

Milbank

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Scott A. Edelman is Chairman of Milbank LLP and a member of the firm's Litigation & Arbitration Group. Recognized as one of the country's top litigators and corporate advisers, he specializes in high-stakes, bet-the-company litigation and trials across several substantive areas of the law, including securities, commercial and white collar.

Primary Focus & Experience

While serving as Chairman of Milbank, Mr. Edelman maintains a busy and active litigation practice, which includes trials, appeals, white collar and regulatory matters, and corporate governance issues.

Over the course of his career, Mr. Edelman has taken more than 18 cases to trial and argued dozens of appeals, accumulating a slew of honors along the way. He has tried dozens of civil and criminal cases representing numerous corporations and individuals.

In 2017, Mr. Edelman was inducted as a fellow into The American College of Trial Lawyers (ACTL). Mr. Edelman has successfully led trial teams in a string of high-profile victories. In 2016, he secured a significant victory against the DOJ on behalf of Broadcast Music, Inc. (BMI) on music licensing affecting the more than \$2 billion music performing industry which garnered him recognition by *The American Lawyer* as "Litigator of the Week." He also prevailed on behalf of BMI in a trial victory against Pandora in 2015 in the historic music licensing rate case that set the new market rate for all digital music services and awarded BMI a significant fee increase of revenue from Pandora. On behalf of Citi Global Markets in 2014, he secured an injunction preventing an arbitration under FINRA in a high-profile case brought by a Saudi investor. Mr. Edelman also won a major trial victory for Cerberus Capital Management related to the multi-billion dollar merger with United Rentals in the first M&A litigation arising out of the troubled credit markets to proceed to trial in Delaware in 2007.

Highly regarded for his extensive legal skills in and out of the courtroom, clients describe Mr. Edelman as "a phenomenal attorney whose courtroom style is nothing short of perfection" (*Chambers*). As one of the most versatile litigators in the country, Mr. Edelman is ranked by *Chambers* as a leading lawyer in Securities Litigation, General Commercial Litigation, and White

Collar Crime and Government Investigations. In 2023, Mr. Edelman was recognized by *Billboard* as a Top Music Lawyer.

Current or Recent Representative Matters

Securities

- Represents Vereit, Inc. (formerly American Realty Capital Properties, Inc.) in securities fraud actions filed in the US District Court for the Southern District of New York, including putative class actions and shareholder derivative actions.
- Represents SQM, the world's largest producer of specialty fertilizers and iodine in securities class action relating to investigations by Chilean government authorities concerning alleged improper payments to Chilean political officials.
- Represents Eldorado Resorts in a securities fraud class action filed in the District of New Jersey.
- Represents the former CEO of LendingClub Corp. in securities class actions and derivative actions filed in US District Court for the Northern District of California, the Superior Court of California, San Mateo County, and the Delaware Chancery Court.
- Represents a group of underwriters in connection with a securities class action in the Supreme Court of New York against Camping World Holdings, Inc. and others arising out of Camping World's October 2017 secondary offering of common stock.
- Represents the underwriters of a September 2018 initial public offering of common stock of NIO, Inc., a Chinese electric vehicle manufacturer. The underwriters have been named in a putative class action asserting claims under the Securities Act of 1933.
- Represented underwriters named as defendants in other securities class action, including matters related to offerings by Endo International, Forterra Inc., and Tile Shop Holdings, Inc.
- Represented American Renal Associates Holdings, Inc. as a defendant in a securities class action in the US District Court for the District of Massachusetts.
- Represented Ambac Financial Group, Inc. in a securities fraud action filed in SDNY arising from the company's exposure to Puerto Rican debt. Case was dismissed on motion to dismiss. *Wilbush v. Ambac Fin. Grp., Inc.*, 271 F. Supp. 3d 473 (S.D.N.Y. 2017).
- Represented former executive officer of Third Avenue Management, LLC in three separate litigations arising from the liquidation of the Third Avenue Focused Credit Fund.

Commercial Litigation

- Represented Dycom Industries, Inc. in 2017 in a lawsuit that culminated in a five-day trial relating to disputes arising out of non-competition and related provisions in a Stock Purchase Agreement. The case settled after trial.
- Represents private equity fund in fraudulent conveyance claims pending in Delaware Bankruptcy Court arising out of recapitalization of DSI Renal.
- Represents Atrium Holding Company and certain of its affiliates in litigations that have included matters before the Delaware Chancery Court and Kansas Bankruptcy Court regarding a Right of First Refusal on a portfolio of hotels owned by The John Q. Hammons Revocable Trust.
- Represents Broadcast Music, Inc. in connection with multiple matters, including a rate court proceeding against the Radio Music License Committee scheduled for trial in

February 2020, and another rate court proceeding against the live concert industry.

- Represented trustees of a multi-hundred million dollar trust in connection with claims brought by the trust's beneficiaries in Florida state court.

White Collar

- Multiple non-public representations of CEOs, CFOs, general counsels, entrepreneurs and others in criminal, regulatory, and congressional investigations.

Corporate Governance

- Edelman has represented and advised numerous boards of directors, special committees of boards and individual directors on corporate governance and fiduciary duties.

Recognition & Accomplishments

Mr. Edelman has been ranked by *Chambers & Partners* as a leading litigation lawyer for 19 years. Mr. Edelman joined Milbank in 1994 and became a partner in 1995. Prior to joining Milbank, Mr. Edelman served as an Assistant United States Attorney in the Southern District of New York from 1990 to 1994. He started his career at Wachtell, Lipton, Rosen & Katz. He received his law degree from Harvard Law School, where he was a member of the *Harvard Law Review* and a John Olin Fellow in Law and Economics and received his B.A. (*summa cum laude*) and M.A. degrees, both in Economics, from Yale University.

ADDITIONAL DETAILS

EDUCATION

Harvard Law School, J.D.
Yale University, M.A.
Yale University, B.A.

ADMISSIONS

New York
US Court of Appeals for the Second Circuit
US Court of Appeals for the Third Circuit
US Court of Appeals for the Tenth Circuit
US District Court for the Southern District of New York
US District Court for the Eastern District of New York

EXPERIENCE



FEATURED NEWS

Pro Bono Counsel Anthony Perez Cassino Discusses Milbank's Pro Bono Philosophy with *Law360*

Milbank Successfully Defends Client in Criminal Case Involving Allegedly Stolen Eagles Lyrics; Manhattan DA Drops Charges

Milbank and Cardozo's Perlmutter Center Announce Partnership to Advance Criminal Justice Reform

Milbank Announces 2023/2024 New Partners and Special Counsel

Milbank Honored at LatinoJustice 2023 Annual Gala

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