



## Jodi A Kleinick

Partner, Litigation Department

jodikleinick@paulhastings.com

**Jodi Kleinick** is a partner in the Litigation practice of Paul Hastings in New York and has extensive experience representing clients in connection with the resolution of complex commercial disputes through negotiation, mediation, arbitration, litigation and contested administrative proceedings before state and federal courts and government agencies.

Ms. Kleinick has represented clients in class action lawsuits and multi-district litigation, in connection with internal investigations and investigations by State Attorneys General, in transactional disputes, shareholders derivative actions, intellectual property disputes, bankruptcy proceedings, insurance coverage matters, construction litigation and various contract disputes. A significant part of Ms. Kleinick's practice has been devoted to counseling clients during the negotiation and development phases of transactions and projects in an effort to mitigate the risk of future litigation.

### Recent Representations

#### *Class Action Lawsuits and Multi-District Litigation:*

- Defense of FIM Advisers/FIM Limited and principals in nationwide class action alleging fraud, breach of fiduciary duty, negligence and various contract claims relating to investments in Madoff securities
- Defense of Cushman & Wakefield in nationwide class action alleging fraud, misrepresentation, breach of fiduciary duty, negligence, conspiracy and violations of RICO relating to appraisal practices
- Defense of Fidelity National Financial in a series of nationwide consumer class actions alleging claims of deceptive trade practices, consumer fraud and unjust enrichment relating to title insurance underwriting practices
- Defense of Marvel Enterprises, Inc. in nationwide class action alleging breach of terms of sale, unjust enrichment and deceptive trade practices relating to distribution of publications

#### *Transactional Disputes/Derivative Actions:*

### New York

T: 1(212) 318-6751

F: 1(212) 230-7691

### Practice Areas

Class Actions  
Real Estate Litigation  
Complex Litigation and  
Arbitration  
Litigation

### Admissions

New York Bar

### Education

Brooklyn Law School, J.D.  
1994

State University of New York,  
B.A. 1990

## Jodi A Kleinick (Continued)

- Defense of Robert Pittman in derivative actions alleging breaches of fiduciary duty relating to \$1 billion loan transaction involving Clear Channel Holdings, Inc.
- Defense of Appaloosa Management, LP in adversary proceeding by Delphi Corporation alleging fraud, breach of contract and right to equitable subordination relating to \$2.5 billion equity investment transaction
- Defense of Entertainment Distribution Corporation (formerly known as Glenayre, Inc.) in parallel federal and state derivative actions alleging breaches of fiduciary duty in connection with backdated stock options
- Defense of Premier, Inc., a 41% shareholder in Medibuy, Inc., in derivative action alleging breaches of fiduciary duty and self-dealing in connection with merger transaction
- Representation of Marathon Asset Funding in connection with dispute relating to purchase of \$2.1 billion in real estate assets upon consummation of merger transaction
- Defense of Insignia Financial Group, Inc. and Minskoff Equities, Inc. in breach of contract actions seeking investment advisory fees relating to transactions

### *Bankruptcy/Restructuring Proceedings:*

- Representation of CarVal Investors UK Limited in connection with customer claims in Lehman bankruptcy proceedings
- Representation of FIM Advisers/FIM Limited and principals in clawback/fraudulent conveyance action in Madoff bankruptcy proceedings
- Representation of Istithmar World in restructuring proceedings relating to W Hotel at Union Square
- Representation of Plaza Construction Corp. relating to breach of Construction Management agreement by significant homebuilding corporation in bankruptcy and in disputes with subcontractors relating to claims for payment
- Representation of Marvel Enterprises, Inc. in connection with various licensing disputes, including adversary proceedings to reject various agreements in bankruptcy

### *Real Estate Matters:*

- Representation of HSBC in connection with dispute with borrower, including commencement of foreclosure proceedings
- Representation of commercial landlords and tenants in significant leasing disputes, including disputes relating to real estate tax escalations and other additional rent charges, violations of use provisions
- Defense of developer in action to enjoin intended use of property as medical facility in residential neighborhood
- Defense of New York University in action by various community organizations

## Jodi A Kleinick (Continued)

seeking to enjoin construction of student center facility based on various environmental and zoning laws

- Representation of developer in Article 78 proceeding challenging variance permitting development of significant commercial building in an area in which only residential buildings were permitted as of right

### *Construction Litigation:*

- Representation of JPMorgan Chase in connection with a series of construction disputes relating to mismanagement and overcharges during construction of core data center facilities, and in disputes with general contractor and subcontractors relating to claims for payment for construction of U.S. headquarter building
- Representation of Alvin Ailey Foundation, Inc. in litigation with contractor relating to defective floor installation
- Defense of TrizecHahn Office Properties, Inc. in litigation brought by engineering firm relating to construction of facility

### *Other Commercial Matters:*

- Representation of City Investment Fund in dispute with Intercontinental Hotel Group relating to management agreement for Crowne Plaza- Times Square
- Representation of Capital One Bank, NA in action to enforce rights as lender, including judicial foreclosure proceedings and actions to enforce guarantees
- Representation of Unum Group in action against insurance brokers seeking reimbursement of commissions and rescission of insurance agreements procured by fraud
- Defense of Genworth Financial, Inc. in connection with arbitration relating to issuance of bulk insurance to Countrywide Mortgage relating to mortgage pools
- Representation of Seavest, Inc. in connection with limited partnership dispute relating to mismanagement of partnership real property and breaches of fiduciary duty
- Representation of Piaggio Group USA in connection with breaches of dealership agreement by licensee
- Representation of Audit Committee of the Board of Directors of major financial institution in connection with internal investigation relating to alleged multi-million dollar construction cost overruns and alleged violations of existing bank controls
- Representation of title insurance underwriters in connection with investigation by New York State Attorney General relating to underwriting practices and disclosures
- Defense of Marvel Enterprises, Inc. in breach of contract action by Stan Lee seeking profits allegedly owed pursuant to his employment agreement

## Jodi A Kleinick (Continued)

### *Intellectual Property Disputes:*

- Representation of Marvel Enterprises, Inc. in several litigations relating to ownership to copyrights and trademarks to intellectual property, including Marvel v. Wolfman (Blade), Marvel v. Simon (Captain America), Marvel v. Friedrich (Ghost Rider) and Marvel v. Kirby (X-Men, The Incredible Hulk, Fantastic Four, Daredevil, Ironman, and others)

### **Professional and Community Involvement**

- Served as the sole law clerk to the Honorable Steven M. Gold in the Eastern District of New York
- Member of the bar in New York

### **Education**

- Brooklyn Law School, J.D., 1994 (cum laude, Executive Editor of the Brooklyn Journal of International Law)

### **News**

#### **July 04, 2013**

Paul Hastings Represents Cowen in Zhongpin's US\$361 Million Going-Private Transaction

#### **June 05, 2013**

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United States 2013

#### **August 03, 2011**

Paul Hastings Represents Marvel/Disney in Copyright Victory

#### **April 01, 2011**

Paul Hastings Secures Dismissal on Behalf of FIM Advisers in Securities Class Action Case Involving Madoff Feeder Funds

#### **February 17, 2011**

Paul Hastings Secures Dismissal with Prejudice of MRU Holdings Auction Rate Securities Case

#### **November 10, 2006**

Paul Hastings Elects Sixteen To Partnership

## Jodi A Kleinick (Continued)

### Insights

**April 15, 2013**

Removability of Federal Class Action Claims from State Court

**December 21, 2007**

Federal Reserve Proposes New Regulations in Response to Subprime Issues

**December 14, 2007**

Bush Mortgage Relief Plan - Questionable Relief, Questionable Protection from Litigation

**December 04, 2006**

Waiting for 'Twombly': The Supreme Court Will (Hopefully) Offer Guidance on Pleading §1 Antitrust Conspiracy. New York Law Journal. December 4, 2006