

LANDIS RATH & COBB LLP

Daniel B. Rath, Partner
302.467.4420
rath@lrclaw.com

Practice Areas: Corporate and Commercial Litigation

For more than two decades, Dan has advised clients and litigated on corporate control issues, receivership appointments, dissolutions and sales, fiduciary duty challenges, shareholder rights, ownership of intellectual property, non-competes, advancement demands, and books and records contests. He practices in Delaware's state and federal courts with primary focus in the Court of Chancery, Complex Commercial Litigation Division of the Delaware Superior Court and in proceedings before the United States Bankruptcy Court for the District of Delaware.

Dan has been selected for inclusion in the annual list of Delaware "Super Lawyers", Best Lawyers® for Commercial Law and Corporate Litigation and the Chancery section of Chambers USA. Chambers states that he is singled out by clients as being "very quick to understand complex litigation and is focused on serving the client's needs", "highly responsive", "well respected by the local Bar and a very capable, experienced courtroom lawyer."

Prior to founding Landis Rath & Cobb LLP with Adam Landis and Rick Cobb, Dan was a partner with Duane Morris & Heckscher LLP (now Duane Morris LLP) and a shareholder with Klett Rooney Lieber & Schorling PC (now Buchanan Ingersoll & Rooney PC). Before attending law school, Dan was a sales representative for The Proctor & Gamble Distributing Company.

Dan's recent representations include:

- Representing 2 separate entities regarding an issue of first impression: whether a private commercial arbitration qualifies as a proceeding before a foreign or international tribunal for purposes of 28 U.S.C. § 1782. In two separate actions, the United States District Court for the District of Delaware granted each company's ex parte application seeking discovery for use in a foreign private commercial arbitration pursuant to 28 U.S.C. § 1782.
In re: Application of Stora Enso Oyj for an Order, Pursuant to 28 U.S.C. § 1782, to Obtain Discovery for Use in a Foreign Proceeding, Case No.: 19-mc-00209-CFC (Del. District Court);
In re: Application of EWE GASSPEICHER GmbH for an Order, Pursuant to 28 U.S.C. § 1782, to Obtain Discovery for Use in a Foreign Proceeding, Case No.: 19-mc-109-RGA (Del. District Court).



- Defending Victor F. Trahan, an investor in a Delaware limited liability company, in a declaratory judgment suit seeking to limit Mr. Trahan's ability to bring certain claims arising from his investment. *CA Recovery Master Fund LLC v. CARMS, LLC, et al.*, C.A. No. 2018-0005-AGB
- Defending CVS Health Corporation along with Zuckerman Spaeder LLP in litigation initiated by the Attorney General for the State of Delaware asserting tort claims arising from purportedly negligent practices related to filling opioid prescriptions. *State of Delaware v. Purdue Pharma L.P., et al.*, C.A. No. 1:18-cv-00383-RGA
- Defending Dana Incorporated in a suit by an international advisory firm seeking fees relating to a multimillion dollar acquisition. *Ethica Corporate Finance v. Dana Incorporated*, C.A. No. N17C-10-145-EMD-CCLD
- Delaware counsel to a number of generic Pharmaceutical companies in ANDA patent litigation in the United States District Court for the District of Delaware. *Biogen International GmbH et al. v. Cipla Limited et al.*, *Cosmo Technologies Limited et al. v. Lupin Ltd. et al.*, *Vanda Pharmaceuticals Inc. v. Lupin Limited et al.*, *Teijin Limited et al. v. Lupin Limited et al.*, C.A. No. 17-823-LPS
- Prosecuting breach of competition and sales provisions of contracts for providing video interpretation services and defending counterclaims for breach of those same agreements as well as other business torts. *Stratus Video LLC v. Language Line Services, Inc.*, C.A. No. 2017-0049-JTL (Del. Ch. 2017).
- Defending multiple healthcare facilities in a breach of contract action related to rehabilitation and therapy services provided by the plaintiff. *Rehabcare Group East, Inc. v. Alamo Heights Healthcare, LLC, et al.*, C.A. No. N15C-12-224 PRW (Del. Ch. 2017).
- Prosecuting to a consensual resolution a multi-million dollar dispute between limited partners and general partner of commercial mortgage-backed securities issuer. *CIM Urban Lending GP, LLC, et al. v. Cantor Commercial Real Estate Sponsor, L.P., et al.*, C.A. No. 11060-VCS (Del. Ch. 2017).
- Prosecuting an action in the Delaware District Court brought by a former officer, director, and stockholder of a Delaware corporation against the company, its controlling stockholder, and successor, resulting in a substantial resolution in the client's favor. *Orlosky v. Holland, et al.*, Case No. 14-120-LPS (D. Del. 2016).
- Successfully prosecuting an expedited advancement action in the Delaware Court of Chancery brought by a former director and officer of a publicly-held Delaware corporation, resulting in a significant post-trial money judgement in the client's favor. *Blankenship v. Alpha Appalachia Holdings, Inc.*, 2015 Del. Ch. LEXIS 145 (Del. Ch. May 28, 2015).
- Trial in Delaware Court of Chancery (with Supreme Court affirmance) asserting the rights of an acquirer in a bet the company case involving the ownership of certain medical technology intellectual property. *ReCor Medical, Inc. v. Warnking*, 2013 Del. Ch. Lexis 142 (Del. Ch. May 31, 2013); 2013 Del. Ch. LEXIS 132 (Del. Ch. July 16, 2013).
- Securing a contempt order in Delaware Court of Chancery against a Delaware corporation with its principal operations in China, followed by the appointment and representation of a receiver to pursue and seize company assets in the British Virgin Islands, Hong Kong, and New York. *Deutsch v. ZST Digital Networks, Inc.*, C.A. No. 8014-VCL (Del. Ch. Mar. 20, 2013) (Order).

- Defending multiple Delaware Court of Chancery suits on behalf of banking institution in various mortgage backed securities matters. *Bear Stearns Funding Trust 2007-AR2 v. EMC Mortg. LLC*, 2013 Del. Ch. Lexis 9 (Del. Ch. Jan. 15, 2013).
- Securing a preliminary injunction on behalf of a privately held company in Delaware Court of Chancery preventing competitive activity in violation of non-compete. *DGWL Investment Corp. v. Giannini*, C.A. No. 8647-VCP (Del. Ch. Sept. 19, 2013) (Transcript).
- Represent the Official Committee of Unsecured Creditors in prosecuting one of the largest failed leverage buyouts in U.S. history. *In re Tribune Company*.
- Securing a dismissal on behalf of an Issuer of education loan backed securities from a suit based on breaches of the Indenture under which the securities were issued pursuant to a no action clause. *RBC Capital Markets, LLC v. Education Loan Trust IV, et al.*, 2011 Del. Ch. LEXIS 185 (Del. Ch. Dec. 6, 2011).

Education

Temple University School of Law, J.D., *cum laude*, 1991

Indiana University of Pennsylvania, B.S., 1985

Admissions to Practice

Delaware

United States Court of Appeals for the Third Circuit

Representative Opinions:

Blankenship v. Alpha Appalachia Holdings, Inc.,
2015 Del. Ch. LEXIS 145 (Del. Ch. May 28, 2015).

ReCor Medical, Inc. v. Warnking,
2013 Del. Ch. Lexis 142 (Del. Ch. May 31, 2013), *aff'd*,
85 A.3d 89 (Del. 2014) (Table).

RBC Capital Markets, LLC v. Educ. Loan Trust IV,
2011 Del. Ch. LEXIS 185 (Del. Ch. Dec. 6, 2011).
2013 Del. Super. Lexis 262 (Del. Super. May, 31, 2013), *rev'd*,
87 A.3d 632 (Del. 2014).

Li v. Standard Fiber, LLC,
2013 Del. Ch. Lexis 83 (Del. Ch. Mar. 28, 2013).

In re Tribune Co.,
476 B.R. 843 (Bankr. D. Del. 2012).

DFG Wine Co., LLC v. Eight Estates Wine Holdings, LLC,
2011 Del. Ch. LEXIS 128 (Del. Ch. May 10, 2011).

Ashall Homes Ltd. v. ROK Entertainment Group, Inc.,
992 A.2d 1239 (Del. Ch. 2010).

Credit Suisse Securities (USA) LLC v. Investment Hunter, LLC,
2010 Del. Ch. LEXIS 121 (May 27, 2010).

American International Group, Inc. v. Greenberg,
965 A.2d 763 (Del. Ch. 2009).

US Bank, N.A. v. US Timberlands Klamath Falls, LLC,
864 A.2d 930 (Del. Ch. 2004).

Beebe Medical Center v. Insight Health Services Corp.,
751 A.2d 426 (Del. Ch. 1999).

Gordon v. AMTRAK,
1997 Del. Ch. LEXIS 52 (Mar. 19, 1997).