



## Marc D. Ashley

### Of Counsel

[marc.ashley@diamondmccarthy.co](mailto:marc.ashley@diamondmccarthy.com)

m

D 646.229.0883

### Locations

New York

### Related Practices

Bankruptcy and Insolvency Litigation  
Complex Commercial Litigation  
High Stakes Litigation  
Antitrust

### Education

- Harvard Law School (JD, *cum laude*)
  - Boykin C. Wright Memorial Prize, Ames Moot Court Finalist
- Columbia University (MA, with honors)
- University of Pennsylvania (BA, *magna cum laude*)
- Hebrew University of Jerusalem
  - (Visiting Graduate Student)

Marc D. Ashley joins Diamond McCarthy as a highly seasoned, skilled and versatile litigator with 30 years of experience. His practice focuses on bankruptcy litigation, contract disputes, securities litigation, shareholder derivative litigation, corporate governance, antitrust class action litigation, and other business-related disputes. Marc has first- or second-chaired more than a dozen trials and arbitrations, and has extensive courtroom experience from pretrial practice through appeal or settlement.

Marc represents companies, individuals, and directors and officers in various types of complex litigation, encompassing both smaller-scale and bet-the-company cases, across a wide range of clients in diverse industries, from a bilateral perspective on behalf of both plaintiffs and defendants.

After having worked for decades at several of New York City's premier law firms, most recently as partner in the commercial litigation group of a global law firm, Marc established MDA Litigation, his solo litigation practice that still currently operates. Marc has now joined the Diamond McCarthy team to help grow the Firm's client base and expand its bench strength on complex commercial cases, including significant bankruptcy litigation matters, in New York and nationally.

### Representative Experience

#### Bankruptcy Litigation

- Represented the court-appointed Examiner in the bankruptcy of Residential Capital, LLC; helped manage investigation of fraudulent transfer, breach of fiduciary duty and related claims
- Represented the Creditors' Committee in investigating and pursuing certain claims arising out of the bankruptcy of the Tribune Company
- Represented Mercuria Energy Group as DIP lender in the bankruptcy of Aegean Marine Petroleum
- Represented the liquidators of a foreign telecommunications company in a Chapter 15 adversary proceeding
- Represented the BVI-based joint liquidators of a financing subsidiary for a Brazilian group of companies in a Chapter 15 recognition hearing
- Represented a major bond insurer in an adversary proceeding in the municipal bankruptcy of the City of Detroit, Michigan

#### *Contract Disputes*

- Represented financial advisory firm through successful trial verdict in contractual dispute with client related to recovery of transaction fee
- Represented financial advisory firm in contractual dispute with client related to recovery of restructuring transaction fee
- Represented former employees of marine insurance broker in challenging TRO restrictive-covenant employment claims

#### *Securities Litigation*

- Represented officers and directors of telecommunications company in securities fraud action and related regulatory proceedings
- Represented telecommunications company in securities fraud action
- Represented automotive parts manufacturer and officers and directors in securities, ERISA and derivative litigation
- Represented officers and directors of China-based aquaculture company in securities fraud class action

#### *Shareholder Derivative Litigation*

- Represented officers and directors of telecommunications company in multi-jurisdictional shareholder derivative litigation
- Represented officers and directors of China-based aquaculture company in shareholder derivative litigation

#### *Corporate Governance*

- Investigated potential fiduciary duty claims on behalf of court-appointed Examiner in the bankruptcy of Residential Capital, LLC
- Represented cellular company through successful trial verdict on claim against former board member of usurpation of corporate opportunity

#### *Antitrust Litigation*

- Represented European paper manufacturer in federal and state antitrust class action litigation
- Represented European carbon products manufacturer in antitrust class action litigation
- Represented pharmacy benefit manager in antitrust class action litigation
- Represented European air cargo carrier in antitrust class action litigation
- Represented bar review provider in antitrust class action litigation