

# Timothy J. McGinn

## Shareholder

Miami

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## Practice & Industry Areas

- Business Litigation
- Intellectual Property Litigation
- Probate, Trust & Guardianship Litigation

## Education

- Duke University School of Law, J.D. 2009
- Harvard College, A.B., 2006

## Bar & Court Admissions

- Florida Bar, 2017
- New York Bar, 2010
- United States Court of Appeals for the Eleventh Circuit, 2017
- United States District Court, Southern District of Florida, 2017
- United States District Court, Middle District of Florida, 2017
- United States District Court, Northern District of Florida, 2017
- United States District Court, Southern District of New York, 2010
- United States District Court, Eastern District of New York, 2010

## Overview

Timothy J. McGinn is a shareholder in Gunster's Business Litigation practice group. His practice focuses on the litigation and resolution of complex civil disputes.

Timothy strives to work closely with his clients to understand their businesses and tailor his counsel to their specific needs. He has experience defending corporate clients against breach of contract, breach of fiduciary duty, antitrust, civil racketeering, and securities fraud claims in federal and state courts. He has also spearheaded clients' investigations of alleged insider trading, self-dealing, and other financial misconduct.

Timothy is committed to providing legal services to indigent and not-for-profit clients. He has represented victims of domestic violence in divorce, custody and other proceedings at trial and on appeal. He received the Legal Aid Society's "Pro Bono Publico Award" for these efforts in 2012. Before joining Gunster, Timothy was a litigator in the New York office of a large international law firm.

## Representative Matters

- Counsel to a global financial services firm for the litigation and settlement of billion-dollar residential mortgage-backed securities claims brought by a monoline insurance company
- Counsel to a global financial services firm in opposition to the appeal of a bankruptcy court order dismissing billions of dollars of residential mortgage-backed securities claims, *U.S. Bank Nat'l Ass'n v. Lehman Brothers Holdings Inc.*, (S.D.N.Y. Feb. 22, 2017)
- Counsel to a leading insurance broker for antitrust and civil racketeering litigation arising out of government investigations of the insurance industry
- Counsel to a large insurance company during its investigation of its reinsurer's mismanagement of tens of millions of dollars in reinsurance trust accounts and ties to a hedge fund under federal investigation
- Counsel to prominent investment advisers and hedge funds during insider trading investigations conducted by the U.S. Department of Justice and the U.S. Securities and Exchange Commission
- Counsel to the City of New York in obtaining the dismissal of a toxic tort claim on appeal, *Clegborne v. City of New York*, 99 A.D.3d 443 (N.Y. App. Div. 1st Dep't 2012)
- Counsel to senior executives of a private aviation company in obtaining the dismissal of derivative claims brought by a company creditor, *CML V, LLC v. Bax*, 6 A.3d 238 (Del. Ch. 2010), *aff'd*, 28 A.3d 1037 (Del. 2011)
- Counsel to a lender in its enforcement of a "bad boy" guaranty
- *Pro bono* counsel to indigent clients in divorce, custody and child support proceedings

## Honors

- New York State Bar Association, Empire State Counsel, 2015
- Legal Aid Society, *Pro Bono Publico Award*, 2012
- Duke University School of Law, Moot Court Board, co-chairman, 2008-09
- Duke University School of Law, Hardt Cup Moot Court Tournament, champion, 2007

## **Professional Associations & Memberships**

- New York City Bar Association, Securities Litigation Committee, secretary, 2015-16