

STEVEN J. NACHTWEY

PARTNER

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EDUCATION & HONORS

University of Minnesota Law School, 2000, J.D., *summa cum laude*

Order of the Coif

Managing Editor, *Minnesota Law Review*

University of Wisconsin-Madison, 1997, B.S., Graduated with Distinction

Phi Beta Kappa

Pi Sigma Alpha-President

CLERKSHIPS

Honorable Diana E. Murphy, United States Court of Appeals for the Eighth Circuit

ADMISSIONS

Illinois

Minnesota

REPRESENTATIVE MATTERS

Massachusetts Mutual Life Ins. Co. Residential Mortgage-Backed Securities Litigation (D. Mass)

Represented MassMutual in its actions under the Massachusetts Uniform Securities Act, against underwriters Credit Suisse and Goldman Sachs, arising from their sales of residential mortgage-backed securities to MassMutual in 2005-2007. Credit Suisse settled after four weeks of trial, taking an additional \$79.5 million charge to earnings because of the settlement payment. Goldman Sachs settled shortly thereafter.

FGIC Ad Hoc Group of Investors

Acted as lead co-counsel to an ad hoc group of investors, comprised of hedge funds and insurance companies, in nine Countrywide residential mortgage-backed securities trusts insured by Financial Guaranty Insurance Company (FGIC) in facilitating a \$950 million settlement among Bank of America, FGIC, and BNY Mellon as Trustee for the nine trusts. The settlement, the first of its kind involving a mono-line insurer and bondholders working together to resolve mortgage repurchase claims, provides for more than \$355 million in direct recoveries from Bank of America to the RMBS Trusts, while FGIC received almost \$585 million. Bondholders also will recover, along with all other FGIC creditors, a share of the approximate \$585 million FGIC recovery when it makes future distributions to policyholders as part of its Plan of Rehabilitation, which was submitted and confirmed last year. The settlement did not require any court approval and has already been funded. The settlement has been recognized as providing superior value to investors as compared to prior settlements.

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

Represented MGIC against Lehman Brothers, Inc. for fraud and breaches of representations and warranties related to mortgage loans insured by MGIC. The case was pending in United States Bankruptcy Court, Southern District of New York.

Law Debenture Trust Co. of New York

Retained by Special Trustee, Law Debenture Trust Company of New York, to investigate whether mortgage loans complied with representations and warranties made by the seller of the loans and to enforce the seller's repurchase obligations for the loans that breached those representations and warranties.

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.

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

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

Ocean Ridge Capital Advisors, LLC as Trustee v. Metropolitan Life Insurance Co., et al.

Represented the litigation trustee of Meridian Automotive Systems Litigation Trust against numerous financial institutions and former directors and officers for alleged preferential and fraudulent transfers, breach of fiduciary duties, and aiding and abetting breach of fiduciary duties, among other claims.

Stanfield Offshore Leveraged Assets, LTD., Stanfield Ultra, LTD., Camulos Master Fund LP, DK Acquisition Partners, L. P., and Quadrangle Master Funding LTD. v. Metropolitan Life Insurance Co., et al.

Represented holders of Meridian Automotive Services debt in their action against numerous financial institutions, alleging aiding and abetting, fraud, and breach of fiduciary duties.

Private Equity Purchasing Company

Represented the purchaser in an arbitration related to a post-closing adjustment and indemnification claims related to accounting issues.

Lectrolarm v. Sensormatic Electronics Corporation

Represent Sensormatic in a patent infringement suit brought by Lectrolarm. The case is currently pending in the Western District of Tennessee. The patent is currently being reexamined by the U.S. Patent Office.

Elbex v. Sensormatic Electronics Corporation and Tyco International

Represented Sensormatic and Tyco International in suit brought by Elbex. Elbex alleged that Sensormatic and Tyco infringed its patent and engaged in tortious interference with a contract and prospective business relationships related to a construction project in Singapore. The patent claims were settled for nuisance value, and the remaining claims were dismissed.

Genlyte v. Acuity Brands

Represented Lithonia Lighting, a division of Acuity Brands, in a patent infringement suit brought against it in the Northern District of Kentucky (Louisville) by competitor Genlyte. Took over case shortly before trial following adverse summary judgment ruling on infringement. The case settled.

NaPro Biotherapeutics, Inc. et al. v. University of Pennsylvania et al.

Represented NaPro and the University of Delaware in a trade secrets dispute with the University of Pennsylvania and several researchers. Case resolved with defendants withdrawing a grant application NaPro alleged contained its trade secrets and promising not to use NaPro trade secrets in the future.

CASES TRIED OR OTHERWISE TAKEN TO JUDGMENT

Marlus Hardy v. Bayer

Represented Bayer in suit brought by a stroke patient for Bayer's previous use of the decongestant phenylpropanolamine (PPA) in Alka-Seltzer Plus cold medicine. Ms. Hardy claimed to have used Bayer's product before her stroke and claimed the product was the cause of her stroke. Case was tried for six weeks before a Utah jury in 2005. Complete defense verdict.

Naftali, et al. v. DuPont

Mass toxic tort action brought by 1,600 plaintiffs alleging environmental contamination by DuPont blasting cap plant over a 92-year period. (Superior Court, Passaic County, New Jersey) Represented DuPont in ten-week jury trial of personal injury, medical monitoring, and punitive damages claims of ten plaintiffs. Court dismissed punitive damages claims at close of evidence. Jury awarded no damages to seven of ten plaintiffs. Jury verdict for three plaintiffs, awarding damages totaling less than \$500,000.

FTD v. Teleflora and AFS

Represented FTD in arbitration against Teleflora and AFS for breach of contract relating to minimum annual order fees under agreements to provide access to FTD's Mercury Network. After a three-day trial, the arbitrator issued an award in favor of FTD.

Nicor Gas Co. v. Utility Dynamics

Represented Nicor in suit to recover damages to Nicor's gas lines caused by Utility Dynamics excavation. First-chaired trial. Verdict and damages entered for Nicor.

Khan v. Nicor Gas Co.

Represented Nicor in suit brought by Khan seeking damages resulting from damage to property. First-chaired trial. Complete defense verdict for Nicor.

Competition Law Group v. EnjoyLife

Counsel for Competition Law Group at jury trial of breach of contract claim and malpractice counterclaim arising from EnjoyLife's refusal to pay attorneys' fees. The jury returned a complete verdict for Competition Law Group.

PROFESSIONAL ACTIVITIES AND COMMUNITY SERVICE

Adjunct Professor, Northwestern University School of Law

ACKNOWLEDGEMENTS, PRESENTATIONS, AND PUBLICATIONS

PRESENTATIONS

14th Annual Credit, Restructuring, Distressed Investing & Turnaround Conference—2019 Booth Credit Conference

2019 General Counsel Forum on Litigation Finance

ACC Litigation Finance 101

P3 Legal Conference, Demystifying Legal Finance

PODCAST

Technically Legal, Justin Barker & Steven Nachtwey on Litigation Finance

NEWS

MassMutual, Goldman Sachs reach deal in residential mortgage-backed suit
11.06.2017

After several weeks of trial, Bartlit helps MassMutual resolve mortgage-backed securities cases against Credit Suisse
09.26.2017

MassMutual, RBS strike deal In \$235M crisis-era MBS suit
08.15.2016

Bartlit Beck Represented Investor Group of Hedge Funds and Insurers in Market-leading Residential Mortgage-backed Securities Settlement
04.2014