



HERBERT
SMITH
FREEHILLS



PETER BEHMKE

PARTNER

[New York](#)

Peter is an experienced commercial litigator, representing clients across a range of sectors in their most complex disputed matters.

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BACKGROUND

Peter received his B.A. from Boston College and his J.D. from The University of Chicago Law School.

Peter is a member of the New York County Lawyers Association, the New York State Bar Association and the American Bar Association.

KEY SERVICES

[Dispute Resolution](#)
[Commercial Litigation](#)

KEY SECTORS

[Banks and other Financial Institutions](#)
[Energy Disputes](#)

EXPERIENCE

Peter is an experienced commercial litigator, representing clients across a range of sectors in their most complex disputed matters, including in the areas of financial services, commercial contracts, commodities, securities, bankruptcy litigation, energy, fraud, breach of fiduciary duty and other business torts.

He has successfully represented clients in state and federal courts at the trial and appellate levels throughout the US, as well as in domestic and international arbitrations under the auspices of the AAA, ICDR, ICC and CPR.

Peter's experience includes:

- leading his prior firm's litigation team representing the estate of Lehman Brothers Holdings Inc. in its largest and most complex adversary proceedings, in which the estate recovered more than \$12 billion of cash and securities in court-approved settlements
- representing an international fuel company in a California state court litigation concerning the break-up of a jointly owned fuel distribution business, in which Peter recently obtained the full dismissal on summary judgment of over \$892 million of claims asserted against his client
- representing the Official Committee of Unsecured Creditors of Peabody Energy Corp. in a major adversary proceeding against a group of secured lenders concerning the interpretation of lien provisions of a security agreement, with more than \$1 billion of value at stake
- senior member of the litigation team that represented the equity sponsors of Payless, Inc. and obtained a highly favorable court-approved settlement of over \$400 million of fraudulent transfer and related claims asserted against the clients based on dividend recapitalization transactions
- representing the Ad Hoc Group of First Lien Lenders as conflicts counsel in the bankruptcy proceedings of telecommunications company Avaya, Inc., in a multi-million dollar dispute with lenders at different positions in Avaya's capital structure and other stakeholders
- representing a Singapore-based shipping company in litigation concerning the confirmation of an international arbitral award, in which Peter obtained the vacatur of a maritime lien issued against his client on jurisdictional grounds and further won the appeal of that decision before the US Court of Appeals for the Second Circuit
- member of the trial team representing a former "Big Five" auditing firm in the largest securities fraud class-action in the US, which included a six week jury trial in the Southern District of New York.

ACCOLADES

- Super Lawyers - recognized as a top rated business litigation attorney and "Rising Star" by his peers, 2014-2017

ADMISSIONS

- New York
- US Court of Appeals - Second Circuit
- US Court of Appeals - Federal Circuit
- US District Court - Southern District of New York
- US District Court - Eastern District of New York
- US District Court - Middle District of Illinois
- US Supreme Court