



## Joshua A. Goldberg

Partner

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Joshua Goldberg is a Partner in the Firm's Litigation department and Co-Chair of its White Collar Defense and Investigations group. Mr. Goldberg has extensive trial and appellate experience, having served as lead counsel in fifteen federal jury trials and having briefed and argued more than a dozen appeals before the U.S. Court of Appeals for the Second Circuit.

Mr. Goldberg's practice focuses on white collar criminal defense and related regulatory proceedings, internal investigations, and complex financial litigation. He has represented corporations and individuals in high-profile criminal and regulatory investigations involving alleged securities and commodities fraud, health care and medical device fraud, market manipulation, insider trading, antitrust violations, and violations of the federal Racketeer Influenced and Corrupt Organizations Act. He has also conducted investigations and represented clients in connection with Whistleblower actions brought under the Sarbanes-Oxley Act and the Dodd-Frank Wall Street Reform and Consumer Protection Act. He has also advised corporations in connection with investigations arising from the Foreign Corrupt Practices Act, the False Claims Act, and the Federal Food, Drug and Cosmetic Act, and has represented individuals and organizations in connection with investigations by the U.S. Department of Justice, the U.S. Securities and Exchange Commission, the U.S. Commodity Futures Trading Commission, the U.S. Congress, and state and local prosecutors.

Prior to joining Patterson Belknap, Mr. Goldberg served for eight years as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York where he investigated and prosecuted complex white collar cases involving securities fraud, accounting fraud, market manipulation, investment adviser fraud, insider trading and commercial bribery. While working as a federal prosecutor, Mr. Goldberg was a member of the Securities and Commodities Fraud Task Force. He also prosecuted matters involving wire and mail fraud, money laundering, racketeering, murder, firearms and narcotics trafficking. In 2002, Mr. Goldberg received the Department of Justice Director's Award for Superior Performance. In 2010, Mr. Goldberg received a Prosecutor of the Year Award from the Federal Law Enforcement Foundation for investigating and prosecuting securities fraud at a major international corporation while serving in the U.S. Attorney's Office. *Chambers USA* has recognized Mr. Goldberg in the area of white-collar criminal defense and investigations. Clients quoted in *Chambers* have stated that he is "extremely practical, thoughtful and has a terrific way of communicating with law enforcement agencies." He has "excellent judgement and a very good demeanor," adding "he is very logical and can see through tough issues."

After graduation from law school, Mr. Goldberg served as a Law Clerk to the Hon. Barbara S. Jones, United States District Court for the Southern District of New York. Mr. Goldberg then worked as an associate at Patterson Belknap for three years before joining the United States Attorney's Office.

## Representative Matters

Representing European bank in connection with an industry-wide investigation into alleged manipulation of the precious metals market.

Representation of a European bank in connection with an industry-wide investigation into alleged manipulation of the London Interbank Offered Rate (Libor) and the Euro Interbank Offered Rate (Euribor).

Representation of a European bank in connection with an industry-wide investigation into alleged manipulation of ISDAFIX.

Representation of a European bank in connection with a consolidated class action alleging violations of the Sherman Act and the Commodity Exchange Act based on alleged collusion and manipulation of ISDAFIX.

Representation of a medical device manufacturer in connection with an investigation into alleged improprieties in the manufacture, sale and marketing of a diagnostic assay.

Represented a Fortune 500 media company arising from a competitor's allegation that client employed consultants to illegally access a proprietary database. After winning dismissal of the RICO claims at the motion to dismiss stage, then won summary judgment decision dismissing Sherman Act, Lanham Act, and myriad state law claims and leaving only limited claim of unfair competition. After two-day hearing won *Daubert* motion excluding adversary's damages expert. The Second Circuit affirmed the district court's summary judgment decision resulting in a complete victory for our client.

Representation of a former top executive of a major retailer accused of violating the Foreign Corrupt Practices Act through operations in Mexico.

Representation of a former employee of General Motors in connection with DOJ investigation and Congressional inquiry regarding airbag non-deployments and allegedly faulty ignition switches.

Representation of multinational corporation in connection with investigation related to energy performance contract in upstate New York.

Representation of a cosmetics company in connection with a whistleblower action alleging violations of the Sarbanes-Oxley Act.

Representation of a company in connection with an investigation by the New York State Attorney General into political corruption and no-bid contracts.

Representation of a Fortune 100 company in connection with a whistleblower action alleging age discrimination, securities fraud, and violation of the Sarbanes-Oxley Act.

Representation of Board of Directors and senior officers of major hotel and resort corporation in connection with shareholder derivative action alleging breach of fiduciary duties in connection with data breach.

Representation of a pharmaceutical company in connection with an arbitration brought by a competitor alleging collusion and fraud in connection with the sale of a blockbuster drug.

Representation of a start-up company in connection with the investigation and recovery of funds embezzled by a former executive.

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Representation of a financial services company in connection with a whistleblower action alleging wrongful termination and violations of the Sarbanes-Oxley Act.

Representation of individuals in connection with a criminal investigation into alleged misconduct related to the sale of financial products.

Representation of a Fortune 100 company in connection with an investigation and prosecution arising from allegations of misconduct related to a major public works project.

Representation of an executive at an international airline in connection with an investigation by the U.S. Department of Justice into alleged price-fixing of fuel surcharges.

Representation of a hedge fund portfolio manager in connection with a U.S. Department of Justice investigation into alleged insider trading.

Representation of a financial advisor in connection with a U.S. Department of Justice and SEC investigation and prosecution into alleged municipal bond bid-rigging in violation of the federal antitrust laws.

Representation of a major pharmaceutical research and development company in connection with a multi-billion dollar licensing dispute before an international arbitration tribunal in The Hague, Netherlands.

Representation of executive officers and members of the Board of Directors of a major pharmaceutical company in connection with multiple shareholder derivative actions alleging off-label marketing, violations of the federal anti-kickback statute, violations of the Foreign Corrupt Practices Act, and other regulatory violations.

Representation of a leading financial and business information provider in connection with allegations of corporate espionage and alleged violations of the federal antitrust laws, the Racketeer Influenced and Corrupt Organizations Act, and other state and federal laws.

Representation of an investment advisor and brokerage firm in connection with an investigation by the SEC into alleged securities fraud and violations of Rule 144 of the Securities Act of 1933.

Representation of an executive and several affiliated entities in connection with an investigation by the New York County District Attorney's Office into alleged financial improprieties.

Representation of a corporation before the United States District Court for the Southern District of New York in connection with recovering restitution as a victim of securities fraud related to a private investment in public equity (PIPE) transaction.

## ***Significant Prosecutions***

*United States v. James J Treacy*: Investigated and prosecuted the former President and COO of Monster Worldwide, Inc. for his role in a multi-year scheme to backdate numerous stock option grants at Monster, thereby causing Monster to misstate its financial results by more than \$330 million.

*United States v. Ross Mandell, et al.*: Investigated and prosecuted several senior executives and officials of Sky Capital, a New York-based brokerage-dealer firm, for investment advisor fraud, market manipulation, and misappropriation of assets in connection with long-term scheme to defraud investors of approximately \$140 million.

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*United States v. Mitchel Guttenberg, et al.*: Prosecuted defendants for insider trading based on their use of nonpublic information regarding upcoming stock upgrades and downgrades at UBS, in violation of the federal securities laws.

*United States v. Carole Argo*: Investigated and prosecuted the former CFO and COO of SafeNet, Inc., a publicly-traded information resource corporation, for her role in a scheme to backdate millions of dollars' worth of employee stock option grants, in violation of the federal securities laws.

*United States v. John Black, et al.*: Prosecuted multiple defendants arrested as part of what was then described as the largest securities fraud investigation in history for their role in a scheme to defraud several New York-based union pension funds through kickbacks to organized crime figures and a corrupt investment advisor, in violation of various federal laws.

## **Other**

Served as a faculty member in connection with the Lawline.com presentation of "White Collar Crimes: The Notable Cases of 2009."

Served as co-host in connection with 2010 Martindale-Hubbell counsel-to-counsel forum.

## **Education**

- New York University School of Law (J.D., *magna cum laude*, 1997)
  - Associate Editor, *New York University Law Review*
  - Order of the Coif
- University of Wisconsin (B.A., 1992)

## **Admissions**

- U.S. Court of Appeals, Second Circuit; Third Circuit
- U.S. District Court, Southern and Eastern Districts of New York; District of Wisconsin
- New York

## **Professional Activities**

HONORS: Recognized in *Chambers USA* in the area of White-Collar Crime & Government Investigations; Named in *Super Lawyers* 2012-2018 in the area of Criminal Defense: White Collar

SPEAKING ENGAGEMENTS: : Presenter, "The False Claims Act 101: The Life of a Qui Tam Action," New York City Bar (April 12, 2018); Moderator, "How to Minimize the Risk of False Claims Litigation," 2nd Annual ACI False Claims and Qui Tam Enforcement Conference (January 21, 2015)

## **Publications**

- Co-Author, "[KBR Case May Impact Internal Investigations](#)," *Law360* (March 17, 2014)