

## H. Seiji Newman

Partner

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### Areas of Focus

Bankruptcy, Creditors' Rights + Finance |  
Insolvency and Financial Products Litigation |  
Bankruptcy | Litigation + Dispute Resolution

"It is vitally important to provide clear, concise, direct information to clients in response to their questions and needs — ideally, even before they ask their questions or realize that they need the information."

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### Overview

**Seiji Newman resolves complex commercial disputes, including bankruptcy, creditors' rights, and insolvency matters for financial institutions, real estate companies, hedge funds and business enterprises.**

Representing clients at all stages of litigation, from case assessment through trial and appeal, he has successfully defended clients in some of the largest and most complex disputes, including cases related to Enron, Bernie Madoff and residential mortgage-backed securities.

Seiji knows which battles to pick, both in and out of court, and helps clients avoid costly and time-consuming litigation through arbitration, mediation and negotiated settlement. An astute communicator with a big-picture focus, he guides clients through the relevant issues, potential risks, strengths and inherent weaknesses in their cases. He anticipates questions clients and judges may have, streamlines arguments, and tailors his communication to provide the necessary context and cogent arguments to obtain reasoned decisions and successful outcomes.

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### Representative Experience

- Defended a national executive search firm in a dispute with a former employee over claims of fraudulent inducement and breach of contract. After a five-day arbitration trial, our client settled for less than 25% of the petitioner's claim.

- Prevailed in breach of contract claims against commercial real estate borrowers and warded off counterclaims against commercial real estate lenders in deals gone bad. Argued that borrowers were obligated to pay contractually agreed fees and client's costs and expenses, despite deals not closing, creating favorable precedent and sending a strong signal to other borrowers who might consider not paying agreed costs.
- Achieved numerous victories, including multiple dismissals and favorable resolutions for one of the largest residential mortgage-backed securities (RMBS) sponsors in cases brought by investors and securitization trusts for fraud and repurchase, leading to the dismissal of over \$1 billion in claims. These litigation victories created precedent that cut off future claims against our client and other defendants in the RMBS space and benefit ABS sponsors in all credit markets with similar deal structures.
- Defending a European investment bank against over \$600 million in exposure from an ongoing fraudulent transfer lawsuit brought by Madoff bankruptcy trustee based on derivative transactions, including total return swaps and leveraged notes. In Madoff-related litigation, achieved, with other similarly situated banks, dismissal of over \$200 million state law- and foreign insolvency-based actions asserted by liquidators of largest offshore Madoff feeder fund. The litigation resolved legal exposure for the client incurred in providing its customers with desired synthetic deal structures.
- Represented a national transportation company in a bankruptcy adversary proceeding relating to whether the client had entered into a binding, enforceable agreement to sell its bankruptcy claim, despite the absence of a written agreement. At the conclusion of the trial, Bankruptcy Court ruled entirely in our client's favor, finding that the parties had not entered into a contract and that the client retained full ownership interest in its claim against the debtor.
- Pursuing over \$300 million in recoveries from Wells Fargo as the master servicer of securitization trust for breach of contract and failing to comply with servicing standards, through a detailed analysis and proprietary calculation of losses caused by servicing failures, including delays in foreclosure, failures to modify loans and unreasonably low-priced collateral sales, all of which contributed to the client-sponsor's legal exposure for repurchases of loans.
- Defended a global investment bank against \$250M legal exposure in RMBS litigation brought by investors who sought to hold it liable for fraud based on alleged misrepresentations in offering documents. Obtained dismissals and favorable resolutions in all actions.

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## Insights + Events

### Publication

Westlaw Today | Knowledge Is Power: Accessing Loan Information in Troubled CMBS  
March 11, 2024

### Event, Risk and Reward in Cannabis Financing

New York State Bar Association | Navigating the Legal Pitfalls of Cannabis Financing  
February 8, 2022

### Press Mention

Law360 | Cannabis: The Top Law360 Guest Articles Of 2021  
December 23, 2021

## Publication, Risk and Reward in Cannabis Financing

Law360 | NY Debt Enforcement Alternatives for Cannabis Lenders  
September 23, 2021

## Event

Davis+Gilbert Insolvency + Finance Webinar | Subprime RMBS Serves as a Roadmap for Future Subprime Auto ABS Litigation  
July 15, 2020

## Press Mention

Law360 | Natixis Seeks More Discovery in \$877M RMBS Dispute  
May 21, 2019

## Alert

Oh, the Indemnity! Claims for Reimbursement May Follow RMBS Litigation Settlements  
June 19, 2017

## Alert

Recent Actions Against Navient May Expose Problems Contributing to the Student Loan Debt Crisis  
January 26, 2017

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## Credentials

### Education

Fordham University School of Law (J.D., 1999)  
Pace University (B.A., *magna cum laude*, 1996)

### Clerkship

The Honorable Denny Chin, U.S. District Court for the Southern District of New York

### Bar Admissions

New York  
Connecticut

### Court Admissions

U.S. District Court Southern District of New York

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## Associations

Member, Davis+Gilbert Diversity, Equity and Inclusion Committee