

Gwendolyn M. Toczko



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PROFILE

Ms. Toczko has experience litigating complex insurance coverage and contractual indemnity disputes, including primary/excess issues, policy exclusions, additional insured disputes, and bad faith claims. Ms. Toczko's practice also includes defending companies in complex and class action litigations involving securities law and professional liability claims. Her experience includes representing several large accounting firms in various civil class actions and regulatory investigations by the SEC and NASD, advising clients on securities regulatory reporting obligations, as well as broker-dealer representation. Past engagements include litigation of bankruptcy, employment, antitrust, and contract disputes as well as internal investigations in anticipation of potential state and/or federal regulatory action. Additionally, Ms. Toczko represented a major oil company in connection with state, federal, and international probes of the United Nations Oil-for-Food Programme.

Prior to joining the firm, Ms. Toczko was an associate with Latham & Watkins LLP in San Diego and New York. Ms. Toczko is licensed to practice law in California and New York.

EDUCATION

- Columbia Law School, J.D., 2004
- Legislative Developments Editor, *Columbia Journal of European Law*
- Tufts University, B.A. International Relations and German, 1997

REPRESENTATIVE CASES

- Representing policyholder in coverage and bad faith action concerning defense obligations under D&O and CGL insurance policies for a series of lawsuits against policyholder and its corporate officers concerning international operations
- Representing an international mining company in coverage and bad faith litigation against umbrella insurers regarding 15 Superfund sites in Missouri, Oklahoma, Kansas and Montana
- Representing policyholder in coverage and bad faith action against multiple insurers concerning numerous injury and property damage settlements pertaining to smelter operations
- Representing policyholder in bad faith and breach of fiduciary duty action concerning improper disclosure by insurer of confidential policyholder information
- Representing a major accounting firm in a \$2 billion securities fraud class action lawsuit challenging its accounting for certain telecommunications assets. Court awarded summary judgment in favor of accounting firm
- Representing a large hotel and casino company in a complex Chapter 11 case, resulting in restructuring of almost \$2 billion in debt. Plan of reorganization was confirmed within five months of commencement of the bankruptcy action; representing a major auditing firm in a class action lawsuit involving claims under Sections 10(b), 11 and 18 of the federal securities laws, as well as various state law claims. Action was dismissed in a decision establishing important precedent on auditor liability issues
- Representing numerous Tibetan nationals in their applications for political asylum and permanent residency in the United States. Also represented domestic violence victims in petitions for legal permanent resident status under the Violence Against Women Act

PUBLICATIONS

- Draftsperson and Contributor, "CERCLA Rights and Liabilities" Reference Guide ALI-ABA Course of Study