

## Scott A. Edelman

Partner

— VCARD

— SHARE



### CONTACT

[sedelman@milbank.com](mailto:sedelman@milbank.com)

### NEW YORK

55 Hudson Yards

New York, NY US 10001-2163

T +1-212-530-5149

F +1-212-822-5149

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

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. His practice includes negotiation and counseling services and he conducts criminal, regulatory, and congressional investigations as well as confidential and public SEC investigations on behalf of various corporations and individuals. He also regularly represents special committees of boards and individual directors on corporate governance, fiduciary duties and conflict of interest matters.

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 "practical, thoughtful and an excellent litigator" (*Chambers*). He is recognized as a leading securities litigation lawyer nationwide by *Chambers*. As one of the most versatile litigators

in the country, Mr. Edelman is the only attorney in New York who is ranked by *Chambers* as a leading lawyer in each of the following areas: Securities Litigation, General Commercial Litigation and White Collar Crime and Government Investigations (New York).

## 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 American Renal Associates Holdings, Inc. as the defendant in two securities class action complaints filed in the US District Court for the Southern District of New York and the US District Court for the District of Massachusetts.
- Represents Ambac Financial Group, Inc., a holding company whose subsidiaries include Ambac Assurance Corporation, a guarantor of public finance and structured finance obligations, in a securities fraud action filed in SDNY arising from the company's exposure to Puerto Rican debt.
- Represents SQM, the world's largest producer of specialty fertilizers and iodine, as well as its CEO and CFO, in three securities class action lawsuits brought in federal district court in New York and Los Angeles relating to investigations by Chilean government authorities into whether SQM made improper payments to Chilean political officials or parties and filed fictitious tax receipts to conceal such payments.
- Represents the former CEO of LendingClub Corp. in securities class actions filed in US District Court for the Northern District of California and in the Superior Court of California, San Mateo County.
- Represents a group of underwriters who have been named as defendants in a securities class action related to two public equity offerings by Tile Shop Holdings, Inc.
- Represents former executive officer of Third Avenue Management, LLC in three separate litigations arising from the liquidation of the Third Avenue Focused Credit Fund managed by TAM, including a securities class action pending in the Southern District of New York.
- Represents former executive officer of Embraer SA in a federal securities class action filed in the Southern District of New York.

### 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 Atrium Holding Company and certain of its affiliates in a number of litigation and advisory roles including litigation in the Delaware Chancery Court and Kansas Bankruptcy Court.
- Represents Broadcast Music, Inc. in connection with multiple matters, including a rate court proceeding against the Radio Music License Committee.
- Represents trustees of a multi-hundred million dollar trust in connection with potential claims brought by the trust's beneficiaries.

### White Collar

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

## Corporate Governance

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

## Recognition & Accomplishments

In 2017, Mr. Edelman was inducted as a fellow into The American College of Trial Lawyers (ACTL).

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

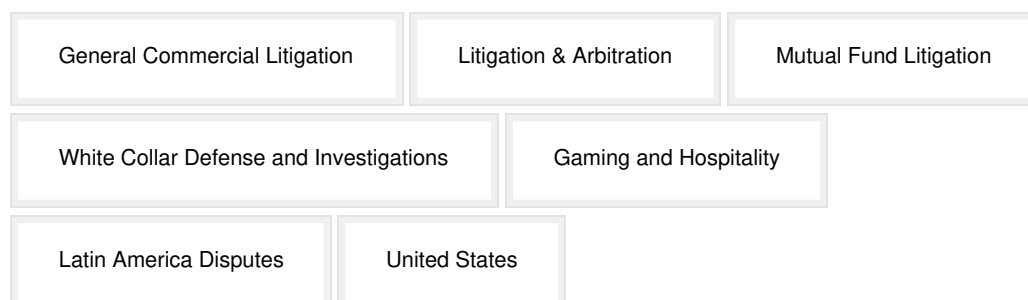
US Court of Appeals for the Second Circuit

US District Court for the Northern District of New York

US District Court for the Southern District of New York

US District Court for the Eastern District of New York

### EXPERIENCE



### FEATURED NEWS

Leading Telecom and Satellite Partner Joins Milbank in Washington, DC

Milbank Celebrates Pro Bono at Annual Awards Events

Milbank Partners with Holy Apostles Soup Kitchen to Give Back in New Hudson Yards Community

Milbank Ranks Among Leading Firms, #7 for Breadth of Commitment on Am Law Pro Bono Scorecard

Milbank's European Leveraged Finance and Capital Markets Team Grows with Addition of New Partner in London

© 2019 Milbank LLP

Attorney Advertising. Prior results do not guarantee a similar outcome.