



ALLAN B. DIAMOND

Partner

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Location

Houston, Texas

New York, NY

Education

Emory University School of Law (1979)

U.S. Court of Appeals - 5th Circuit Honorable James C. Hill (Intern 1978-79)

State University of New York at Oswego (B.S. in Political Science and Psychology, *magna cum laude*, 1975)

Areas of Practice:

Business Insolvency & Restructuring

Complex & High-Stakes Litigation

- Bankruptcy, Third Party & Professional Liability
- Financial Institution Litigation
- Energy Litigation

Allan B. Diamond, the managing partner of Diamond McCarthy, is a renowned trial lawyer with more than three decades of handling complex commercial litigation and business insolvencies. With offices in Houston and New York City, he handles many cases with far-reaching domestic and global implications, including distressed financial situations with international cross-border litigation.

Allan's high stakes international litigation practice involves representation of multi-national companies, court appointed fiduciaries, individuals, and foreign governments in jurisdictions across the globe. This has developed an extensive knowledge and experience involving United States and international litigation procedures, including, inter alia, forum non-conveniens, rules of jurisdiction, extra-territorial statutory paradigms, Mareva proceedings, The Hague and other international treaties. This includes proceedings in arbitral institutions such as AAA, CPR, ICC, ICSID, ITA, LCIA and UNCITRAL. Allan is an honorary member of the Commercial Bar Association of England, Wales and Scotland, North American Division ("COMBAR").

As lead counsel in several of the nation's largest bankruptcy-related trials, Allan has appeared in federal, state and appellate courts throughout the country. Specifically, Allan has been lead trial counsel in some of the largest complex corporate fraud cases in history, including LJM2 (Enron), Parmalat, InverWorld, Syntax, Brillian and USA Commercial Mortgage, among many others. Allan was appointed by the Department of Justice and the bankruptcy court in San Francisco as the Chapter 11 Trustee of Howrey, LLP, and also has served as lead special trial counsel to the Dewey & LeBoeuf Liquidating trust, the two largest law firm bankruptcies in history.

Selected as a Texas Super Lawyer every year since its inception in 2003 (through 2017), Allan has been the Chairman of the Advisory Board for Emory University School of Law since 2013 and is a member of the Texas Bar Foundation and the Houston, Dallas and New York City Bar Associations. He has co-chaired the State

- Real Estate
 - Insurance Coverage
- Receivership and
Fiduciary Representation
- Intellectual Property
- International Practice

Admitted to Practice:

Texas

New York

Federal District Courts in
Texas

Federal District Courts in
New York

U.S. Courts of Appeals for
the 2nd, 3rd, 5th, 6th, 7th,
9th, 10th and 11th
Circuits

U.S. Supreme Court

Various U.S. District
Courts across the country

Bar of Texas Advanced Bankruptcy Litigation Committee and State Bar grievance committees for many years. He is a member of the Congress of Fellows for the Center for International Legal Studies in Salzburg, Austria; the International Business Law Consortium; INSOL, (London); the IBA (London); the ABA International Litigation Division, and is very active as a lecturer and author for the American Bankruptcy Institute, the American Bar Association and other associations. He is an advisor to the Uniform Law Commission section on fraudulent transfers.

Representative Cases

High Stakes Global Insolvency Related Litigation

- In October, 2011, Allan was appointed by the U.S. Trustee's office of the Department of Justice and the bankruptcy court in San Francisco as the Chapter 11 Trustee of the **Howrey, LLP** bankruptcy estate. This prominent bankruptcy, one of the largest in U.S. history, is currently pending in the Northern District of California, San Francisco. It is anticipated that this case will involve, among other things, a multiplicity of estate commenced litigations, continuation of existing contingency based litigations and wind down of U.S. and European assets and liabilities.
- Currently lead trial counsel for the post-confirmation **USACM Liquidating Trust** arising out of the former USA Capital based sub-prime mortgage lending entities in connection with the Trust's investigation and pursuit of litigation claims involving hundreds of millions of dollars in damages in the federal courts of Las Vegas, Nevada. These claims and recoveries involve major financial institutions, corporations, accounting and legal professional organizations and other third parties.
- Currently lead trial counsel for the post-confirmation **Syntax/Brilliant Corporation Liquidating Trust** arising out of this former publicly traded HDTV television manufacturer's losses in the hundreds of millions of dollars. Cross-border international claims are being investigated and pursued against a multitude of financial institutions, corporations and professional firms in the federal courts of Los Angeles, Delaware and Arizona as well as Taiwan and China, including anti-trust price-fixing claims arising out of the flat panel multi-district litigation proceedings pending in the Northern District of California.
- Currently lead trial counsel for the Creditors Committee in the **Appalachian Fuels LLC** and related company bankruptcies in the Eastern District of Kentucky in connection with the investigation and pursuit of claims arising from this coal mining company's losses of more than one hundred million dollars. Claims involve a multitude of companies, former officers and directors, insurers and professional firms.
- Currently lead special trial counsel for the Chief Restructuring Officer of **Equipment Acquisition Resources**, a debtor in bankruptcy proceedings in Chicago, Illinois involving hundreds of millions of dollars in losses arising out of an alleged Ponzi scheme.
- Currently oversee all litigation on behalf of the Chapter 11 Trustee to **Dreier, LLP** in connection with its complex New York litigation proceedings arising out of Mark

Dreier's Ponzi scheme and related matters.

- Currently lead trial counsel for the Chapter 7 bankruptcy trustee for **Endoscopy Centers of Nevada** in connection with the prosecution and defense of various claims arising out of this high media profile bankruptcy and its related litigation proceedings in which hundreds of lawsuits are pending involving the hepatitis C infections of patients treated by the Debtor. These matters involve hundreds of millions of dollars in claims pending in the courts of Las Vegas, Nevada.
- Served as lead trial counsel for the Cayman Island court-appointed liquidators for two former Cayman Island based companies related to the former Italian international food and dairy conglomerate, **Parmalat**, in connection with the MDL proceedings in the United States District Court for the Southern District of New York (along with related proceedings in the courts of Grand Cayman and Milan and Parma, Italy).
- Served as lead trial counsel for the pre and post-confirmation litigation trust of **LJM2, LLP**, the former **ENRON** affiliate led by Andrew Fastow that resulted in **ENRON's** demise, in connection with the investigation and pursuit of millions of dollars in claims arising out of **ENRON** and LJM2's bankruptcy proceedings in Dallas and New York. Substantial recoveries were achieved.
- Served as lead trial counsel for more than 1,000 Latin American investors in connection with claims for accounting and legal professional liability, officer and director liability and financial institution tort liability of more than \$350 million in damages arising out of the **InverWorld, Inc.** bankruptcies in the courts of San Antonio, Texas, the Grand Cayman Islands and the United Kingdom. Substantial recoveries were achieved.
- Served as lead trial counsel to the post-confirmation trustee of **Agribiotech, Inc.**, the former Las Vegas, Nevada publicly traded forage and seed manufacturing company (largest in North America at the time) in connection with officer and director breach of fiduciary duty claims, software implementation breach of contract claims, accounting and other professional negligence and fraudulent transfer claims in the United States District and Bankruptcy Courts in Las Vegas involving more than \$80 million in damages.
- Served as lead special trial counsel to the post-confirmation liquidation trust for **Southeast Bancshares**. At the time Southeast Bancshares was the sixth largest bankruptcy in United States history. Successful claims were prosecuted in the federal courts of Miami, Florida resulting in recoveries against former officers and directors, professional accounting and law firms, and various financial institutions. This is the most successful chapter 7 estate in terms of recoveries and payouts in U.S. history.
- Currently lead trial counsel for various New York and Boston based hedge funds in connection with credit default derivative swap (CDO) contract litigation claims arising out of the **American Home Mortgage Company** bankruptcy proceedings pending in Delaware federal court.
- Served as lead trial counsel to global Dutch bank, **Rabobank Netherlands**, in connection with parallel international proceedings involving more than \$100 million in claims against another international European bank, former officers and directors of an international dry fruits and nuts processor as well as cross-border accounting and audit malpractice litigation against one of the big four accounting

firms in Contra Costa County, California, Fresno, California and London, England.