



TED SEMAYA

Affiliated Counsel, New York Office

PRACTICE AREAS

- Business Law and Transactions
- Business Litigation
- Commercial Litigation
- Estate and Trust Litigation
- International Practice
- Restrictive Covenants and Trade Secret Protection

ACTIVITIES

- ABA International Section Annual Conference 2023 & 2024, Member, Planning Committees, Program Chair
- International Litigation Committee of the Commercial and Federal Litigation Section of the New York State Bar Association; Past Chair and Co-Chair (extended period); Executive Committee Member
- Panel of Neutrals of the Commercial Division of the Supreme Court of the State of New York, New York Co.; Member

PRACTICE FOCUS

Ted Semaya is an experienced commercial litigator and trusted business advisor. He has tried business disputes before numerous courts and arbitral tribunals. But he first counsels clients, from multinationals to individuals and from the famous to the most confidential, to minimize their liability and avoid formal proceedings, which often is the better course.

A large part of Ted’s practice focuses on clients outside the U.S., often working with their local attorneys, whom Ted knows around the world, to represent them in legal disputes in the U.S. and advise them in the organization and conduct of their cross-border business. He also defends against governmental investigations and conducts confidential internal corporate investigations.

In advising and negotiating on behalf of his clients, Ted handles agreements, including international contracts, executive employment, non-competition, confidentiality, and termination agreements. Among the most important are settlement agreements that end disputes and are often negotiated on the eve of trial. Clients and colleagues have called Ted “The Closer” for nailing down durable favorable settlement agreements under intense pressure that stand up to the most important test: time.

Ted advises and represents clients in cases about, among other subjects, contract; fraud, and other business wrongs; M&A and corporate; trusts and estates; accountant, attorney, and D&O liability; securities fraud and RICO; insurance; real estate; and enforcement in the U.S. of foreign court judgments and arbitral awards.

Among the many U.S. and foreign clients Ted counsels and represents are:

- Financial institutions and banks; insurers and reinsurers; VCs; investment trusts; receivers and foreign bankruptcy trustees;
- Businesses in such sectors as technology; manufacturing; digital commerce; sales and distribution; shipping and transportation; real estate; hospitality; and
- Individuals, including high net worth, as beneficiaries, executors, trustees, directors, officers, business partners, professionals, and artists.

REPRESENTATIVE MATTERS

- Represented European technology manufacturer against intellectual property claims in the U.S. and the coordinated its defense with in-country counsel in foreign jurisdictions.
- Successfully defended a Chinese medical device manufacturer from claims alleging breach of sales and distribution agreements.
- Won complete jury trial verdict successfully defending law firm against claims by executors and trustees of breach of contract and legal malpractice on behalf of decedent seeking full multimillion-dollar fee disgorgement.
- Prevented any subpoenaed discovery directed against a large multinational in multi-party sovereign debt actions in New York, Texas, Delaware, France, England, and Switzerland.
- Successfully represented a European sculptor in a RICO action to recover against a New York art gallery for fraud.
- Represented trust beneficiaries in extensive litigated fiduciary accounting proceedings.
- Represented a European reinsurer in litigation regarding liability on multiple facultative and treaty coverages.
- Represented Middle Eastern bank in multiple federal and state court proceedings in the United States and coordinated representation in other countries in Europe, the Caribbean, and the Middle East, resulting in the recovery of substantial funds seized in international enforcement action.
- Successfully defended a European software publisher against claims of breach of agreement, unfair competition, trademark infringement, and breach of covenant not to compete.

- Effected significant recovery in action for wrongful termination on behalf of a Latin American distributor of commercial graphic arts film, plate, and chemical products against large U.S.-based multinational suppliers.
- Successfully represented European high fashion and middle market clothing designer and manufacturer in a claim against a multinational distributor, including claims of violation of distribution agreement, unfair competition, trademark infringement, and fraud.
- Successfully defended a large multinational seller of hospital and medical supplies in litigation and mediation against claims of wrongful termination by a Middle Eastern distributor.
- Obtained dismissal on merits of action against an accounting firm in the U.S. Virgin Islands alleging failure to detect looting of foundation assets.
- Represented a Middle Eastern bank in a U.S. Department of Justice investigation resulting in a “no action” decision that allowed the client to continue essential dollar clearing operations in the United States.
- Conducted a confidential investigation for a U.S. subsidiary of a large Asian multinational technology company regarding concealed malpractice by a major U.S. law firm.
- Successfully defended independent corporate directors sued for breach of duty by bankruptcy trust administrator.
- Successfully unwound a large industrial real estate transaction for buyer/developer through litigation and multi-party negotiations.
- Provided analyses for, authored, and collaborated on opinions on U.S. law to English counsel for use, successfully, in Courts of England and Wales on rights and liabilities for misdirected international wire transfers and ripeness of claims for malicious prosecution, abuse of process, and wrongful attachment.

SPEAKING ENGAGEMENTS & PRESENTATIONS

- Moderated meetings between foreign judicial delegations and panels of state court commercial judges.
- Expert, U.S. Department of Commerce Commercial Law Development Program (CLDP) for a workshop on international transactions.
- Program Chair, International Litigation and Arbitration, Strategic Directions for International Practice Lecture Series.
- Organized continuing legal education (CLE) programs on international and commercial litigation and arbitration for bar associations and other groups.
- Served as a frequent guest speaker before attorneys admitted in the U.S. and other country jurisdictions.

PUBLICATIONS

- Book Review, Business and Commercial Litigation in Federal Courts, 5th Edition, by Robert L. Haig, Contributor, New York Business Law Journal, (2022) Volume 26, No. 2
- Book Review, Commercial Litigation in New York State Courts, 5th Edition, by Robert L. Haig, Contributor, New York Business Law Journal, (2022) Volume 26, No. 1
- Prepared a Memorandum of New York State Bar Association (NYSBA) Commercial and Federal Litigation Section opposing legislation that would have revised the New York General Obligations Law to limit the application of the merger doctrine as part of a successful campaign with bar leadership and legislative liaison to defeat the legislation.
- Recognition and Enforcement of Foreign Judgments in U.S. Courts, Strategic Directions for International Practice, Contributor, International Legal Training (annual editions).

RECOGNITIONS

- The George Washington Law Review, Member (published).
- Super Lawyer in Business Litigation, New York Metro: 2006 (initial year of award)-2010; 2013-present.

EDUCATION

- George Washington University, J.D., with honors
- University of Rochester, B.A., cum laude

ADMISSIONS

- State of New York
- District of Columbia

- United States Court of Appeals for the Second Circuit
- United States Court of Federal Claims
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Northern District of New York

AWARDS