

ACCOUNTANTS' LIABILITY CASES



Bartlit Beck has represented a number of the world's largest accounting firms in some of their most complex cases. Bartlit Beck has handled cases through discovery, motion practice and trial involving allegations of accountant malpractice, failed due diligence, securities fraud, and other claims arising out of the work of accounting firms in a wide range of industries, including banking, real estate, consumer products, transportation, education, media, private equity and other financial transactions. We have represented accounting firms in cases brought by their former clients, bankruptcy trustees, regulators, shareholders, creditors, investors, insurers and others.

From our extensive work in the field we understand the auditing process. We have extensive experience with Generally Accepted Auditing Standards (GAAS) and Generally Accepted Accounting Principles (GAAP), the interpretation and application of financial reporting standards, and the issues underlying the adequacy of financial statement disclosures. We are able to work closely and seamlessly with the audit team, and with inside and outside accounting experts, to present our client's best possible defense.

This combination of deep substantive understanding of the field and extensive trial experience has driven an outstanding record of success for our accounting clients, including many trial and arbitration wins and other favorable resolutions.

Representative examples of our work in the Accountants Liability field are listed below.

EXPERIENCE

Deutsche Bank AG v. Deloitte & Touche LLP; Neil F. Luria v. Deloitte & Touche LLP; Ocala Funding, LLC v. Deloitte & Touche LLP (Circuit Court, Miami-Dade County, Florida)

National lead trial counsel representing Deloitte & Touche in a multi-billion dollar accounting malpractice case concerning the failure of Taylor Bean & Whitaker, formerly one of the largest mortgage origination companies in the nation. Case settled before summary judgment argument.

Confidential AAA Arbitrations (Dallas, Tex. 2011-2012; New York, N.Y. 2012-13)

Trial counsel for "Big Four" accounting firm in AAA arbitrations against principals of multi-billion dollar investment firm and former executives of Fortune 100 company. Plaintiffs alleged our client's tax shelter advice led to hundreds of millions of dollars in damages. Cases resolved by arbitral awards for a fraction of the claimed damages.

Confidential AAA Arbitration

Lead trial counsel for "Big Four" accounting firm in AAA arbitration against hotel developer. Plaintiff alleged accountants' negligence in advising on ESOP and other tax issues. Case settled favorably during trial after cross-examination of Plaintiffs' witnesses.

In re Metropolitan Securities Litigation; Metropolitan Mortgage and Securities v. Ernst & Young; Washington State Office of Insurance Commissioner v. Ernst & Young

Defended Ernst & Young against audit malpractice claims in federal securities class action and related arbitrations surrounding the collapse of Metropolitan Mortgage & Securities Co., a \$2 billion investment, real estate and insurance conglomerate. Won complete defense verdict in three-week trial against Metropolitan's insurance subsidiary in which plaintiff was claiming \$90 million in damages. Won complete defense verdict against the bankrupt estates after four-week trial involving claims for \$220 million in damages. Securities class action case settled favorably shortly before trial.

Thayer Capital Partners v. Ernst & Young

Represented Ernst & Young in arbitration against venture capital firms alleging claiming \$100 million in damages stemming from alleged accountants' negligence in connection with due diligence and audit work for a large private acquisition. Complete defense verdict in client's favor after three-week trial.

In Re Parmalat Securities Litigation

Retained after summary judgment proceedings to represent Deloitte Touche Tohmatsu at trial in securities class action. Plaintiffs had sought to hold DTT, the Swiss verein, liable for the alleged misconduct of Deloitte member firms in connection with Parmalat's downfall. Case settled favorably after Bartlit Beck appeared and requested an early trial date.

Swift Transportation Co. v. Ernst & Young

Represented Ernst & Young in accounting malpractice action stemming from merger between Swift Transportation Company and M.S. Carriers, Inc.

Board of Trustees of City Colleges v. Arthur Andersen

Represented Arthur Andersen in litigation relating to derivative securities trading investment made by public treasurer. Won partial summary judgment as to most of plaintiff's damages claim, case settled thereafter.

Smith v. Arthur Andersen

Defended Andersen in action by Boston Chicken bankruptcy trustee alleging auditor malpractice. Case settled favorably shortly before trial.

Coleman Holdings v. Arthur Andersen

Represented Andersen in negligence and fraud action in connection with Andersen's audit of Sunbeam. Case settled.

Adelphia Communications Corp. v. Deloitte & Touche

Represented Deloitte in multi-billion dollar accounting malpractice case brought by Adelphia, with third-party claims against the Rigas family. Case resolved on confidential terms.

In re National Century Financial Enterprises

Represented Deloitte in multibillion dollar lawsuits relating to the collapse of Deloitte audit client. The majority of claims against Deloitte have settled.