



Robert E. Malchman

Of Counsel

Robert E. Malchman has extensive experience in all kinds of civil litigation from contract and tort disputes, to hostile corporate takeovers, to asset recovery and corporate restructurings, to work for individuals who are targets of harassment or discrimination. Whether working with multinational corporations or private individuals, Mr. Malchman believes in clear and candid communications with his clients, who are the ultimate decision-makers. Mr. Malchman works with clients to identify and evaluate legal options, to ensure they understand the issues, benefits, risks and costs attending each option and to provide them with the information necessary to decide on the best approach to addressing a legal issue.

Prior to joining ABV, Mr. Malchman was first General Counsel, then special litigation counsel to PlusFunds Group, Inc., a registered investment advisor, and its successor, the PlusFunds General Trust, during its restructuring and liquidation. Mr. Malchman assisted in reducing unsecured claims against PlusFunds from over \$586 million to under \$5 million through successful objections and settlements.

Prior to his work for PlusFunds, Mr. Malchman was affiliated with Gibson, Dunn & Crutcher LLP in the litigation department of its New York office for 14 years. He taught Legal Research & Writing for six years as a full-time faculty member at the law schools at SUNY Buffalo, Georgetown University and St. John's University, and is now an Assistant Adjunct Professor of Law at the Benjamin N. Cardozo School of Law. After graduating from law school, Mr. Malchman served as a law clerk to Judge David A. Nelson of the United States Court of Appeals for the Sixth Circuit.

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▼ Academic Background

S.B., Massachusetts Institute of Technology, 1985

J.D., University of Michigan Law School, 1989 *cum laude*; Production Editor, *University of Michigan Journal of Law Reform* Second Place, Henry M.

▼ Representative Matters

Campbell Moot Court Competition

▼ Bar and Court Admissions

New York
 Massachusetts (inactive)
 Sixth Circuit
 Eastern District of New York
 Southern District of New York
 Western District of New York

▼ Professional/Community

Association of the Bar of the City of
 New York

Brooklyn Bar Association

Complex Civil Litigation

- Defended Saudi partner in action by United Arab Emirates bank to recover on a foreign-exchange transactions cleared in New York but implicating Saudi, UAE and English law.
- Defended airline company in hostile takeover leading to preliminary injunction against acquirer and the dropping of its bid.
- Defended shoe company takeover target leading to increased bid from acquirer and consensual merger.
- Coordinated litigation in the United States, France and Brazil for chemical company group seeking compensation from predecessor entity for environmental pollution.
- Defended petroleum company in pipeline supplier's contract action governed by the Bolivian Civil Code.
- Represented buyer of commercial real estate loan in breach of contract action against seller and tortious interference claim against borrower.
- Defended successor company in contract action by predecessor company's former officer claiming right to equity interest in successor.
- Defended online business-to-business auction house against claim by dissatisfied buyer.
- Represented television station in contract action brought by television show syndicator.
- Represented accounting firm in action by ex-wife of wealthy individual against individual's business associates.

Asset Recovery and Restructurings

- Special litigation counsel to liquidating debtor PlusFunds Group, Inc. Assisted in reducing unsecured claims from over \$586 million to under \$5 million through successful objections and settlements.
- Represented individual and his company as guarantors in actions by and against lenders to allegedly defaulting real-estate-developer borrower
- Represented liquidators of foreign lender in action under Thai law against New York-based guarantor of the debt.
- Represented family investment and charitable funds in actions to recover assets obtained from them by fraud.
- Represented victim of fine art fraud in both criminal restitution proceedings and civil litigation against the fraudster.
- Represented group of foreign banks in RICO, conversion and fraud trial against other foreign banks arising out of the bankruptcy of an oil refiner, and defended the banks in actions by the refiner's Chapter 7 trustee and one of the refiner's stockholders.
- Represented bank in action for loan default by oil and gas exploration company borrower.
- Defended individual in action by former associates for breach of alleged oral loan agreement.
- Represented investment manager of creditor in preference action brought by debtor investment firm and in manager's contract claim against debtor.

- Represented reorganized debtor in claim brought by state liquidator of former subsidiary claiming that reversionary interest in real property was property of the subsidiary not property of the debtor's estate, which had been assigned to reorganized debtor under the confirmed plan of reorganization.

Protecting Individuals

- Responsible for preparation and direct examination of plaintiffs' religion expert at trial under the Religious Freedoms Restoration Act.
- Represented retired corporate officer in claim against former employer's parent for wrongfully terminating stock options officer had been awarded.
- Represented payee party to Moroccan settlement agreement to collect on payor's assets in New York State.
- Represented clients in arbitration or seeking to compel arbitration of fee disputes with former counsel.
- Represented individuals in negotiation of employment and confidentiality agreements.
- Represented target of harassing litigation by client's former boyfriend.
- Brought guardianship proceeding to protect incapacitated elderly person, leading to settlement establishing trust for the person's benefit substantially funded by monies disgorged by person's caregiver.
- Certified by New York State Office of Court Administration for enrollment on list of the Chief Administrator of the Courts to serve as a Guardian, Court Evaluator or Attorney for Alleged Incapacitated Persons.

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