

EVAN A. CREUTZ

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Overview

Evan Creutz is a senior counsel in Lash & Goldberg LLP's Miami office. His practice focuses on complex business litigation, employment litigation, and health care litigation. He has represented regional, national, and multinational corporations in federal and state courts and domestic and international arbitration proceedings. His experience also includes cross-border internal and governmental investigations, including matters involving the Equal Employment Opportunity Commission, Department of Justice, Commodity Futures Trading Commission, National Association of Securities Dealers and Securities and Exchange Commission.

Prior to joining the Firm, Evan practiced at Mayer Brown in New York and served as a law clerk to Senior United States District Judge James G. Carr of the United States District Court for the Northern District of Ohio, and later to United States District Judge Marcia G. Cooke of the United States District Court for the Southern District of Florida. Evan has published articles on issues in federal securities litigation and is co-author of a treatise on electronic surveillance.

Evan received his law degree from the Fordham University School of Law, where he was Notes & Articles Editor of the *Fordham Law Review*. He received his undergraduate degree from Cornell University in English Literature and Psychology.

Principal Practice Areas:

- Alternative Dispute Resolution
- Class Action Litigation
- Complex Commercial Litigation

- Employment Litigation
- Government Investigations & White-Collar Criminal Defense
- Health Care Litigation

Education:

- Fordham University School of Law, J.D.
 - Notes & Articles Editor, *Fordham Law Review*
- Cornell University, B.A., English Literature and Psychology

Admissions:

- Florida
- New York
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Southern District of New York
- U.S. District Court for Eastern District of New York

Honors / Accreditations:

- Notes & Articles Editor, *Fordham Law Review*

Publications:

- Co-Author, *The Law of Electronic Surveillance* (West Group 2018) (with semi-annual supplements) (with Senior United States District Judge James G. Carr and Professor Patricia L. Bellia).
- Co-Author, "Asher to Asher and Dust to Dust: The Demise of the PSLRA Safe Harbor?" 1 N.Y.U. Journal of Law and Business 799 (Summer 2005).
- Co-Author, "Stormy Waters in the PSLRA's Safe Harbor," *New York Law Journal*, Feb. 22, 2005, at S4.
- Co-Author, "High Court Should Review Ruling On Securities Fraud 'Safe Harbor,'" *Washington Legal Foundation Opinion Letter* (Dec. 3, 2004), at <http://www.wlf.org>.
- Note, "Two Sides to Every Story: Measuring the Jurisdictional Amount in Federal Courts," 68 *Fordham L. Rev.* 1719 (2000).

Representative Cases

- Trial counsel for a Canadian rail car manufacturer in an International Centre for Dispute Resolution arbitration with a Ukrainian steel mill. Following a two-week trial, a three-member arbitration panel awarded client \$11.3 million in contract damages and lost profits.
- Successfully defended the City of New York and several NYC corrections officers as first-chair trial counsel in prisoner civil rights lawsuit.
- Represented United Dominion Industries in *Moyer v. United Dominion Industries*, 473 F.3d 532 (3d Cir. 2007), in which the Third Circuit vacated the judgment and remanded for a new trial after finding that the district court had erroneously excluded key evidence proffered by client.
- Represented the Audit Committee of a publicly held media and merchandising company, in an independent investigation of securities fraud allegations against company and its senior officers. Based on report, which reflected a thorough investigation and consultation with a forensic accounting firm, company's outside auditor accepted the findings and approved company's Form 10-Q filing.
- Represented a Canadian investment firm in an NASD arbitration involving a former research analyst's allegation that he was wrongfully terminated because he refused an investment banker's request that he change an industry research report to make it more bullish. Efforts ultimately resulted in a settlement favorable to client.
- Represented Credit Lyonnais Rouse, Ltd. in a California class action alleging violations of state antitrust and anti-competition laws and market fraud in connection with an alleged worldwide conspiracy to manipulate the price of copper futures and copper prices. Efforts ultimately resulted in a settlement favorable to client.
- Obtained dismissal with prejudice on a motion to dismiss for all defendants in a Rule 10b-5 class action, *In re eSpeed Securities Litigation*, No. 05 Civ. 2091 (S.D.N.Y. 2006).
- Obtained a dismissal with prejudice on a motion to dismiss for all defendants in a Rule 10b-5 action, *Abbad v. Amman*, 285 F. Supp. 2d 411 (S.D.N.Y. 2003); the decision was affirmed on appeal in *Abbad v. Amman*, No. 03-9169, 2004 U.S. App. LEXIS 21033 (2d Cir. Oct. 8, 2004).