

HOLWELL SHUSTER & GOLDBERG LLP



BENJAMIN F. HEIDLAGE *PARTNER*

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Benjamin Heidlage's broad-based practice has given him experience in a range of complex commercial litigation matters, representing both individuals and corporations in contract, insurance, securities, antitrust, and environmental disputes in state and federal courts and arbitral tribunals. Benjamin has extensive experience representing banks as trustees or securities administrators in various RMBS putback matters in state and federal courts, including as a member of the team representing the trustees as a lead trial counsel in the Lehman bankruptcy. Benjamin's recent matters include representing Chubb in insurance coverage disputes, including nationwide disputes related to the opioid crisis; Travelport and Petsmart in multibillion-dollar disputes with their respective lenders challenging certain liability management transactions; a government-owned investment fund AIMCo, in a series of cases against life insurers concerning improper Cost of Insurance rate increases; and a MacAndrews & Forbes company in a massive antitrust claim against News Corp. in one of the first civil jury trials post-COVID shutdown.

Benjamin has represented clients in the media, financial, and technology sectors in antitrust matters pending in foreign and domestic tribunals and represented a client at trial and on appeal in a case involving one of the largest CERCLA sites in the country. Benjamin has played a significant role in corporate governance matters including, multiple shareholder disputes brought in connection with mergers and acquisitions, litigating issues including the fiduciary duties of company directors and officers and required disclosures. His *pro bono* work, among other things, has involved various immigration matters.

Benjamin was named to the inaugural 2023 Lawdragon 500 X – The Next Generation and was named an Elite Boutique Trailblazer by The National Law Journal in 2022. He has also been recognized on Benchmark Litigation's 40 & Under Hot List since 2018 and as a Rising Star by New York Metro Super Lawyers since 2015.

Before joining Holwell Shuster & Goldberg, Benjamin was an associate at Cravath, Swaine & Moore LLP, and clerked for the Hon. Patrick Higginbotham of the United States Court of Appeals for the Fifth Circuit. Benjamin is a member of the Litigation Committee of the New York City Bar Association.

NOTABLE CASES

- Valassis, a MacAndrews & Forbes company, as plaintiff in litigation against News Corp. and its subsidiaries alleging federal and state antitrust violations, unfair competition, and tortious interference seeking more than \$600 million in damages. Valassis defeated summary judgment and then reached a confidential settlement during jury deliberations following a nearly three-week jury trial in the Southern District of New York in July 2021.
- Various affiliates of Chubb in nationwide litigation with manufacturers and distributors of opioids, and national pharmacy chains that sold opioids, over insurance coverage for over 3,000 lawsuits brought by governmental entities across the country. HSG is national trial counsel to Chubb in opioid coverage litigation.

- Travelport, a next-generation travel booking platform, in a COVID-19-related dispute with lenders under a \$3 billion credit agreement.
- PetSmart in a covenants dispute with lenders regarding \$8 billion in debt obligations.
- Editis, Interforum and their parent company Vivendi, in litigation in New York state court.
- A Japanese pharmaceutical company in an ICC arbitration arising from its acquisition of a Mexican company of pharmaceuticals and over-the-counter products.
- Various banks as trustee or securities administrator in RMBS put-back actions, each involving hundreds of millions of dollars.
- Visa Inc. and its subsidiaries in several matters, including its defense against dozens of antitrust actions brought by hundreds of merchants who have opted out of a multibillion-dollar class settlement.
- Drafted *amici curiae* briefs in state and federal appellate courts, including on behalf of Foursquare, Kickstarter, Meetup, and Tumblr in an appeal challenging the constitutionality of bulk search warrants issued by the Manhattan D.A.'s office (N.Y. Court of Appeals).
- Paper company in trial and Seventh Circuit appeal of CERCLA enforcement action concerning remediation of Wisconsin's Fox River, as well as in related actions.
- Special committee of the board in Delaware shareholder litigation brought in response to an acquisition in which a controlling shareholder received a premium relative to other shareholders.
- Advised a major U.S.-based telecommunications company in connection with an antitrust investigation by the Korea Fair Trade Commission and litigation in South Korean courts.
- Utility in consumer class action tort litigation.

WRITINGS

- "Introduction to the Restatement of the U.S. Law of International Commercial and Investor-State Arbitration at New York Arbitration Week" *New York Law Journal* (November 25, 2019)
- "A Relational Approach to Schools' Regulation of Youth Online Speech," 84 *New York University Law Review* 572 (2009)
- "Limiting the Scarlet @: Daniel Solove's The Future of Reputation," 83 *New York University Law Review* 982 (2008)

CLERKSHIPS

- Hon. Patrick E. Higginbotham, U.S. Court of Appeals for the Fifth Circuit, 2009 – 2010

EDUCATION

- New York University School of Law (J.D., *magna cum laude*, 2009; Law Review Alumni Association Award; Butler Scholar; Pomeroy Scholar; Order of the Coif; Articles Editor, *New York University Law Review*)
- Pomona College (B.A. in Politics, *magna cum laude*, 2006)

BAR AND COURT ADMISSIONS

- New York
- Massachusetts

- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York