



Partner

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Services

Litigation > Complex Commercial Litigation >
International and Insolvency Litigation > Trials >

Gary J. Mennitt is co-head of Dechert's International and Insolvency Litigation group. He concentrates on complex multinational litigation and contentious cross-border matters. He has extensive experience leading creditors' rights, insolvency and bondholder litigation. His practice is fully integrated with Dechert's bankruptcy and reorganization group.

Mr. Mennitt represents clients in state and federal trials and appeals throughout the United States in complex matters where much is at stake. Mr. Mennitt has extensive first chair trial experience and has tried more than twenty-five cases. He has consistently been ranked as among the top litigators by multiple leading global publications, including *Chambers USA*, *The Legal 500 US*, and the *New York Law Journal*, with *The Legal 500 US* also noting him as a leader of Dechert's tier 1 International and Insolvency Litigation team.

Mr. Mennitt was awarded the 2013 President's Medal of the New York County Lawyers' Association for his work as an author of *Commercial Litigation In New York State Courts* (West 3d ed. 2014). Mr. Mennitt frequently writes and lectures on topics in his area of trial practice. He has written dozens of published articles and book chapters, including chapters on U.S. and global principles of compensatory damages in *The Global Damages Review* (The Law Reviews 2018), and the litigation chapters of *Hedge Funds and the Law* (Sweet & Maxwell 2010).

EXPERIENCE

- Current representation of a **foreign chemical company** in connection with a federal court litigation concerning an international supply contract.
- Won dismissal of all claims in **an international insurance industry** dispute involving interconnected arbitrations in Italy and litigations in the U.K. and the U.S. This result was widely reported in the legal press.
- Post-trial settlement of a federal court litigation involving a financial contract for **an international manufacturing client**.
- Argued and won an appeal in the Appellate Division, First Department, dismissing action against **Lebanese bank** sued by a Swiss securities trader concerning the fallout from an SEC insider-trading investigation.
- Lead hearing counsel in a FINRA arbitration representing a **broker-dealer** accused of causing an undisputed US\$25 million trading loss in synthetic futures. Following two weeks of hearings, the Panel rejected claimant's damages theory.
- Lead trial counsel for the Ponzi scheme estate of **The Bayou Hedge Funds** in a two-week jury trial on claw-back claims against redeemed investors (his work in this case was featured on AmericanLawyer.com), total recovery to the estates as a result of Dechert's actions is over US\$65 million, and the case has produced leading decisions in this area. This case stands as the only instance of a receiver prevailing at trial and avoiding transfers of Ponzi scheme principal and interest.
- Lead trial counsel in a dispute between two **hedge funds** concerning preferential redemption rights in the context of a "seed investment." A substantial award was made for Dechert's client and that award was collected in full.
- Lead trial counsel in Connecticut State Court in a bench trial concerning a complex transaction covering multiple **office buildings**. Post-trial this matter and a related matter were settled on terms favorable to Dechert's client.
- Lead trial counsel in a federal bench trial in the Eastern District of Virginia in a **real estate trust** dispute. Following trial, the Court found for Dechert's client and entered a multi-million dollar secured verdict plus attorney's fees, all collected in full.
- Lead trial counsel to the former directors of **Dictaphone Corp.** in the U.S. District Court for the District of Massachusetts and the U.S. Court of Appeals for the First Circuit related to claims brought by a litigation trustee in connection with the massive fraud at Lernout & Hauspie, N.V., ultimately resulting in complete dismissal of all claims against the former directors.
- Complete defense victory in a US\$17 million fraudulent conveyance case in the **Refco bankruptcy case**—the only such victory in that case.
- Ongoing and completed representations as lead counsel to defendants in connection with fraudulent conveyance litigation in the **Madoff, Fairfield Sentry, Refco, and Manhattan Fund cases** in the Southern District of New York.
- Lead trial counsel to **the portfolio company acquired** and then **the corporate defendant** in a securities class action brought in Delaware Chancery Court resulting in denial of the preliminary injunction sought concerning a merger.
- Lead trial counsel to **private equity portfolio companies** in New York State Supreme Court, Commercial Division, in connection with post-closing merger litigations.
- Representations of **Interactive Brokers Group** in class action, patent, and commercial litigation and arbitrations.
- Lead trial counsel to **Goody's Family Clothing, Inc.**, and certain of its officers and directors, defendants in a putative class action concerning a pending tender offer for the

shares of the corporation; settled following defense victory at the preliminary injunction hearing.

- Substantial pro bono work, including *Haywood v. Drown*, a prisoners' rights case in which Dechert prevailed in the United States Supreme Court on Writ of Certiorari to the New York Court of Appeals.

Appellate Experience

Mr. Mennitt has argued the following appeals to the Second Circuit:

- *Kaplan v. SAC Capital Advisors, L.P.* (17-4067)
- *Batchelar v. Interactive Brokers* (17-3120)
- *In re Bayou Group, LLC* (07-1508)
- *TD Waterhouse Investor Services v. Integrated Fund Services, Inc.* (03-7115)
- *Chase Manhattan Bank v. Rockefeller Center Properties* (02-5008)
- *National Broadcasting Company, Inc. v. Rockefeller Center Properties* (02-5059)

Mr. Mennitt has also successfully prosecuted appeals in the Supreme Court of the United States (*Haywood v. Drown*, 556 U.S. 729 (2009)), the U.S. Courts of Appeals for the First, Fifth and Sixth Circuits and has successfully argued a number of New York State Court appeals.

EDUCATION

- University of Virginia School of Architecture, B.S., 1985, with Academic Honors
- Fordham University School of Law, J.D., 1990

ADMISSIONS

- New York
- Supreme Court of the United States
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States District Court for the District of Connecticut
- United States District Court for the District of New Jersey
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of New York
- United States District Court for the Southern District of New York

SPEAKING ENGAGEMENTS

- **Bondholder Litigation Update** —The Committee on Hedge Funds and Capital Markets of the New York State Bar Association, New York, NY (March 5, 2014)
- **Hedge Fund Insolvency** — ABA Business Bankruptcy Spring Meeting, Boston, MA (April 14, 2011)
- **Funding Complex Litigation** — Columbia University, New York, NY (April 5, 2011)
- **Corporations in Court** — Columbia University Law School, New York, NY (April 16, 2009)
- **Ponzi Schemes and Hedge Fund Due Diligence** — New York, NY (January 28, 2009)
- **Electronic Discovery Obligations and Developments** —Technology and Telecommunication Committee, American Bankruptcy Institute Spring Meeting, Washington, D.C. (April 30, 2005)