Aligning Litigation Strategy With Business Strategy

Attorney Advertising - prior results do not guarantee a similar outcome.
About Our Firm

- Nationally recognized firm of experienced trial lawyers, with more than 60 years’ combined experience in complex commercial litigation

- Core practice areas: government fraud, antitrust, securities, intellectual property, criminal defense, compliance and investigations, and appellate law

- Demonstrated success in representing “whistleblowers” in high-stakes, complex False Claims Act matters

- Client base consisting of leading multinational corporations and high-net-worth individuals (e.g., Maurice “Hank” Greenberg)
Our Unique Approach

- Efficiently and aggressively litigating complex cases to achieve practical, cost-effective business results for our clients

- Strong understanding of the client’s legal and business objectives ... from the outset of the case

- Experienced in “translating” complex technical information and concepts into plain language that judges and juries understand

- Fiscally accountable to Corporate Counsels ... who have to be accountable to their CEOs, CFOs and Board of Directors
Core Values

- An immediate focus on the trial from Day One ... with the goal of achieving extraordinary results for our clients

- Strong commitment to detailed project management, cost controls and continuous client communication

- Pioneering approach to developing new products, services and linkages to align with client’s in-house team, IT systems and key performance indicators

- Committed to devising creative fee structures based on clients’ specific needs, goals and budgetary requirements
Practice Areas: Intellectual Property

- Extensive experience handling complex IP matters for clients in multiple industry segments:
  - High technology
  - Media and communications
  - Business services
- Notable IP cases:
  - **TeleBrands Corporation** (national direct-response television company): Multiple, ongoing lawsuits relating to company’s intellectual property rights and business practices
  - **BASCOM Global Internet Services** (Internet software developer): Complex litigation against two of the world’s largest search-engine providers claiming infringement of patented content-filtering software

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Practice Areas: False Claims Act

- Stone & Magnanini is a leader in representing “whistleblowers” in high-stakes, complex False Claims Act matters
- Notable FCA Settlements:
  - **Bristol-Myers Squibb**: $425 million (Abilify, Serzone, oncology drugs; off-label marketing and kickbacks)
  - **Cephalon**: $350 million (Actiq, Gabitril, Provigil - off-label marketing and kickbacks)
  - **Medco**: $165 million (switching and destroying prescriptions; other related illegal conduct)
  - **Forest Pharmaceuticals**: $313 million (off-label marketing and kickbacks)
Notable insurance-related cases:

- **KLLM, Inc. v. Marsh USA, Inc., C.V. Starr & Co. and Insurance Company of the State of Pennsylvania (“ISOP”):** won dismissal of lawsuit against insurance broker and insurance carrier alleging fraud, breach of contract, and other claims regarding cancellation of commercial insurance policy.

- **Teachers’ Retirement Syst. of Louisiana v. Greenberg:** shareholder derivative action for return of commissions AIG paid to C.V. Starr & Co., a Greenberg-affiliated insurance company.

- **Starr International Company (“SICO”) v. AIG:** multi-billion dollar litigation seeking constructive trust over AIG stock; jury found in favor of client SICO.

Practice Areas: Insurance-Related Litigation

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Practice Areas: Insurance-Related Litigation (cont.)

- **C.V. Starr & Co. v. AIG**: litigation alleging that AIG infringed a C.V. Starr service mark
- **Allendale Mutual Ins. Co. v. State of New Jersey**: represented 31 insurance company members of the Property-Liability Insurance Guaranty Association in action challenging constitutionality of law requiring payment into state auto insurance fund
- **Products Liability Cases**: Representing various insurers in product liability cases to recover payments to injured claimants against manufacturers and sellers of defective products
- **D&O Cases**: Represented insurance companies and their insureds in D&O coverage matters and an insured bank defrauded by a “RICO” scheme
Practice Areas: Complex Litigation

- Notable cases handled by this firm’s attorneys:
  - **YankeeNets**: Claim against Madison Square Garden Network to recover New York Yankees’ television and media rights and enable formation of YES Network
  - **YES Network**: Secured arbitration award for long-term “carriage agreement” with Cablevision worth $1.2 billion
  - **Tyco International**: Led defense of suit brought by New Jersey Division of Investment; defeated class certification in several cases and won trials/appeals in cases brought by dealers of ADT (a Tyco company)
Practice Areas: Complex Litigation (cont.)

- Efficiently and aggressively litigating complex intellectual property cases to achieve practical business results
- Experienced in translating complex technical information and concepts to devise coherent and focused legal strategy
- Notable experience:
  - **Antitrust**: Represented major luxury-car dealers and national medical equipment manufacturers in criminal and civil price-fixing investigations
  - **Criminal Defense**: Represented senior United Nations official in federal and state criminal investigations
Proprietary Products

- Specialized SM diagnostic tools to minimize expenses and maximize case-management efficiencies and outcomes:
  
  - **Litigation Assessment** - Detailed study of potential litigation including review of relevant documents, legal research, and analysis. Comprehensive overview of costs and benefits of filing suit; potential causes of action; possible defenses; preliminary damages assessments
  
  - **Settlement Assessment** - Objective analysis of the strengths and weaknesses of a case at any point in the proceedings; includes research-based recommendations on strategic options relative to potential case settlement
Proprietary Products (cont.)

- **Trial Package** - Stone & Magnanini assumes responsibility for case. Service package includes all pretrial proceedings and trial to final judgment at the lower court level.

- **Appellate Assessment** - Analysis of all aspects of a potential appeal, along with detailed analyses addressing costs and benefits of pursuing an appeal and the likelihood of success.
How We Work: Cost Controls

- Early determination of the costs of the case and agreement on fee structure (including, where appropriate, fixed-fee arrangements)
  - Strict oversight of all engagement activities by a senior partner
- Strategic delegation of resources
- Focused discovery marked by a precise plan of attack; early depositions

- A “surgical strike” approach to litigation, tied to client’s precise goals for case resolution: strategic, budgetary, timing considerations
How We Work: Project Management

- Agreed-upon goals and objectives for each individual matter
- Detailed cost estimates (i.e., cost of discovery, cost of motion practice, costs of preparing for and proceeding to trial)
- Experienced with leading-edge IT applications - such as *CaseMap®9* and *Concordance®* - for:
  - Electronic discovery
  - Document management
  - Exhibit preparation
  - Privilege review

- *Proven systems for analyzing huge volumes of documents to cull relevant facts and quickly devise coherent legal strategy*
How We Work: Client Communications

- Regularly scheduled meetings, conference calls, case updates
- Prompt response to all client inquiries and requests
- Direct interface with client’s IT department to:
  - Establish connectivity for joint document review
  - Assess work product
  - Develop case-specific database

- An unyielding commitment to continuous client communication!
Maximizing ROI of Corporate Legal Spend

- Flexible compensation and fee structures to ensure that each matter is tailored to individual situations and client concerns
- Fee arrangements focused on providing certainty to the client wherever possible and appropriate
- Arrangements that enable us and our clients to “bet” on our ability to generate exceptional results
- Supporting Corporate Counsel to advance corporate objectives -- efficiently and cost-effectively
Clients Represented by SM Attorneys Include

- AIG
- Altria Group, Inc.
- Anite Group
- Broadcom Corporation
- CBS Corp.
- C.V. Starr & Co.
- Dow
- DuPont
- Fibreglass Holdings
- Maurice (“Hank”) Greenberg
- Hillenbrand Industries, Inc.
- Honeywell
- Medical Interinsurance Exchange of New Jersey
- The New York Yankees
- Peninsula Hedge Fund
- Philip Morris USA
- Qwest Communications
- Starr International Company Inc. and subsidiaries
- TeleBrands Corporation
- Tyco
- Web MD
- Westbrook Partners
- Yankees Entertainment & Sports (“YES”) Network

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What Our Clients Say

“David and Bob were valued partners and are excellent lawyers ... we will continue to work together on a number of substantial matters.”
- David Boies, Managing Partner, Boies, Schiller & Flexner LLP

“David and Bob tackled several sensitive and important matters for Hillenbrand and obtained extremely favorable results ... they were always very client-oriented, and I would surely turn to them again in the future.”
- Debra Burns, General Counsel, Hillenbrand Companies

“... Stone & Magnanini has represented my companies ably for years. We have been involved in more than our fair share of litigation, including multiple trials. At a recent hearing, David Stone gave the best opening statement that I have heard in my 25 years in business! I certainly plan on retaining the firm again.”
- AJ Khubani, Founder, President & CEO, TeleBrands Corp.
David S. Stone, Managing Partner

Key Experience:

- Administrative Partner, Boies, Schiller & Flexner LLP (Short Hills, New Jersey Office)
- General Counsel, YankeeNets LLC
- Founding Partner, Stern & Greenberg (with former federal judge and U.S. Attorney Herbert J. Stern)
- Founding Partner, Freedman & Stone (with former General Counsel of Butler International, Inc.)
- Special appellate and antitrust counsel to the Medical Society of New Jersey and the Medical Inter Insurance Exchange; special appellate counsel to Hertz Corporation

Education:

- Harvard Law School (J.D, 1984)
  - Assistant to Professors Laurence Tribe and Alan Dershowitz (served on litigation and appellate team for People v. Claus von Bulow)
- Harvard University (B.A., magna cum laude, 1979)
Robert A. Magnanini, Partner

Key Experience:

- Extensive background prosecuting and defending complex civil and criminal matters - including commercial, securities fraud, and False Claims Act cases
- Commercial litigation has included institutional asset recovery, banking issues, minority shareholder actions, construction and commercial real estate cases, and IP matters
- Litigation experience in environmental and product-liability cases
- Appointed Investigations Officer of the Mason Tenders Union to conclude investigation into organized crime associations begun by Michael Chertoff

Education:

- Columbia Law School (J.D., 1993)
- Fordham University (B.A., 1984)
- Lieutenant Colonel, N.Y. Army National Guard
  - Appointed to staff of Secretary of the Army, U.S. Pentagon
Eric H. Jaso, Counsel

Key Experience:

- Extensive background in complex civil and criminal matters, including securities and healthcare fraud, commercial, and antitrust cases - as well as corporate internal investigations and complex white collar criminal cases
- Tried complex securities and bank fraud case to jury verdict, resulting in conviction of both defendants (former CEO and CFO of publicly-traded corporation) on all counts and significant prison terms
- Federal appointments included: Assistant U.S. Attorney, District of New Jersey; Counselor to Assistant Attorney General Michael Chertoff, U.S. Department of Justice; Deputy General Counsel, U.S Department of Education; Associate Independent Counsel, In re: Madison Guaranty Savings & Loan (“Whitewater”)
- State appointments include: Public Member, NJ Urban Enterprise Zone Authority
- Associate General Counsel to the transition of New Jersey Governor Chris Christie

Education:

- University of Chicago Law School (J.D., 1992)
- Harvard University (B.A., cum laude, 1989)
- Law Clerk to the Hon. Alice M. Batchelder, Sixth Circuit U.S. Court of Appeals
Contact Information

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