

Schulte Roth & Zabel LLP

MARCY RESSLER HARRIS



Partner

919 Third Avenue
New York, New York 10022
United States of America
P: +1 212.756.2271
E: marcy.harris@srz.com

Marcy Ressler Harris concentrates her practice in the areas of securities enforcement and regulatory investigations and litigation for financial services industry clients, including hedge funds and funds of funds. Marcy also has an active litigation practice involving family disputes, will contests and other Surrogate's Court matters, contested guardianships, and matters involving claims of undue influence, incapacity and breach of fiduciary duty. Since December 2008, she has been actively involved defending former customers of Bernard L. Madoff Investment Securities LLC against clawback litigation in the SIPA Bankruptcy case and in related proceedings, including Jeffrey M. Picower, his estate, executor and affiliated parties. Previously, Marcy successfully defended several funds within the Sterling Stamos fund of funds group against clawback litigation brought by the receiver for the Bayou Group, LLC and Bayou Superfund, LLC. Marcy has represented numerous individuals and fund managers in SEC enforcement matters and investigations related to insider trading, market manipulation, disclosure, pricing and valuation issues, and various other types of alleged securities fraud. During more than 25 years at the firm, she has litigated in federal and state courts in New York and elsewhere, conducted trials, arbitrations and mediations, provided ongoing litigation and regulatory compliance counseling, and represented companies, officers, directors and board committees in connection with activist litigations, failed corporate and derivatives transactions, and internal investigations related to accounting fraud, conflicts of interest, insider trading and internet abuse.

Marcy graduated *magna cum laude* from Yale University with a B.A. degree and received her J.D. degree from New York University School of Law. Formerly a professional journalist, she is a member of the bars of Connecticut and New York, the U.S. District Courts for the Southern and Eastern Districts of New York, and the U.S. Court of Appeals for the Second Circuit.

SELECTED REPRESENTATIONS

Bankruptcy and Securities Litigation

Picard v. Picower, et al. (Bankr. S.D.N.Y.): Represented largest individual investor in SIPA liquidation proceeding involving Bernard L. Madoff Investment Securities LLC, resulting in largest SIPC settlement in history.

Bayou Superfund, LLC v. Sterling Stamos Security Fund, L.P., et al. (Bankr. S.D.N.Y.): Survived Bayou receiver's motion for summary judgment which sought to avoid investors' pre-petition redemption payments upon Court finding that investors' good faith defense raised fact questions requiring jury determination. Ruling led to successful settlement for client.

Arbor Place, LP, et al. v. Weiss, et al. (Del. Chancery Ct.): Defended former hedge fund investors against current investors' claims of unjust enrichment and fraudulent transfer, leading to voluntary dismissal of case with prejudice.

Alteram S.A., et al. v. Beacon Hill Asset Management LLC, et al. (S.D.N.Y.): Obtained dismissal of offshore hedge fund administrator from litigation related to failure of Beacon Hill hedge funds.

Civil Litigation

Kerr-McGee Corp. v. Carl C. Icahn, et al. (W.D. Okla.): Defended multibillion dollar hedge fund in

PRACTICES

- 1 **Litigation**
- 1 **Bankruptcy & Creditors' Rights Litigation**
- 1 **Nonprofit**
- 1 **Regulatory & Compliance**
- 1 **Securities Enforcement**
- 1 **Securities Litigation**

proxy contest against oil and gas company, resulting in favorable settlement for client and adoption by Kerr-McGee of client's corporate initiatives.

John Fitzgerald Kennedy v. The Trustees of the Testamentary Trust of the Last Will and Testament of John F. Kennedy (S.D.N.Y.): Obtained dismissal of claims for genetic testing and to recover inheritance by purported non-marital child of the late President Kennedy and Marilyn Monroe. Judgment affirmed by Second Circuit.

AGG Credit Company, LLC v. Berry-Hill Galleries, Inc., et al. (Sup. Ct. N.Y. Co.): Defended family-owned art gallery against loan default claims.

Brooklyn Navy Yard Cogeneration Partners, L.P. v. PMNC, et al. (Sup. Ct. Kings Co.): After full discovery, obtained favorable settlement on behalf of joint venture in breach of contract and professional negligence action relating to design and construction of cogeneration power plant.

In re ABN AMRO Bank, N.V. (Sup. Ct. N.Y. Co.): Obtained permanent stay of arbitration based on lack of NYSE jurisdiction over foreign bank.

Farberware, Inc. v. William Groben, et al. (S.D.N.Y.): Following internal investigation, prosecuted civil RICO and fraud action against corporate vice president and vendors related to kickback and invoice inflation scheme. Obtained judgments, insurance recovery and restitution award.

Health Care and White Collar

United States v. Maloney, et al. (D. Mass.): Obtained acquittal for chairman and CEO of medical devices manufacturer on charges of conspiring to defraud the FDA following eight-week jury trial.

Obtained immunity from prosecution for chairman and CEO of major clinical laboratory in connection with investigation into laboratory billing practices.

Represented senior manager of national blood testing laboratory in connection with allegations of test-tampering.

United States v. Freidin (2d Cir.): Obtained reversal of conviction for personal income tax evasion on behalf of lawyer and then "Big-Six" accountant.

Pro Bono

Cabrera v. AM Realty Co., Inc., et al. (E.D.N.Y.): Investigated and prosecuted housing discrimination action resulting in jury finding that landlords may be liable for employing real estate brokers engaged in racial steering. Decision affirmed by Second Circuit.

Obtained political asylum for individuals fleeing persecution in China and Togo.

Ongoing work with Human Rights First on internet freedom and privacy matters.

SELECTED PUBLICATIONS

"Regulation Fair Disclosure," *Insider Trading Law and Compliance Answer Book* (Practising Law Institute), 2011-2016 (co-author)

"Cross-Examining the Accomplice Witness," *Litigation*, Vol. 14, No. 1, Fall 1987 (co-author); republished in *The Art of Cross-Examination, Essays from the Bench and Bar* (American Bar Association), August 2014

SRZ Insider Trading Developments Newsletter, Summer 2014 (contributor)

[More](#)

SELECTED SPEAKING ENGAGEMENTS

"Role of Expert Witnesses in Complex Litigation," Practising Law Institute Expert Witness, New York, June 2016

"Role of Expert Witnesses in Complex Litigation," Practising Law Institute Expert Witness, New York, June 2015

“Recent Developments in Bankruptcy and Distressed Investing,” SRZ 21st Annual Private Investment Funds Seminar, New York, January 2012

[More](#)

MEMBERSHIPS

American Bar Association

Litigation, Professional Responsibility and White Collar sections

OTHER DISTINCTIONS

New York Super Lawyers

Top Women Attorneys in the New York Metro Area

EDUCATION

I New York University School of Law, J.D., 1986

i Moot Court Advocacy Award

i *Journal of International Law and Politics*

I Yale University, B.A., *magna cum laude*, 1980

i Co-Features Editor, *Yale Daily News*