

Securities Class Action Litigation



BakerHostetler's Securities Litigation and Regulatory Enforcement team has a long history of obtaining favorable results for its clients in securities class actions and derivative litigation. Public and private issuers, underwriters and individual officers and directors trust us to represent them in their highest-risk securities matters.

What We Do

Our attorneys come from the **SEC**, **FINRA**, the **CFTC**, broker-dealers, hedge funds and investment management firms, and include a former **SEC Branch Chief**.

We hold **leadership positions** on the **American Bar Association's** securities litigation committees.

Our **40-member team** handles cases nationwide and has defended clients against securities-related lawsuits in **nearly every circuit in the country**.

We keep our clients current by **publishing quarterly alerts** and a **semiannual report** of securities litigation and enforcement highlights.

- **Securities Class Actions:** We defend against class action claims under the Securities Act of 1933, the Securities Exchange Act of 1934 and state securities laws, as well as claims under the Investment Company and Advisers Acts of 1940, arising out of initial public offerings, secondary offerings, mergers and acquisitions, financial restatements, trading practices and other public disclosures.
- **Derivative Litigation:** We represent corporate officers and directors, as well as nominal defendant companies, in actions alleging breach of fiduciary duty, mismanagement and fraud.
- **Parallel Proceedings:** Our bench of former government and securities industry attorneys excels at managing the regulatory actions and investigations that often accompany private party securities litigation.

The BakerHostetler Advantage

- Our attorneys are thought leaders – securities litigation jurisprudence is constantly evolving and our team is on top of every change, ensuring our litigation strategy reflects the arguments courts are finding most persuasive right now.
- We know how important communication is to you – our lawyers work collaboratively with in-house counsel, keeping clients apprised of workflow and billing matters in real time.
- Our firm is an industry leader in project management, and we put those resources to use in each matter to guarantee your case is expertly and efficiently staffed and managed.
- Discovery costs in securities lawsuits can easily spiral out of control – our E-Discovery team is the best in the business, having fine-tuned its skills managing more than 35 million documents in the reconstruction of the complex Madoff Ponzi scheme and handling all aspects of discovery for the SIPA Trustee's more than 1,000 lawsuits.
- We have more than 900 lawyers in 14 offices across the U.S. offering a full range of practice areas and geographic support to cover all aspects of your securities litigation needs.

Representative Experience



Obtained dismissal of four of the five claims against a Fortune 500 petroleum and natural gas exploration and production company and its officers and directors arising out of statements made in registration and proxy materials for a \$4.5 billion merger. Claims alleged were under Section 15 of the Securities Act, under Sections 14 and 20 of the Securities Exchange Act, and for breach of contract, forcing the plaintiff to settle on terms extremely favorable to the company.



Represented the founder and former CEO and Chairman of a premier provider of geoscience services to international oil and gas companies in a putative securities fraud class action arising out of a financial restatement and subsequent bankruptcy of the company. Based on the compelling arguments in our motion to dismiss, we settled the case at no cost to our client.



Obtained dismissal of all claims for a lawsuit brought in the Southern District of New York in a securities class action and shareholder derivative litigation against a six-member, independent Board of Trustees of a prominent mutual fund arising out of claims that the independent trustees knowingly misrepresented in registration statements the performance histories of an investment strategy utilized by certain of those mutual funds.



Obtained dismissal with prejudice of all claims against our client, a publicly traded executive services firm, at the motion-to-dismiss stage. The court dismissed claims under Sections 10(b) and 20(a) of the Securities Exchange Act that followed a salacious article about the company's management and a significant drop in the price of the company's stock.



Aggressively defended a domestic investment bank against class claims that a U.K. hedge fund had improperly valued illiquid securities in its portfolio based on marks by the bank's trader, reaching a nuisance value settlement on behalf of our client less than a year after the lawsuit was filed. Represented the investment bank in investigations by foreign and domestic regulators and prevented any enforcement actions.



Obtained dismissal of a securities fraud class action brought against a designer and developer of high-tech energy products and the company's executives, where the plaintiff alleged the company misrepresented one of its major customer relationships. The district court agreed with our argument that the plaintiff had not alleged scienter, a decision that was affirmed by the Second Circuit.



Defended a business process outsourcing company and its executives in a securities class action, derivative suit and parallel SEC investigation arising out of allegations the company backdated stock options. Reached settlement in both actions on favorable terms within six months after a lead plaintiff was appointed in the securities class action.



Client Service

Advanced 19 positions to Number 9
on the BTI Client Service 30 (2016)

Baker & Hostetler LLP is “an A+
law firm where the lawyers are well
prepared, professional, impressive
and extremely capable.”

– The Legal 500 USA (2015)

Securities Litigation team ranked
and five members recommended in
The Legal 500 USA:
Dispute resolution – Securities
litigation - defense (2016)

Practice Team Leader
Marc D. Powers **ranked individually**
for Litigation: Securities
(Chambers USA 2014 – 2016)

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Celebrating the 100th anniversary of its founding this year, BakerHostetler is a leading national law firm that helps clients around the world to address their most complex and critical business and regulatory issues. With five core national practice groups – Business, Employment, Intellectual Property, Litigation and Tax – the firm has more than 940 lawyers located in 14 offices coast to coast. For more information, visit bakerlaw.com.

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