an indenture's "no-action"

clause does not bar a suit by minority lenders to vindicate their individual consent rights, and obtained an administrative stay of the bankruptcy court's adverse decision on two motions. The bankruptcy court ultimately ruled that the indenture did not preclude the priming transaction.

- *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.
- *Representing excluded lenders* to pursue claims against Mitel and others relating to a recent uptiering transaction.
- *Jay Alix v. McKinsey & Co.*: Represented McKinsey & Co. against claims by Jay Alix, founder of consulting firm AlixPartners, and Mar-Bow Partners challenging McKinsey's Chapter 11 disclosures under Rule 2014.
- *Mar-Bow Value Partners LLC v. McKinsey & Co.*: In the matter of Alpha Natural Resources, successfully achieving, despite a relentless campaign, a ruling in federal bankruptcy court in Richmond, VA that Jay Alix's Mar-Bow Partners does not have standing to be heard on its ongoing conflict-of-interest dispute in relation to Alpha Natural Resources, a bankruptcy coal miner.
- *Marshall Broadcasting Group, Inc. v. Nexstar Broadcasting, Inc.*: Represented Nexstar Broadcasting Inc., one of the largest television station operators in the United States, in a chapter 11 case concerning several television stations sold to Marshall Broadcasting Group (MBG), past payments owed to Nexstar for services, and the ability of MBG to reject contracts as part of its restructuring.
- *National Public Finance Guarantee Corp. v. UBS Financial Services Inc.*: Represented National Public Finance Guarantee and MBIA in a lawsuit to hold eight major Wall Street banks accountable for inequitable conduct that contributed to Puerto Rico's economic collapse. Plaintiffs in this case are bond insurers that have been presented with, and fully honored, over \$1 billion in claims after the municipal debt underwritten by the banks— without proper due diligence or disclosures— became unsustainable for Puerto Rico and its agencies, leading to massive defaults.
- *Discover Financial Services v. Visa*: Led the prosecution of a complex antitrust suit against Visa and MasterCard that settled on the eve of trial in favor of her client for \$2.75 billion. She currently represents Discover's debit affiliation Pulse Network LLC in a debit monopolization case against Visa.
- *Trilantic Capital Partners IV v. UFCW Int'l Union Ind. Pension Fund*: Represented a private equity company in a declaratory judgment action challenging the pension fund's assertions of ERISA withdrawal liability against a private equity investor.

Jennifer maintains an active public interest practice, focusing on poverty, women's rights, climate change, and education. Most recently, Jennifer co-founded the [30 Birds Foundation](#), an organization providing support to Afghan girls and their families escaping the Taliban. 30 Birds has moved more than 500 constituents to safety in Canada. *Chambers and Partners* named Jennifer the 2023 "Pro Bono Lawyer of the Year" in recognition for her work on behalf of the 30 Birds Foundation and its constituents.

In *Thompson v. MacDonald*, she served as lead trial counsel and won an injunction against the State of Maryland mandating delivery of federal benefits and services to indigent children and families; for this result, she received the Pro Bono Service Award from the Homeless Persons Representation Project of Baltimore.

## Affiliations & Community Involvement

Jennifer received her law degree, *cum laude*, from Harvard Law School after completing an M.Phil. in International Relations at Oxford (St. Antony's) as a Marshall Scholar. She served as the board chairman for the National Center for Law & Economic Justice from 2012 - 2017. Jennifer is also the co-founder of The Speyer Legacy School, an independent K-8 school for gifted children that focuses on identifying and educating low-income, high-achieving children in New York City.

## Education

**Harvard Law School**

(J.D., 1995)

*Cum laude*

**University of Oxford**

(M.Phil, International Relations, 1992)

Marshall Scholar

**Tufts University**

(B.A., International Relations, 1990)

*Magna cum laude*, Phi Beta Kappa

**Prior Associations**

**Quinn Emanuel Urquhart & Sullivan**

Partner, 2016-2018

**Kirkland & Ellis**

Partner, 2001-2016

Associate, 1999-2001

**Cravath, Swaine & Moore**

Associate, 1995-1999

**Admissions**

- State Bar of New York
- United States District Courts: Southern District of New York, Eastern District of New York, Western District of Tennessee
- United States Courts of Appeals: Second Circuit, Fourth Circuit