



Shivani Poddar

Partner

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Shivani Poddar is a litigation partner with over a decade of experience, focusing on a broad range of complex and general commercial, real estate, and employment disputes in litigation, arbitration, and mediation. Shivani counsels clients in all phases of the dispute, taking into account the client's business goals, often obtaining favorable results pre-litigation. Shivani's clients include institutional investors, hedge funds, real estate companies, consumer goods companies, fin-tech firms, and start-ups.

Shivani was named to the *Crain's New York Business* 2021 listing of 40 Under Forty, a recognition honoring accomplished New York City-based business professionals under 40 years of age. She was also recognized by the *New York Law Journal* as a Rising Star for 2020, an accolade given to a handful of New York City's most promising lawyers under 40, whose accomplishments have contributed notably to the law and the legal community. She was also ranked in New York *Super Lawyers* for 2020. In 2011 Shivani received the New York Legal Services Pro Bono Recognition Award for her commitment to pro bono work.

Shivani is a driver of diversity and inclusion and involved in numerous organizations and programs designed to increase diversity in the legal field. In 2020, Shivani was selected as a member of the 2020 class of Fellows by the Leadership Council on Legal Diversity ("LCLD").

Complex Commercial Litigation

As an avid angel investor in start-ups, Shivani is keenly aware of issues that arise from investing in private and public companies. Shivani is often called upon to represent sophisticated investors in disputes arising from complex financial transactions. Shivani is currently representing 95 investors (individuals and institutions), who invested over \$100 million into now-defunct hedge funds, in an action against the funds' auditors and administrator, asserting claims for breach of contract, breach of fiduciary duty, and negligence.

Shivani's past representations include representing the offshore liquidator of the largest Madoff feeder fund to recover billions paid out to investors; defending an investment advisor against fraud claims arising from investments in collateralized debt obligations; and defending a Canadian hedge fund against breach of contract claims asserted by its placement agent.

Shivani frequently handles complex bankruptcy litigation matters as well, including representing a debtor ice cream brand in Chapter 11 proceedings (during the COVID pandemic); representing over 100 investors in a fraudulent conveyance action, arising from a \$2 billion leveraged recapitalization; representing the bankruptcy trustee in a fraudulent transfer action, stemming from one of the largest leveraged buy-out transactions on record; and representing a mortgage originator in an adversary proceeding, stemming from the Lehman bankruptcy, related to breach of warranties in the sale of mortgage loans.

Real Estate Litigation

Shivani also has extensive experience representing clients in disputes related to real estate transactions, representing owners, developers, commercial tenants, and title insurers in litigation involving breach of contract, breach of fiduciary duty, negligence and fraud claims.

Employment Litigation

Shivani's practice focuses on employment law, by advising employers in the retail, financial, hospitality and healthcare industries on workplace policies, and defending them in employment-related litigation. She frequently advises clients on employment contracts, confidentiality agreements, restrictive covenants, termination agreements, and employment handbooks. Shivani also has substantial experience defending employers in individual and class actions, related to federal and state wage and hour laws, in litigation, mediation and arbitration.

Shivani helps clients minimize and manage exposure to wage and hour-related risks. This includes performing preventative audits, developing and implementing best practices and responding to inquiries from government agencies such as the Department of Labor.

Services

- Litigation
- Corporate Litigation
- Securities Litigation and Enforcement
- Employment
- Employment Litigation
- Employment Counseling & Risk Management
- Real Estate Litigation & Dispute Resolution
- Restructuring & Finance Litigation
- Banking & Financial Services
- Business Divorce & Partnership Disputes
- Insurance & Reinsurance

Education

- American University, Washington College of Law (J.D., *cum laude*, 2010)
 - American University International Law Review, Note and Comment Editor
- Boston University (B.A., *cum laude*, 2006)

Languages

- Hindi

Recognitions and Accolades

- *Benchmark Litigation* 40 & Under Guide (2022 - 2023)
- *Crain's New York Business*, Notable Diverse Leaders in Law (2022)
- *Profiles in Diversity Journal*, Women Worth Watching® Awards (2022)
- *Crain's New York Business*, 40 Under Forty (2021)
- *New York Law Journal*, Rising Star (2020)
- *Thomson Reuters New York Metro Super Lawyers* Rising Star, Business Litigation (2020 - 2023)
- New York Legal Services Pro Bono Recognition Award (2011) [Award Methodology](#)

Memberships & Associations

- Herrick's Diversity Committee and Diversity Partners' Program

Matters

JMH Development - Dispute Over Luxury Residential Development

Herrick achieved a significant victory for JMH Development, the managing member in a joint venture created to develop a luxury residential development in Miami, Florida, in a dispute against PSB, the joint venture's partner, who asserted false claims including breach of contract and fiduciary duty, among others. After a lengthy and contentious litigation culminating in a 3-day bench trial, the court ruled in favor of JMH Development on every single claim and issue and dismissed the case.

In re Ample Hills (Bankr. E.D.N.Y.)

Serving as counsel for 16 Debtors, operating 10 retail ice-cream stores in the New York metropolitan area, in connection with recently-filed chapter 11 cases where company is seeking to sell its business as a going concern to restructure approximately \$15 million in debt.

Hedge Fund Investors – Litigation Against Hedge Funds' Auditors and Administrator

Representing 95 investors, who invested over \$100 million into now-defunct hedge funds, in an action against the funds' auditors and administrator, asserting claims for breach of contract, breach of fiduciary duty and negligence.

Lehman Brothers

Represented a defendant in an adversary proceeding alleging breach of warranties in the sale of mortgage loans.

In re Boston Generating LLC, et al. (S.D.N.Y.)

Representing numerous defendants in fraudulent conveyance action by the liquidating trust arising from a \$2 billion leveraged recapitalization.

Luxury Residential Developer - Dispute with Investor

Representing the management company of a real estate joint venture, created to develop luxury residential properties in Miami, against claims asserted by a joint venture investor.

Commercial Real Estate Tenants – Pre-Discovery Summary Judgment Ruling Granting Specific Performance of Lease with Purchase Option

Represented Split Rail Holdings, LLC, tenants of a commercial real estate building in the Lower East Side and secured a victory on a pre-discovery summary judgment motion, obtaining specific performance of the lease, allowing Split Rail to purchase the property for \$6.3 million. The decision was affirmed by the Appellate Division, First Department.

Real Estate Lender - Foreclosure Proceedings

Represent a New York-based lender, who provides loans to revitalize and recapitalize commercial real estate properties, in foreclosure and deficiency proceedings.

Title Insurance Company - Insurance Coverage Claim

Successfully defended a title insurance company in an action brought by a commercial property owner by obtaining dismissal of all claims on a motion to dismiss and defeating a motion to reargue.

Nursing and Rehabilitation Center - Dismissal of FLSA Class Action

Successfully defended New York City-based nursing and rehabilitation center in a purported class action claiming violations of FLSA overtime provisions. Obtained a full dismissal of the

complaint on a pre-answer motion to dismiss, which was converted into a motion for summary judgment.

International Luxury Cosmetics Company - Employment Counseling

Advised an international, luxury makeup and skincare brand on employment contracts and employment policies.

Fin-Tech Company - Employment Counseling

Advise a fin-tech company on employment claims and employment contracts.

Employers - Wage and Hour Litigation

Successfully obtained dismissal or early settlement of state and federal wage and hour individual and class claims (NYLL and FLSA), against employers in the real estate, healthcare, hospitality industries.

Publications

March 4, 2024

Recent Second Circuit Decision Highlights Risks for Companies Related to Ownership of Social Media Accounts

January 8, 2024

Proposed FLSA reform: Potential impact on employers and athletes
Sports Business Journal

December 28, 2023

New York Governor Hochul Changes Course and Vetoes Non-Compete Ban

December 6, 2023

New York Governor Hochul Signals Willingness to Sign Non-Compete Ban With Changes

October 23, 2023

New York Adds Wage Theft as a Form of Criminal Larceny

May 23, 2022

Crypto Cos. Should Prep For More IRS John Doe Summonses
Law360

August 3, 2021

SPACs & Litigation Risks
Bloomberg Law

March 30, 2020

Additional Financial Resources Available to Businesses – New York

March 30, 2020

Additional Financial Resources Available to Businesses – New Jersey

March 29, 2020

Governmental Assistance to Businesses in Response to COVID-19 Pandemic

March 24, 2020

Beloved Home-Grown Ice Cream Company, Ample Hills, Seeks a Buyer

News

January 30, 2024

SEC's SPAC Rules Set to Limit Rosy Projections That Fueled Mania
Bloomberg Law

December 15, 2023

5 Major Wage-Hour Decisions In 2023
Law360 Employment Authority

August 1, 2023

Herrick's Christopher Carty and Shivani Poddar Recognized in Benchmark Litigation's 40 & Under Guide
Benchmark Litigation

September 29, 2022

Congratulations to Herrick Attorneys on their Selection to Super Lawyers 2022
Super Lawyers

September 1, 2022

Shivani Poddar Named to Diversity Journal's 2022 Women Worth Watching®
Profiles in Diversity Journal

July 27, 2022

Herrick's Christopher Carty and Shivani Poddar Recognized in Benchmark Litigation's 40 & Under Guide
Benchmark Litigation

July 11, 2022

Shivani Poddar Named To Crain's New York Business 2022 Notable Diverse Leaders in Law
Crain's New York Business

April 12, 2022

Litigation Daily: Litigator of the Week
Litigation Daily

April 11, 2022

Herrick & JMH Development Achieve Trial Victory in Dispute Over Luxury Residential Development
Herrick, Feinstein LLP

September 30, 2021

Congratulations to Herrick Attorneys on their Selection to Super Lawyers
Super Lawyers

September 10, 2021

Coinbase Probe Shows SEC Game To Play Hardball On Crypto
Law360

June 1, 2021

Mentor in Law: Volume 26 | June 2021
Mentor in Law

March 22, 2021

Crain's NY Business - 40 Under Forty
Crain's New York Business

March 4, 2021

My Herrick Story: Shivani Poddar
Herrick, Feinstein LLP

February 8, 2021

Herrick's Shivani Poddar Spearheads the Launch of Ladies in Law
Ladies In Law New York

October 28, 2020

Congratulations to Herrick Attorneys on their Selection to Super Lawyers
Super Lawyers

October 21, 2020

Rising Star: Shivani Poddar
New York Law Journal

September 29, 2020

SABANY Member Spotlight - Interview with Shivani Poddar
SABANY

June 26, 2020

New York Law Journal Announces Its 2020 Rising Stars
New York Law Journal

February 11, 2020

Shivani Poddar Named as Leadership Council on Legal Diversity Fellow
Herrick, Feinstein LLP