



## MICHELE C. MATERNI

Partner

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Michele C. (“Mike”) Materni offers clients a wealth of experience earned on both the plaintiff and defense sides of high-leverage litigation and enforcement.

Mike’s track record includes extensive work on behalf of corporations involved in government investigations related to issues such as alleged Bank Secrecy Act/anti-money laundering violations, market manipulation, securities and commodities fraud, and the Foreign Corrupt Practices Act. He has represented clients in interactions with agencies including the Department of Justice, the Securities and Exchange Commission, the Internal Revenue Service, the Office of the Comptroller of the Currency, and state attorneys general, in addition to numerous federal courts. Educated in Europe at the Università Cattolica del Sacro Cuore before pursuing an LL.M. and S.J.D. at Harvard Law School, Mike frequently advises on cross-border investigations and international legal matters.

Mike’s pro bono work includes representing indigent criminal defendants in appeals and compassionate release matters. In connection with those efforts, he handled the first successful motion for compassionate release in the Northern District of Texas.

Before joining Brithem, Mike practiced at Sullivan & Cromwell LLP and Kaplan Martin LLP.

### IMPACT MATTERS

**Guided a defunct cryptocurrency exchange through the aftermath of its demise.**

Mike represented the FTX group of companies after they filed for bankruptcy, responding to inquiries and lawsuits from government authorities such as the U.S. Attorney’s Office for the Southern District of New York, the SEC, the CFTC, and the IRS, and prosecuting avoidance actions brought by the FTX group in bankruptcy court.

**Defended an Italian energy company in two DOJ investigations.**

Mike represented ENI S.p.A. in two high-profile FCPA investigations related to its oil and gas businesses in Africa, both of which the DOJ closed without taking any enforcement action, and in resolving related SEC investigations.

**Represented a global brand in banking during spoofing inquiries.**

Mike worked on behalf of JPMorgan with the DOJ, the CFTC, and the SEC to resolve multi-year investigations into alleged “spoofing” by JPMorgan traders in the precious metals and U.S. treasuries markets and manipulation of precious metals barrier options.

## OVERALL EXPERIENCE

*Mike's representative matters include:*

- Representing a major bank in wide-ranging investigations into BSA/AML violations brought by the DOJ, the OCC, and FinCEN, among other agencies.
- Representing a multibillion-dollar company in a broad SEC investigation into the company's revenue recognition and sales practices and operations in North America, LATAM, EMEA, and APAC.
- Representing a fintech company in coordinating its strategic response to multiple separate criminal and regulatory investigations concerning BSA/AML violations as well as civil consumer protection claims brought simultaneously by SDNY, SEC, NYDFS, and CFPB, as well as separate coalitions of several state AGs.
- Defending UBS AG in a civil action by the DOJ alleging that UBS violated FIRREA in connection with \$41 billion in residential mortgage-backed securities.
- Successfully litigating a §1782 action in federal court in Delaware for a multinational company to obtain discovery it needed in foreign proceedings.
- Representing UBS in its settlement with a consortium of state attorneys general, led by the Attorney General of New York, to resolve a long-running investigation concerning U.S. Dollar LIBOR. The settlement is the lowest of any bank's LIBOR-related settlement.
- Representing a fintech company in responding to a FinCEN investigation into alleged BSA/AML violations in connection with its payment processing services.

## CREDENTIALS

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Harvard Law School, S.J.D.  
Harvard Law School, LL.M. (coursework completed)  
Università Cattolica del Sacro Cuore, J.D., *cum laude*  
Università Cattolica del Sacro Cuore, B.A.  
Kaplan Martin LLP, Associate  
Sullivan & Cromwell LLP, Associate  
New York Bar, Admitted  
Southern District of New York, Admitted  
Eastern District of New York, Admitted  
U.S. Court of Appeals for the Second Circuit, Admitted

## SELECT RECOGNITION

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Super Lawyers – Rising Star (2022-2025)

## RECENT PUBLICATIONS

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- Author, "The Right to Punish," The Routledge Handbook of the Philosophy and Science of Punishment, Routledge (book chapter) (2022)
- Author, "The Value of Harm," 16 U.C. Dublin L. Rev. 1 (2016)
- Author, "The 100-Plus Year Old Case for a Minimalist Criminal Law," N18 (3) New Crim. L. Rev. 331 (peer reviewed) (Summer 2015)
- Author, "Rebooting the Discourse on Causation in the Criminal Law," Criminal Law Bulletin, Vol. 50, No. 6 (peer reviewed) (2014)
- Author, "Criminal Punishment and the Pursuit of Justice," 2 Br. J. Am. Leg. Studies 263 (peer reviewed) (2013)