

Partner, New York

Securities Litigation; Complex Litigation and Trials



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## Education

J.D., New York University, School of Law, 1994 (Order of the Coif)

B.A., Tufts University, 1991

## Bar Admissions

New York

## Experience

Law Clerk, Hon. Jacob Mishler, U.S. District Court for the Eastern District of New York (1994-1995)

## Associations

Chair, Securities Litigation Committee, Federal Bar Council

Board of Directors, New York Legal Assistance Group

Appointed to New York State's Permanent Commission on Access to Justice

## Selected Publications

Editor, *Insights Annual Review*

Author, "Inside the Courts," *Skadden, Arps, Slate, Meagher & Flom LLP*

Scott Musoff is co-head of Skadden's New York Complex Litigation and Trials Group and co-deputy head of the firm's nationwide Securities Litigation Group. He represents public and private companies, financial institutions and individuals in federal and state trial and appellate courts, as well as in arbitration proceedings.

In recognition of his work, Mr. Musoff has been honored by numerous industry outlets, including:

- Lex Machina rankings as the individual attorney who handled the most defense-side securities litigation cases over the course of 2021-23, representing clients in 43 cases during the three-year period
- *Chambers USA*, in which he has been noted as a "highly revered litigator" and described by clients as a "highly reputable and experienced securities litigation expert" and "a tireless and effective advocate who commands every aspect of litigation from the big strategic decisions down to the minute details"
- *Benchmark Litigation* as a Securities Litigator of the Year and a National Practice Area Star, *The Best Lawyers in America* as its New York City Litigation - Mergers & Acquisitions Lawyer of the Year, *The Legal 500* as a Leading Lawyer in Securities Litigation: Defense and *Law360* as a Securities MVP and one of its 10 Most Admired Securities Attorneys
- Lawdragon as one of its 500 Leading Lawyers in America, 500 Leading Global Litigators and 500 Leading Litigators in America, in addition to being named a Lawdragon Legend
- *AmLaw* twice as its Litigator of the Week, including in recognition of his successful trial work in one of the largest mutual fund cases tried to date

In addition, under his leadership, Skadden's litigation practice was named 2021 Litigation Department of the Year by the *New York Law Journal*, as well as finalist in *NYLJ's* 2022 competition and a 2021 finalist for Litigation Department of the Year by *The American Lawyer*.

Mr. Musoff has extensive experience in securities, corporate and other complex commercial litigation. He represents clients in a wide variety of industries and of all different sizes and types, from start-ups to *Fortune* 100 companies, including Autoliv, Inc.; Blackberry Ltd.; BMW; Centene; Hasbro; Iconix Brand Group, Inc.; MOL Global, Inc.; Pinduoduo; News Corporation; Seadrill Limited; Sprint Corporation; Travelzoo Inc.; and Vivint Solar, Inc., among others. He also advises numerous financial institutions as both underwriters and issuers in securities litigation around the country, including for Bank of America; JPMorgan Chase; Canadian Imperial Bank of Commerce; Morgan Stanley; Société Générale; and UBS. He also regularly advises and represents companies in connection with, among other representations, M&A deal litigation, non-compete litigation, post-closing disputes and breach of contract matters.

Mr. Musoff has successfully tried numerous cases and arbitrations and regularly argues appeals in federal and state courts, including in the New York Court of Appeals and the Second Circuit Court of Appeals. For example, he successfully argued in the New York Court of Appeals and Second Circuit in defeating a turnover application against CIBC by the Commonwealth of the Northern Mariana Islands. In a significant decision for the banking industry, the New York Court of Appeals held that a bank cannot be forced to extract money from offshore indirect subsidiary banks. He also successfully tried a \$1.5 billion-plus excessive fee case against one of the world's largest asset managers brought under Section 36(b) of the Investment Company Act, which was one of the largest-ever cases involving claims

# Scott D. Musoff

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against mutual funds. In addition, Mr. Musoff won summary judgment in favor of Merrill Lynch in what was termed a “landmark” case addressing the interpretation of credit default swap agreements with a monoline insurer. He also was a member of the team that represented Merrill Lynch before the United States Supreme Court in the first case in which the court addressed the provisions of the Securities Litigation Uniform Standards Act of 1998.

Additionally, Mr. Musoff has done a substantial amount of *pro bono* work. Among other successes, he won the largest known federal jury verdict in a housing discrimination case against a New York City cooperative. He also successfully defended against the enforcement of a German judgment in New York brought to recoup costs for repairs to a Berlin property that the client’s family was forced to leave behind in escaping the Holocaust.

Mr. Musoff serves on the board of NYU Law School’s Center on Civil Justice and the New York Legal Assistance Group, as well as having been appointed by New York’s chief judge to the Permanent Commission on Access to Justice.