

Linda Coberly Quoted Regarding Pari Delicto Defense

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Linda Coberly, a partner in Winston & Strawn's litigation practice and vice chair of the firm's appellate and critical motions practice group, was quoted in *Am Law Litigation Daily* on November 3. In the article, "If at First You Don't Succeed: After New York High Court Defeat, Quinn Emanuel Asks Second Circuit to Look Again at Auditor Liability to Bankrupt Companies," Ms. Coberly was cited for her representation of Grant Thornton.

Parmalat trustee's representative, before the three-judge panel of the U.S. Court of Appeals for the Second Circuit, argued that Judge Kaplan was wrong to grant summary judgment to Grant Thornton on in pari delicto grounds. When Second Circuit judge Richard Wesley asked Ms. Coberly whether the Parmalat trustee is more like a receiver – which would not be considered a participant in the alleged wrongdoing and therefore unable to assert an in pari delicto defense – than like a representative of the corporation, Ms. Coberly argued that even assuming that the trustee, like a receiver, represents Parmalat creditors, the in pari delicto defense still applies.

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