



Aime Dempsey

Member of the Firm

New York

250 Park Avenue
New York, New York 10177
Tel: 212-351-3764
Fax: 212-878-8600

adempsey@ebglaw.com

AIME DEMPSEY is a Member of the Firm in the Litigation and Employment, Labor & Workforce Management practices, in the firm's New York office. She handles a broad range of commercial and employment-related matters in federal and state courts and before arbitration tribunals and administrative agencies.

Ms. Dempsey has experience representing clients in a wide variety of industries and areas, concentrating on the financial services industry, but also including the advertising and media, health care, pharmaceutical, manufacturing and distributing, and not-for-profit industries. She is a member of the firm's Technology, Media, and Telecommunications strategic industry group.

Ms. Dempsey:

- Represents clients in FINRA and American Arbitration Association arbitrations; such representation includes, among other things, handling customer disputes against financial services industry clients
- Represents financial services and other clients in restrictive covenant and related matters in federal, state, and arbitration forums
- Represents clients with respect to allegations related to the suitability and scope of financial investments, including disputes among financial entities as well as claims from customers

Additionally, Ms. Dempsey has assisted in writing columns appearing in *The New York Law Journal* on securities-related topics and has given CLE-qualified seminars on New York practice. She is active in her community, currently sitting on the Board of Trustees for non-profit Briarcliff Nursery School and the Executive Board of the local PTA. Ms. Dempsey was also a Cub Scout den leader.

Education

- Northwestern Pritzker School of Law (J.D., 1990)
- Carleton College (B.A., 1984)
 - *cum laude*

Court Admissions

- U.S. Court of Appeals for the Second Circuit
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

Bar Admissions

- New York

Practice Areas

- Appellate
- Banking Litigation
- Business Litigation
- Employment Litigation
- Government Investigations and Litigation
- Labor & Employment Litigation
- Non-Competes, Unfair Competition, and Trade Secrets

Industries

- Health Care and Life Sciences Industry
- Financial Services
- Technology, Media & Telecommunications

Memberships

- American Bar Association
- American Health Lawyers Association

News & Publications

November 27, 2017

David Clark, Aime Dempsey, Kate Rhodes Featured in "Workflows: Law Firm News for Nov. 27, 2017"

Bloomberg BNA Daily Labor Report

July 15, 2016

Epstein Becker Green's Successful Representation of AXA Noted by *Law360*

Law360

May 17, 2016

What Issues Might the SEC and/or NLRB Have with Employee Confidentiality Agreements?

Trade Secrets & Noncompete Blog

April 2016

Restrictive Covenants: Do Yours Meet a Changing Landscape?

Take 5 Newsletter

April 29, 2015

Rule Changes Affect the Composition of Arbitration Panels in FINRA Disputes

Financial Services Employment Law Blog

April 24, 2015

5 Issues Financial Services Industry Employers Must Face

Law360

April 16, 2015

Five Key Issues Confronting Financial Services Industry Employers

Take 5 Newsletter

July 5, 2012

How to Choose a FINRA Arbitration Panel Checklist, *in Practical Law Company*

August 24, 2009

Second Circuit Decides in *Woods v. Empire Health Choice, Inc.* that Medicare Secondary Payor Act Is Not a Qui Tam Statute — Plaintiff Must Show Individual Injury

August 5, 2009

Temchine Quoted in NY Law Journal on *Woods v. Empire Health Choice*

The New York Law Journal

Case Studies

Epstein Becker Green Successfully Secures Dismissal of Complaint Alleging Breach of Fiduciary Duty

Epstein Becker Green attorneys successfully moved for dismissal of a complaint seeking more than the \$2.4 million arising from an alleged breach of contract and negligence against Epstein Becker Green client 1740 Advisers Inc. Plaintiffs were two limited-purpose mutual fund trusts and their investment advisor, Diversified Investment Advisors, Inc. Plaintiffs alleged that 1740 Advisers breached its contracts to act as subadvisor for the funds, and acted negligently, by making certain purchases and redemptions of Enron commercial paper during the fall of 2001, just prior to Enron's collapse. The redemptions, which were made just a few days before the maturity dates for the commercial paper, were later alleged by the Enron bankruptcy trustee to be avoidable as improper preferences under several sections of the Bankruptcy Code. Plaintiffs sued 1740 Advisers, after plaintiffs settled with the bankruptcy trustee following years of litigation, for the settlement amount plus attorneys' fees. 1740 Advisers moved to dismiss the complaint.

Epstein Becker Green prevailed with the arguments that the allegations in the complaint were too conclusory to state a claim for breach of contract as to the purchases of the Enron paper in light of 1740 Adviser's contractual discretion to invest on behalf of plaintiffs within specified parameters. As to the sales of the paper back to Enron on the eve of its collapse, Epstein Becker Green contended, and the Court agreed, that 1740 Advisers had discretion to make trades on behalf of Diversified and the funds, and nothing in the complaint showed that 1740 Advisers abused that discretion — even though other entities who sold paper back prior to maturity were ultimately denied summary judgment on their safe harbor claims. The negligence claim was also dismissed as duplicative of the contractual obligations.

The motion was prepared by Epstein Becker Green attorneys Kenneth J. Kelly and Aime Dempsey.