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## John D. Byars

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### PROFESSIONAL PRACTICE

Bartlit Beck Herman Palenchar & Scott LLP, 2005-Present, Partner (since 2009)

Weil, Gotshal & Manges LLP, 2001-2004, Associate

### REPRESENTATIVE CASES

#### ***U.S. Bank, as Trustee v. Morgan Stanley Mortgage Capital***

Representing trustee for Morgan Stanley Mortgage Loan Trust 2006-4SL and Mortgage Pass-Through Certificates, Series 2006-4SL in breach of contract action against Morgan Stanley unit for failure to repurchase mortgage loans from a securitization trust after it was determined that the loans breached the representations and warranties of the associated securitization documents. Case pending in New York state court.

#### ***Hedge Fund Litigation Counseling – Residential Mortgage-Backed Securities***

Counsel to numerous hedge funds on issues involving rights and remedies of securitization certificate holders and securitization trusts, including review of documentation, design of legal strategies, and negotiation with adverse parties.

#### ***Amaranth LLC v. J.P. Morgan Chase & Co.***

Representing hedge fund and trading advisor in their action for breach of contract and tortious interference with prospective economic advantage against investment bank, commercial bank, and futures commission merchant. Damages in excess of \$1 billion. Case pending in New York state court and New York appellate court.

#### ***Stanfield Offshore Leveraged Assets, Ltd., et. al., v. Metropolitan Life Insurance Company, et. al.***

Represent group of investment funds in suit against former creditors of bankrupt corporation for aiding and abetting fraud and breaches of fiduciary duties. Case pending.

### EDUCATION & HONORS

University of Chicago Law School, 2001, J.D., with Honors

Clemson University, 1998, M.A., Economics

Clemson University, 1996, B.S., Physics, *magna cum laude*

### BAR ADMISSIONS

Illinois

Texas

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# BARTLIT BECK HERMAN PALENCHAR & SCOTT LLP

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***Ocean Ridge Capital Advisors, LLC v. Metropolitan Life Insurance Company, et. al.*** Represented litigation trustee in preference and fraudulent transfer actions against former creditors of bankrupt corporation. Case settled.

***Dominico Gullone, et. al. v. Bayer Corporation, et. al.*** (United States District Court, Northern District of Illinois)  
Represent Bayer in products liability action brought by users of Bayer's factor concentrate products. Case pending.

***Morgan Stanley Dean Witter & Co. v. Chubb Group of Insurance Companies, et. al.*** (Superior Court of New Jersey, Law Division, Union County)  
Represented Morgan Stanley in suit seeking enforcement of insurance policies against Chubb and various other insurers. Case settled.

***RealNetworks, Inc. v. Microsoft Corp.*** (United States District Court, District of Maryland)  
Represented RealNetworks in antitrust suit against Microsoft. RealNetworks obtained a \$761 million settlement.

***Bradburn Parent/Teacher Store, Inc. v. 3M*** (Minnesota Mining and Manufacturing Company) (United States District Court, Eastern District of Pennsylvania)  
Represented 3M in class action antitrust suit brought by purchasers of 3M's branded transparent and invisible tape product.

## NEWS

John Byars and J.B. Heaton Win Appeal of Claim Against Investment Firm Founder Dow Kim

Bartlit Beck Aids RealNetworks in Securing \$761 Million Settlement With Microsoft

Bartlit Beck Files Antitrust Suit Against Microsoft for Real Networks

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