



Kevin P Broughel

Partner, Litigation Department

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Kevin P. Broughel is a partner in the Litigation practice of Paul Hastings and Vice Chair of the firm's Global Securities Litigation practice. Based in the firm's New York office, Mr. Broughel focuses his practice in the areas of securities and shareholder disputes, financial services litigation, mergers and acquisitions litigation, consumer class action cases, and regulatory enforcement.

This work has included representing clients in disputes and governmental investigations relating to the subprime mortgage and credit crisis. He also has extensive experience with corporate governance and fiduciary duty issues in both state and federal courts. Mr. Broughel is a member of the firm's securities litigation and investigations and white collar defense practices, and regularly writes on various financial litigation topics. Mr. Broughel also serves as Co-Chair of the Talent Development Committee for the New York office and was previously ABA Co-Chair for Programming for the Pretrial Practice and Discovery Committee.

Mr. Broughel received a Bachelor of Arts in English from Georgetown University, *cum laude*, in 1998 and earned a minor in Social and Political Thought, an honors program at the university. In 2003, he graduated from Fordham University School of Law. While at Fordham, he was a member of Moot Court, serving as captain of the 2002 BMI/Cardozo Entertainment and Communications Law competition team, which won "Best Overall Team" and "Best Brief Honors." He was also a semi-finalist in the 2001 Maurice Wormser Corporate Law Moot Court competition. Mr. Broughel is a member of both the New York and Connecticut bars.

Recent Representations

- Representation of various open-end and closed-end funds in securities class action litigation, opt-out and shareholder derivative litigation
- Representation of a national pre-paid debit card in various consumer class actions over fund access issues

New York

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Practice Areas

Impact and Sustainability
Securities Litigation
Investigations and White Collar Defense
Complex Litigation and Arbitration
Litigation
Class Actions
Antitrust and Competition
Financial Services Litigation

Admissions

New York Bar
Connecticut Bar

Education

Fordham University School of Law, J.D. 2003
Georgetown University, B.A. 1998

Kevin P Broughel (Continued)

- Representation of a global air carrier in a multi-district litigation relating to alleged price-fixing in the global air cargo business
- Representation of a global investment bank in various cases involving complex synthetic CDO transactions
- Representation of a major energy delivery company before the Delaware Chancery Court and Delaware Supreme Court regarding a challenge to a \$1.2 billion pipeline expansion project
- Representation of a major telecommunications and cable provider in Delaware Chancery Court concerning the purchase and sale of certain cable television systems.
- Representation of a leading media company regarding termination obligations and unpaid commissions relating to television advertising services
- Representation of a worldwide boxing and sporting goods company in an action brought by shareholders concerning a proposed sale and merger
- Representation of a private equity firm in litigation arising from the proposed purchase of a sports trading card and memorabilia company

Accolades and Recognitions

- Selected for inclusion in New York Metro Super Lawyers list - "Rising Stars" Edition for Business Litigation (2013-2016)
- Individually recognized by the Financial Times Innovative Lawyers North America report 2014

Speaking Engagements and Publications

- "4 NY Cases Forge Post-Cyan Securities Litigation Landscape," Law360 (August 29, 2019) (co-authors Anthony Antonelli and Amanda Pober).
- "Post-Cyan Update: Connecticut Trial Court Finds PSLRA Discovery Stay Applies to Securities Act Claims Filed in State Court," Stay Current(May 30, 2019) (co-authors Barry Sher, Anthony Antonelli and Zachary Zwillingner)
- " 2nd Circ. Adds To Authority On Securities Law Preclusion," Law360, New York (August 10, 2018) (co-authors Anthony Antonelli, Alex Ehmke)
- "Attys Eye Cases Impacting SEC Enforcement Powers In 2018," Law360, New York (January 1, 2018) (quoted in article).
- Speaker, 2017 Forecast on Discovery and High-Stakes Litigations, Global Litigation ConfEx, June 20, 2017, New York, NY
- Moderator, "Getting an Early Edge: How Robust Early Case Assessment Can Help You Quantify Litigation Risk, Provide Better Settlement Opportunities, and Develop an Overall Cost-Effective Winning Strategy," ABA Section of Litigation Annual Meeting, San Francisco, CA, May 4, 2017.
- "Gorsuch Likely No Friend To Securities Suits," Law360, New York (February

Kevin P Broughel (Continued)

- 1, 2017) (quoted in article).
- "Two Recent Decisions Provide Stock Promotion Guidelines," Law360, New York (January 31, 2017) (co-authors Anthony Antonelli, Alex Ehmke)
- "CFPB's Project Catalyst: Is It Worth The Risk?," Law360, New York (November 8, 2016) (co-authors Thomas P. Brown, Gerald S. Sachs)
- Panelist, Taking Measure of "Proportionality": Examining the Implementation of the 2015 Federal Rules Amendments Nine Months Out, ABA Webinar, Sept. 29, 2016.
- "New Rule 37(e) In Action: Lessons From First 3 Months," Law360, New York (March 4, 2016) (co-authors James Worthington, Jeanette Kang, Jessica Montes).
- "Second Circuit Highlights Importance of New York Borrowing Statute," Law360, New York (February 4, 2016) (co-author Anthony Antonelli).
- "It Keeps Going and Going—Second Circuit Reaffirms Stringent Scierter Standard For Securities Fraud Claim Against Auditors Of Battery Company," ABA Business Law Today, May 2015 (co-author Jena Sold).
- "Mediation And The Thorny Issue Of Settlement Authority," Law360, New York (March 30, 2015) (co-author Douglas Flaum).
- Speaker, "Early Case Assessment and Other Initial Stages of Complex Litigation," ABA Teleconference, February 19, 2015.
- "Video Privacy Protection Act Could Be The New TCPA," Law360, New York (November 19, 2014).
- Moderator, "Disruptive Innovation and the Legal Services Market: Are Upsets on the Horizon?," ABA Section of Litigation Annual, Boston, MA, August 7, 2014.
- Moderator, "For the Record, from Start to Finish: Your Case on Appeal Can Be Greatly Improved by Focusing on Potential Appellate Issues at Every Step of the Litigation Process," ABA Litigation Section Annual, Scottsdale, AZ, April 11, 2014.
- Speaker, "The Mightiest Pen: Effective Motion Practice," ABA Teleconference, March 27, 2014.
- "The Real Application of FRCP 1 to E-Discovery," Pretrial Practice & Discovery, ABA Section of Litigation, Winter 2014 Newsletter, January 27, 2014 (co-authors Carla Walworth and Regan Kirk).
- Your Questions Answered: Preparing Your Witness for a Deposition," Pretrial Practice & Discovery, ABA Section of Litigation, Spring 2013 Newsletter, May 22, 2013.
- "Insights From An Under-The-Radar CDO Case", Law360 (May 9, 2013) (co-author James Bliss).
- Moderator, The Best Defense Is a Good Offense: How to Proactively Prepare

Kevin P Broughel (Continued)

- Your Witness for a Successful Deposition, ABA Webinar, March 26, 2013.
- Second Circuit Dismisses Short-Swing Profit Claim, January 10, 2013.
- Hedge Fund Report - Summary of Key Developments - Fall 2012, December 5, 2012.
- Second Circuit Provides Cautionary Tale For Contractual Provisions Negating Third Party Enforcement, August 17, 2012.
- Voom v. EchoStar - First Department Analyzes When Duty to Preserve Evidence is Triggered, February 7, 2012.
- Hedge Fund Report - Summary of Key Developments - Fall 2011, November 3, 2011.
- Hedge Fund Report - Summary of Key Developments - Spring 2011, April 25, 2011.
- Hedge Fund Report - Summary of Key Developments - Fall 2010, October 29, 2010.
- SEC Scrutinizing Hedge Fund "Side Pockets," May 6, 2010.
- Hedge Fund Report: Summary of Key Developments - Spring, 2010, March 11, 2010.
- Credit Default Swaps: Lessons From Two Recent Decisions, New York Law Journal, January 5, 2009, January 7, 2009.
- Federal Reserve Proposes New Regulations in Response to Subprime Issues, December 21, 2007.

Professional and Community Involvement

- Board Member, Summit Police Athletic League (2018-2019).
- Board of Trustees of Cornerstone School of Summit, NJ (2017-2019).
- ABA Co-Chair of Programming, Pretrial Practice and Discovery Committee, 2012-2017.
- Pro bono counsel for children through alliance with Kids in Need of Defense (KIND).
- Past Chair of New York Summer Associate Program.

Education

- Fordham University Law School, J.D., 2003
- Georgetown University, B.A., 1998

News

October 29, 2019

Maxcom Completes Successful Debt Restructuring, Exits Bankruptcy

Kevin P Broughel (Continued)

October 28, 2019

Paul Hastings Recognized for International Pro Bono Excellence by Vance Center for International Justice

August 02, 2017

Vanguard Natural Resources Successfully Completes Financial Restructuring

April 08, 2015

Paul Hastings Pens Amicus Brief for Senators Urging the Court to Uphold President Obama's Immigration Executive Actions

December 08, 2014

Paul Hastings One of the Top Five Most Innovative Law Firms According to *Financial Times*

July 08, 2014

Paul Hastings Wins Dismissal of Trade Secrets Case Against KMPG Canada and KPMG US

March 27, 2012

Paul Hastings Achieves Unanimous Victory for UBS, Dismissal of Fraud Claims in Synthetic CDO Securities Litigation

July 23, 2010

Paul Hastings Secures Appellate Victory Terminating Litigation Against Two Major Chinese State-Owned Enterprises

June 12, 2009

Paul Hastings Secures Victory for Two Major Chinese State-Owned Enterprises

Insights

July 22, 2019

Post-Cyan Update – New York State Decisions Shed Light on Approach to Securities Act Claims

May 30, 2019

Post-Cyan Update: Connecticut Trial Court Finds PSLRA Discovery Stay Applies to Securities Act Claims Filed in State Court

Kevin P Broughel (Continued)

December 13, 2018

Proportionality and Technology Assisted Review—The Evolving Post-Amendment Landscape

August 07, 2018

Second Circuit Becomes Latest Circuit Court to Hold SLUSA Precludes State Law Best Execution Claims

May 30, 2018

Eighth Circuit Finds State Law “Best Execution” Claims Are Precluded by SLUSA

February 24, 2017

Is New York Now a More Favorable Disclosure-Only Settlement Jurisdiction? Time Will Tell

February 15, 2017

Proportionality in Discovery One Year Later: The Focal Points of Planning, Protocol, and Process

January 20, 2017

Stock Promotion and Securities Fraud Claims – Recent Decisions Provide Guiding Principles for Issuers

November 04, 2016

The CFPB’s Project Catalyst: Is It Worth the Risk?

June 09, 2016

Proportionality in Discovery – Taking Stock after Six Months

May 09, 2016

Delaware Supreme Court Revisits Jurisdictional Impact of Foreign Corporations Registering to Do Business in Delaware

April 20, 2016

Post-Halliburton II Update: Eighth Circuit Denies Class Certification Based on Lack of Price Impact

March 02, 2016

The New Federal Rule of Civil Procedure 37(e): What Have The First Three Months Revealed?

Kevin P Broughel (Continued)

December 29, 2015

Second Circuit Securities Decision Highlights Importance of New York Borrowing Statute

December 21, 2015

Hedge Fund Report: Summary of Key Developments - Fall 2015

June 22, 2015

New York Court of Appeals Affirms Decision on Statute of Limitations for RMBS “Put-Back” Claims

June 01, 2015

Hedge Fund Report - Summary of Key Developments - Spring 2015

May 18, 2015

Recent Delaware Court Rulings Clarify Standing Issues in Creditor Derivative Litigation Against Allegedly Insolvent Corporation’s Directors or Officers

April 14, 2015

The Video Privacy Protection Act - Recent Decisions Further Narrow The Contours Of Liability

March 27, 2015

It Keeps Going and Going and Going—Second Circuit Reaffirms Stringent Scienter Standard for Securities Fraud Claim Against Auditors of Battery Company

January 29, 2015

Second Circuit Finds That Failure to Make Required Item 303 Disclosure Can Provide Basis for Securities Fraud Claim

December 23, 2014

Hedge Fund Report—Summary of Key Developments—Fall 2014

November 17, 2014

The Video Privacy Protection Act: Is It the New TCPA (aka Class Action Bonanza)? A Summary of Recent Developments and Tips for Avoiding Successful Suit

May 16, 2014

Hedge Fund Report - Summary of Key Developments - Spring 2014

Kevin P Broughel (Continued)

January 10, 2014

Delaware's Court of Chancery Rules that Former Directors Lack Standing to Pursue Statutory Information Demands

October 09, 2013

Hedge Fund Report: Summary of Key Developments - Fall 2015

April 25, 2013

Hedge Fund Report - Summary of Key Developments - Spring 2013

January 10, 2013

Second Circuit Dismisses Short-Swing Profit Claim

December 05, 2012

Hedge Fund Report - Summary of Key Developments - Fall 2012

August 17, 2012

Second Circuit Provides Cautionary Tale For Contractual Provisions Negating Third Party Enforcement

February 07, 2012

Voom v. EchoStar First Department Analyzes When Duty to Preserve Evidence is Triggered

November 03, 2011

Hedge Fund Report - Summary of Key Developments - Fall 2011

April 25, 2011

Hedge Fund Report Summary of Key Developments - Spring 2011

October 29, 2010

Hedge Fund Report Summary of Key Developments Fall 2010

May 06, 2010

SEC Scrutinizing Hedge Fund Side Pockets

March 11, 2010

Hedge Fund Report: Summary of Key Developments - Spring 2010

January 07, 2009

Credit Default Swaps: Lessons From Two Recent Decisions. New York Law

Kevin P Broughel (Continued)

Journal. January 5, 2009.

December 21, 2007

Federal Reserve Proposes New Regulations in Response to Subprime Issues

Rankings & Awards

December 08, 2014

Financial Times Innovative Lawyers North America Report 2014