Robert F. Serio

Partner

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New York



Robert F. Serio is a partner in the New York office of Gibson, Dunn & Crutcher and served as a co-chair of Gibson Dunn's national Securities Litigation Practice Group from 2005 to 2021. He advises public companies, private-equity portfolio companies, and mutual funds concerning regulatory crises, litigation strategy and risk management. His practice involves complex commercial and business litigation, with an emphasis on securities class actions, shareholder derivative litigation, SEC enforcement matters and corporate investigations.

Mr. Serio is consistently ranked as one of the top securities litigators in New York and has been recognized by *The Best Lawyers in America*®, *Benchmark Litigation* and New York *Super Lawyers*. The *Legal 500 US* 2025 guide recognized him for his expertise in Securities Litigation: Defense. Mr. Serio has been co-editor of the Practising Law Institute's leading treatise on securities litigation entitled Securities Litigation: A Practitioner's Guide. Routinely, he has been a guest lecturer on securities-related developments where he has presented on such topics as "Trends in Securities Litigation." From 2004 to 2015, he served as co-partner in charge of the firm's New York office.

Representative Matters

- Served as lead counsel for Nasdaq in the High-Frequency Trading Litigation (won on summary judgment).
- Successfully represented numerous underwriters in securities class action lawsuits involving more than $70 billion in mortgage pass-through certificates, including:
    - Credit Suisse, Deutsche Bank, Morgan Stanley, Goldman Sachs: Won affirmance in the United States Court of Appeals for the Second Circuit of a ruling declining to extend the *American Pipe* tolling doctrine to the statute of repose of the Securities Act of 1933.
    - RBS Securities Inc.: Won dismissal with prejudice of a lawsuit brought by one of the world's three largest pension funds alleging fraud in the sales of more than a billion dollars of residential mortgage-backed certificates.
- Lynn Tilton: Served as a lead lawyer representing Ms. Tilton in various civil litigations.
- Och-Ziff Capital: Successfully represented the company and its directors and officers in securities and derivative litigation.
- Flagstar Bancorp: Successfully represented the current and former directors and officers in shareholder derivative litigation.
- Forum: Won dismissal in the New York Court of Appeals on grounds of *forum non conveniens* of a multi-billion dollar fraud claim involving an overseas partnership.
- First American: Defended The First American Corporation and its subsidiary

Capabilities

Securities Litigation
Appellate and Constitutional Law
Class Actions
ESG: Risk, Litigation, and Reporting
Litigation
Securities Regulation and Corporate Governance
White Collar Defense and Investigations

Credentials

Education

University of California - Los Angeles - 1985 Juris Doctor
Harvard University - 1980 Bachelor of Arts

Admissions

New York Bar

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eAppraisIT LLC in a putative securities class action lawsuit. Defeated class certification and obtained dismissal with prejudice.

- Bear Stearns: Represented Bear Stearns in resolving 100 securities class actions and shareholder derivative litigations involving IPO allocation and research analyst issues. Won dismissal of shareholder derivative action against Bear Stearns and its directors over alleged research analyst conflicts. Represented Bear Stearns officers and directors in shareholder derivative actions over subprime issues.
- Merrill Lynch: Won dismissal of all claims against Merrill Lynch in *In re Merrill Lynch Limited Partnership Litigation* and *In re Duke Energy Securities Litigation.*

Mr. Serio has represented financial institutions and directors in litigation matters arising from the collapses of Enron and Adelphia.

In addition, he has represented numerous other companies in securities class action lawsuits, including Cincinnati Bell, Inc.; Veeco Instruments, Inc.; The FINOVA Group, Inc.; and Citiscape Corporation.

Mr. Serio received a law degree from the University of California at Los Angeles in 1985 and a Bachelor of Arts degree, *cum laude*, from Harvard University in 1980. Mr. Serio is a member of the New York and California State Bars.

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