Gabriel Herrmann

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New York



Gabriel Herrmann is a partner in the New York office of Gibson, Dunn & Crutcher, and a member of Gibson Dunn's Litigation Practice Group. His practice focuses on complex business and financial-services litigation, including disputes concerning commercial breach of contract claims, fraud and business torts, insolvency-related litigation, disputed interests in real property, shareholder derivative and securities litigation, antitrust and competition law, insurance, class actions, and M&A-related litigation.

A substantial portion of his experience concerns matters involving cross-border jurisdictional issues, coordination of parallel overseas proceedings, and international choice-of-law and venue considerations. In addition to his commercial practice, Gabriel has significant experience representing clients in matters relating to the operations of New York State and City governmental entities, including both administrative and judicial review of agency determinations and constitutional challenges to government action and legislation. He practices actively in the federal district and bankruptcy courts, as well as the civil and Commercial Division courts of New York State, and has extensive appellate experience in both the New York State and federal court systems.

Representative matters include:

- *Picard v. JPMorgan Chase & Co.* (In re Bernard L. Madoff Investment Securities LLC), 460 B.R. 84 (S.D.N.Y. 2011), aff'd, 721 F.3d 54 (2d Cir. 2013), cert. denied sub nom., Picard v. HSBC Bank PLC, 134 S. Ct. 2895 (2014) (dismissal for lack of standing of Securities Investor Protection Act trustee to sue third parties for alleged harm to customers of insolvent securities broker-dealer).
- *Mashreqbank PSC v. Ahmed Hamad Al Gosaibi & Bros. Co.*, Index No. 601650/2009, 2010 WL 9535130 (Sup. Ct. N.Y. Cnty July 26, 2010), rev'd, 101 A.D.3d 1, 951 N.Y.S.2d 124 (1st Dep't 2012), rev'd, 23 N.Y.3d 129, 989 N.Y.S.2d 458 (2014) (dismissal under doctrine of forum non conveniens of fraud and related business-tort claims against Saudi national).
- *Rubens v. UBS AG*, 126 A.D.3d 421, 5 N.Y.S.3d 55 (1st Dep't 2015) (enforcement of contractual forum-selection clauses compelling dismissal of action for breach of contract and related business torts against Swiss bank).
- *Knopick v. UBS AG*, 137 F. Supp. 3d 728 (M.D. Pa. 2015) (enforcement of contractual forum-selection clauses compelling dismissal of action for breach of contract and related business torts against Swiss bank, Swiss financial advisor, and Swiss national).
- *Giordano v. UBS AG*, 134 F. Supp. 3d 697 (S.D.N.Y. 2015) (dismissal of claims against Swiss bank based on enforcement of contractual forum-selection clauses, failure to allege adequate basis for personal jurisdiction, and failure to state a claim).
- *N.Y. City Educational Construction Fund v. Verizon New York Inc.*, Index No.

Capabilities

Litigation
Administrative Law and Regulatory Practice
Appellate and Constitutional Law
Business Restructuring and Reorganization
Crisis Management
Public Policy
Real Estate Disputes
Securities Litigation
Transnational Litigation

Credentials

Education

Cornell University - 2003 Juris Doctor
Clark University - 1998 Bachelor of Arts

Admissions

New York Bar

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650193/2009, 2012 WL 2368984 (Sup. Ct. N.Y. Cnty. June 11, 2012), aff'd, 114 A.D.3d 529, 981 N.Y.S.2d 11 (1st Dep't 2014) (dismissal of fraud, breach-of-contract, and related claims concerning transfer of zoning development rights in contract for sale of real property).

- *In re Kosmos Energy Ltd. Securities Litigation*, 299 F.R.D. 133 (N.D. Tex. 2014) (denial of class certification in securities action under sections 11 and 12 of the Securities Act of 1933).
- *Berks County Employees' Retirement Fund v. First American Corp.*, 734 F. Supp. 2d 533 (S.D.N.Y. 2010) (denial of class certification in securities-fraud action under section 10(b) of the Securities Exchange Act of 1934).
- *Harrison v. Metropolitan Life Insurance Co.*, 417 F. Supp. 2d 424 (S.D.N.Y. 2006) (ERISA preemption; construction of insurance contract).

Recent Speaking Engagements:

- Speaker, "Recent and Pending Amendments to New York's Civil Practice Law and Rules and Uniform Commercial Division Rules," Lawline (July 29, 2016).
- Speaker, "December 2015 Amendments to the Federal Rules of Civil Procedure: Key Components and Recent Case Law," Clear Law Institute (April 29, 2016).
- Speaker, "December 2015 Amendments to the Federal Rules of Civil Procedure," Lawline (March 10, 2016).
- Speaker, "Proportionality in Discovery Under the New Federal Rules of Civil Procedure," National Business Institute (February 29, 2016).

Gabriel earned his Juris Doctor, *cum laude*, from the Cornell Law School in 2003, where he served as an Article Editor of the *Cornell Law Review*, published a Note, *Discovering Policy Under the Federal Arbitration Act*, 88 Cornell L. Rev. 779 (2003), and served as a research assistant to the late Professor Theodore Eisenberg. He received a Bachelor of Arts degree from Clark University in 1998.

Gabriel is admitted to practice in the State of New York, as well as before the United States District Courts for the Southern and Eastern Districts of New York and the United States Courts of Appeals for the Second and Third Circuits. He is a member of the Association of the Bar of the City of New York, the American Bar Association, and the ABA Section of Antitrust Law.

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