



Allen Burton

Partner

New York
D: +1-212-326-2282
aburton@omm.com

Allen Burton, Managing Partner of the New York office, is a commercial litigator with a track record of success handling complex disputes. Allen has achieved favorable results at all stages of litigation and arbitration—such as by defeating fraud and negligence claims for major financial institutions at the pleadings stage, winning a bet-the-company contractual dispute as first chair trial counsel, obtaining summary judgment in favor of an airport authority in claims arising from 9/11 attacks, and resolving numerous matters favorably through complex mediation. Allen's diverse clients include leading companies in the financial services, insurance, aviation, healthcare, and software industries. Allen has been recognized in *Super Lawyers*, named a *Client Service All Star* by BTI Consulting Group for superior client focus based on a survey of more than 350 corporate counsel, and recommended by *Legal 500* in securities litigation, product liability, and insurance.

Prior to his current role as Managing Partner, Allen served as Hiring Partner responsible for managing recruiting efforts across O'Melveny's 15 offices, and in an administrative role on the firm's Policy Committee.

Allen regularly represents *pro bono* clients in education-, domestic violence-, civil rights-, and immigration-related matters. He also serves on the Board of NYC Outward Bound, a non-profit organization focused on improving New York City public schools, and is active in his hometown community of Chatham, New Jersey.

Admissions

Bar Admissions

New York
New Jersey

Court Admissions

US District Court, District of New Jersey, Eastern and Southern Districts of New York
US Court of Appeals, Second, Third, and Ninth Circuits

Education

Fordham Law School, J.D., 2001,
Associate Editor, *Fordham Law Review*

Georgetown University, B.A., 1996,
American Studies

Experience

Securities and Financial Services Litigation

- Winning dismissal with prejudice of claims against bank alleging aiding and abetting arising from \$40 million Ponzi scheme
- Winning dismissal with prejudice of claims alleging fraud and related claims arising out of sale of collateral debt obligation
- Winning dismissal with prejudice of putative class action against financial institution arising from "payday lender" activities
- Winning dismissal with prejudice of putative class action against bank alleging inflated mortgage closing costs
- Defeating putative class action against financial institution alleging deceptive conduct related to statement fees
- Defending large financial institution against multi-billion dollar successor-liability claims in state and federal courts
- Defending individual officers in securities fraud claims arising out of bankruptcy of a large supermarket chain
- Representing individual defendants in connection with Securities Class Action and derivative claims pending in New York and Connecticut
- Representing software executive in DOJ and SEC investigations and related derivative actions involving allegations of securities fraud and obstruction of justice
- Defending mortgage servicer in breach of contract claims
- Obtaining dismissal for major financial firm in a multi-hundred million dollar putative class action alleging violations of the Investment Advisors Act and state law based on the use of "cash sweep" accounts
- Defending two banks in putative class action and related bankruptcy court adversarial proceeding alleging that the banks aided and abetted a \$150 million dollar Ponzi scheme
- Defending broker-dealer in litigation, arbitration, and regulatory proceedings arising from its marketing and sale of auction-rate securities
- Representing leading financial firm and several of its employees in NASD arbitrations and litigation involving allegations of fraud and violations of federal securities law
- Defeating claims under Section 13(d) of the Securities Exchange Act on behalf of foreign corporate entity in a governance dispute

Insurance

- Obtaining favorable award as lead trial counsel for insurer in arbitration involving contract dispute
- Representing large insurer and financial services company in international arbitrations in France and Canada related to satellite insurance contracts
- Defending insurer in coverage dispute litigation
- Representing insurers in connection with fidelity bond claim dispute
- Representing insurer in international coverage dispute arbitration

- Obtaining favorable settlement for insurer in connection with satellite coverage dispute pending in New York and London
- Representing insurer and airport authority in multi-billion dollar property damage lawsuits arising from the 9/11 terrorist attacks
- Representing financial institution in regulatory investigations concerning lender-placed insurance

International and Domestic Arbitration

- Winning \$35 million ICC arbitration on behalf of US software company involving breach of contract and fraud claims arising from international joint venture agreement, defeating claims and obtaining \$2.3 million costs award
- Defeating subpoena under 28 U.S.C. § 1782 on behalf of syndicate of US banks in connection with CEITAC arbitration
- Representing electronics company in ICC arbitration involving intellectual property licensing agreement
- Representing insurer in international coverage dispute arbitration in Brazil
- Representing health care company in JAMS and state court litigation arising from merger dispute and purchase price adjustment
- Achieving favorable outcome on behalf of multinational insurer in London and New York space law arbitrations
- Representing leading financial firm and several of its employees in NASD arbitrations and litigation involving allegations of fraud and violations of federal securities laws

Mass Tort Defense

- Obtaining summary judgment in favor of airport authority in wrongful death suit arising from the 9/11 terrorist attacks
- Winning dismissal of wrongful death and personal injury claims against property manager arising from gas pipeline explosion
- Defending airport authority in wrongful death claims arising from private jet airplane crash
- Defending real estate development company in property damage, wrongful death, and personal injury cases arising out of a major crane collapse in New York

Professional Activities

Clerkships

- Honorable Federico A. Moreno, US District Court, Southern District of Florida (2001-2002)

Speaker

- PLI, Fundamentals of Taking and Defending Depositions, "Understanding and Managing Client Expectations" (2016)
- ICDR Miami International Arbitration Conference, "Solutions and Remedies for Ethical Misconduct in International Arbitration" (2016)
- Bermuda Insurance Market Conference, "A Look Under the Hood: What Underwriters and Claim Handlers Should Know About the Arbitration Process" (2014)

Author

- “Taking a Stand: Putting Teeth into §11’s Standing Requirements for Shelf Registration Statements,” *New York Law Journal* (Sept. 6, 2011) (with William J. Sushon)
- *Electronic Discovery Practice Under the Federal Rules*, BNA Books (2010)
- “Lawyers Beware,” *Law Journal Newsletters, Business Crimes Bulletin*, Vol. 12, No. 4 (May 2005)

Leadership

- Managing Partner, New York Office
- Firmwide Hiring Partner
- Policy Committee, Assistant Secretary

Honors & Awards

- Recommended by *Legal 500* for Securities Litigation & Insurance