



## John Amato

Partner

New York  
212 478 7380 direct  
212 478 7400 fax  
jamato@thompsoncoburn.com

### PRACTICES

- Litigation

### ADMISSIONS

- New York
- New York USDC, Eastern District
- New York USDC, Northern District
- New York USDC, Southern District
- US Ct Appeals, 2nd Circuit (CT, NY, VT)
- US Supreme Ct

### EDUCATION

- St. John's University School of Law, J.D., 1986
- Queens College, City University of New York, B.A., 1983

### EMPLOYMENT

- Thompson Coburn Hahn & Hessen; Partner, 2021-Present
- Hahn & Hessen; Partner, 1998-2021 Associate, 1990-1998
- NYC Corporation Counsel Office 1985-1990

### AFFILIATIONS

- Federal Bar Council
- American Bar Association
- New York State Bar Association
- New York County Lawyers Association
- American Bankruptcy Institute

John draws on his more than 30 years of litigation experience to represent a wide variety of clients in federal and state trial and appellate courts.

A former Assistant Corporation Counsel for the City of New York, John has tried and brought to verdict or favorable settlement several large jury and bench cases, argued scores of appeals and mediated and counselled clients in high stakes matters in New York and throughout the country.

John's experience is broad based. He has litigated various substantive law disputes, including cases involving officer and director breach of fiduciary duties, corporate waste and mismanagement allegations, and partnership disputes. He has represented clients facing issues related to perishable agricultural commodity statutory trust violations, corporate and intellectual property law, and accountant's malpractice.

John has particular experience leading real estate and bankruptcy litigations for major financial institutions, large retail organizations, commercial landlords and tenants. He has represented Chapter 11 trustees and creditors' committees, and secured and unsecured creditors in bankruptcy proceedings.

John has also defended various public officers and employees in civil rights cases and a prominent retailer in a variety of matters, including landlord/tenant, breach of contract and class action litigation alleging violation of state consumer protection and business laws.

John has given numerous lectures on a variety of topics to clients and various professional organizations, including before the New York State Society of Certified Public Accountants discussing expert testimony and reports.

### Experience

- **Defeated putative class action alleging violation of various consumer protection laws.**
- **Represented purchaser of mortgages securing \$65 million judgment and defeating competing creditors in judgment enforcement priority dispute.**
- **Represented pharmaceutical manufacturer in breach of contract action securing several favorable court rulings resulting in**

**favorable settlement.**

- **Represented secured lender as plaintiff in accountant's malpractice action, defeating motion to dismiss resulting in favorable settlement.**
- **Represented furniture retailer in commercial landlord tenant lease dispute.**
- **Represented indenture trustee in litigation arising out of national retailer bankruptcy.**
- **Commenced trial to enforce loan agreement, struck defendant's expert and reached favorable settlement mid-trial.**
- **Represented unsecured creditor interests as plaintiff in officer and director breach of fiduciary duty, fraudulent conveyance and preference dispute ending in favorable settlement mid-trial.**
- **Defeated bankruptcy avoidance and equitable subordination claims against secured lender.**
- **Succeeded in enforcing factoring agreement at trial and awarded 100% of attorney's fees for doing so.**
- **Represented bank at trial and on appeal in successful defense of perishable agricultural commodities claims.**
- **Represented secured creditor in collateral priority dispute with golf cart manufacturer.**
- **Defeated litigation against letter of credit issuer for fraudulent misrepresentation, conspiracy and violation of RICO statute.**

#### **Publications**

- Co-author, "New York Commercial Lending Law," American Bar Association's Commercial Lending Law Treatise, Second Edition: A Jurisdiction-by-Jurisdiction Guide to U.S. and Canadian Law (2016)
- "Recharacterization Risks: Beware!", *LJN's Equipment Leasing Newsletter*, March 2003