

## JOHN D. BYARS

PARTNER

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54 West Hubbard Street, Chicago, IL 60654 | 312.494.4443 | john.byars@bartlitbeck.com

### 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*

### ADMISSIONS

Illinois

United States Court of Appeals for the Fifth Circuit

United States District Court for the Northern District of Illinois

Texas (inactive)

### REPRESENTATIVE MATTERS

#### ***Elliott Associates, L.P. v. Porsche SE***

Represented hedge funds in securities fraud and manipulation lawsuit against Porsche SE related to Porsche SE's attempted takeover of Volkswagen AG in 2008.

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

Counsel to 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.

#### ***Mortgage Guarantee Insurance Corp. v. Lehman Brothers, Inc.***

Represented MGIC in connection with a claim against Lehman Brothers, Inc. for fraud and breaches of representations and warranties related to mortgage loans insured by MGIC and included in certain mortgage-backed securities. The bankruptcy trustee sought to disallow MGIC's claim altogether. Following briefing on the issue and mediation, the trustee and MGIC reached a settlement that granted MGIC a \$33 million unsecured claim against the Lehman Brothers, Inc. bankruptcy estate.

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

Represented 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.

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

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

***ACP Master, Ltd., et al. v. Bank of America, et al.***

Represented certain holders of Fontainebleau in their actions against financial institutions for breach of contract.

***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.

***RealNetworks, Inc. v. Microsoft Corp.***

Represented RealNetworks in antitrust suit against Microsoft. RealNetworks obtained a \$761 million settlement.

***NextEra Energy Capital Holdings, Inc. v. Bacno Bilbao Vizcaya Argentaria, SA., et. al.***

Represented NextEra in a billion-dollar dispute concerning its obligations to a syndicate of banks that financed its subsidiary's development of a solar thermal power plant in Spain. Case settled on a confidential basis.

***Federal Insurance Company v. Speedboat Racing Ltd. v. Rambler 100 LLC***

Represented Rambler in connection with breach of contract and admiralty claims related to loss of racing sloop. Case settled on a confidential basis.

***High 5 Games, LLC v. IGT***

Trial counsel for leading casino-style game developer IGT in breach of contract and trademark dispute with supplier. The dispute involved the parties' respective rights and obligations related to intellectual property created under their game development agreement. Case settled.

***ET Plus Litigation***

National counsel for defendants, Trinity Industries and Trinity Highway Products, in litigation alleging personal injuries from Trinity's ET Plus guardrail end terminal system.

***Botox Litigation***

Counsel for Allergan in cases involving allegations that BOTOX® causes various injuries. Obtained favorable settlements in three of the four cases in which we represent Allergan. Tried the fourth case to a jury verdict for plaintiffs. Case is on appeal.

***Confidential v. Novartis***

Trial counsel for Novartis in an arbitration involving claims that Novartis breached a contract for the development of a drug compound licensed from a third party.

**NEWS**

Bartlit Beck Wins Appeal of Claim Against Investment Firm Founder Dow Kim  
04.2011

Bartlit Beck Aids RealNetworks in Securing \$761 Million Settlement With Microsoft  
10.2005

Bartlit Beck Files Antitrust Suit Against Microsoft for Real Networks  
12.2003