



## Marc Wolinsky

Of Counsel, Litigation

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Marc Wolinsky has been a member of the Litigation Department at Wachtell, Lipton, Rosen & Katz since 1987. His practice includes corporate governance, contracts, antitrust, insurance and securities litigation.

Marc has been involved in a number of the most significant litigation battles in the Delaware Court of Chancery, leading the successful defense of Airgas' "poison pill," the successful effort to force Dow Chemical to close on its acquisition of Rohm and Haas, defending multi-forum shareholder litigation challenging JPMorgan's acquisition of Bear Stearns, and litigating several high profile "material adverse change" cases. Marc also has successfully litigated numerous high stakes disputes in domestic and international arbitrations, state and federal courts and bankruptcy courts, as well as numerous derivative suits and securities class actions.

Following 9/11, Marc was a lead member of the team representing Larry Silverstein in insurance litigation arising out of the destruction of the World Trade Center and was a member of the trial team that convinced a New York jury that the attacks on the World Trade Center should be treated as two "occurrences" for insurance purposes. He then led the effort to settle the case, which resulted in what was reported to be the largest property insurance settlement in history. His antitrust matters include the representation of United Healthcare and General Mills in connection with FTC investigations of proposed acquisitions and the defense of Cardinal Health in the FTC challenge to its acquisition of

Bergen Brunswig.

Marc is dedicated to helping pro bono clients and has had numerous success stories for his clients over the years. In his most recent pro bono case, Marc represented George Bell, who, along with two other men, was wrongfully convicted of a double homicide that he did not commit. Marc continues to handle Mr. Bell's claim against New York State to obtain compensation for the 24 years during which he was imprisoned as an innocent man. As part of his *pro bono* work, Marc also represented Joseph Steffan in his challenge to the ban on the service of gay men and women in the military, arguing the case to the D.C. Circuit sitting *en banc*. He successfully reversed the manslaughter conviction of Anthony Oddone in the New York Court of Appeals and submitted an amicus brief on behalf of the Innocence Project as part of the successful exoneration of a Louisiana death row inmate. Marc was the recipient of the 2017 Servant of Justice Award from the Legal Aid Society of New York and the 2023 Whitney North Seymour Award for outstanding public service by a private practitioner from the Federal Bar Council.

Marc has argued appeals in the D.C. Circuit, the New York Court of Appeals and the Appellate Divisions of the New York State Supreme Court and has litigated in state, federal and bankruptcy courts around the country. He is admitted to practice in the State of New York, the United States District Court for the Southern and Eastern Districts of New York, the United States Courts of Appeals for the Second, Fifth, Seventh, Ninth and D.C. Circuits and the United States Supreme Court.

Marc is recognized as one of the nation's leading lawyers in his field by [Chambers USA](#) noting he is "highly respected for his standout track record before the Delaware Court of Chancery." He is recognized as a National Practice Area Star and a Local Litigation Star by [Benchmark Litigation](#). [Experts Guides](#) includes Marc as a leading lawyer in its Best of the Best, Best of the Best USA and Litigation rankings. Marc is also recognized as one of the 500 leading lawyers in America by [Lawdragon](#) and an expert in Litigation and Corporate Governance and a Thought Leader by [Who's Who Legal](#).

Marc joined Wachtell Lipton after clerking for the Honorable Henry J. Friendly of the United States Court of Appeals for the Second Circuit from 1980 – 1981. He received his B.A. with high honors from Swarthmore College in 1977 and his J.D. with honors from the University of Chicago Law School. While

in law school, he was a member of *The University of Chicago Law Review* and served as a Comment and Articles Editor.

## Clerkships

Honorable Henry J. Friendly, United States Court of Appeals, Second Circuit, 1980 – 1981

## Recent Publications

[Deal Litigation Run Amok: Diagnosis and Prescriptions](#), in *The Review of Securities & Commodities Regulation*, Volume 47 No. 1, January 8, 2014.

[Delaware Court Reaffirms the Poison Pill and Directors' Power to Block Inadequate Offers](#), in *The Harvard Law School Forum on Corporate Governance and Financial Regulation*, February 17, 2011.

[Line Extension](#), in *The Deal Pipeline*, July 2, 2010.

[Fifth Circuit Rejects Insurers' Unilateral Attempt to Avoid D&O Coverage](#), in *Securities Reform Act Litigation Reporter*, Volume 29 Number 1, April 2010.

[Two Courts Deny Class Action Plaintiffs' Attempt to Claim Attorneys' Fees for "Causing" Renegotiated Merger Terms](#), in *Securities Reform Act Litigation Reporter*, Volume 28 Number 5, February 2010.

[New York Court Rejects Shareholder Challenge to JPMorgan Rescue of Bear Stearns](#), in *Bank and Corporate Governance Law Reporter* Volume 42 Number 1, March 2009.