

Securities



"Lawyer of the Year"
- Securities

Our first reaction when taking on a new securities matter is typically, "We've seen this before." With extensive experience in the full range of federal and state securities laws and regulations, we guide clients through litigation, investigations, and enforcement actions, against private plaintiffs, the SEC and state securities regulators, with a team that won't need to learn on the job.

We have:

- Represented officers, directors, and management teams against parallel actions brought by investigators, private litigants, and court-appointed receivers;
- Investigated internal concerns for corporate committees;
- Guided securities professionals and regulated entities through civil investigations and administrative proceedings; and
- Represented defrauded investors in private rights of action through FINRA arbitrations and in federal and state courts.

Our clients often face catastrophic risk—to their businesses, brands, reputations, licensure, and finances. We work quickly and discretely to mitigate threats and resolve claims, or defend vigorously against flawed factual narratives and legal theories.

Cases

Represented a public telecom company as lead counsel in the Colorado Supreme Court in a putative federal Securities Act class action on an issue of first impression under Colorado procedural rules.

Representing oil and gas executives in defending enforcement investigation into alleged violations of state securities act.

Representing accounting firm and sales entrepreneur in defending enforcement investigation into alleged violations of state securities act. Representing accounting firm and sales entrepreneur in defending enforcement investigation into alleged violations of state securities act.

Defended (co-counsel) municipal funds and former trustees in seven consolidated securities class actions alleging securities fraud and seeking damages in excess of \$1 billion.

Obtained a termination/no action letter in defending day-trader in an SEC investigation alleging market manipulation.

Obtained a favorable settlement and dismissal for a real estate development company and its principal in an enforcement action and parallel receivership actions alleging Ponzi scheme.

Obtained a favorable settlement and an administrative order for a venture capital fund's founder, C-Suite executive, and management company in an SEC investigation claiming violations of the Securities Act, the Exchange Act, and the Advisors Act.

Won judgment on behalf of a defrauded equity investor for the full investment amount plus attorneys' fees in a securities fraud action against a former business partner in the health supplements- industry venture.

Won judgment on behalf of a defrauded equity investor for the full investment amount plus attorneys' fees in a securities fraud action against former business partner in travel and leisure-industry venture.

Representing a global telecommunications company in a putative Securities Act class action stemming from allegations related to its 2017 merger with another major American telecommunications company.

Represented an oil and gas developer in responding to a multi-agency securities investigation involving the Securities Exchange Commission and several state securities boards and divisions.

Conducted an internal investigation for a Fortune 500 holding company for various life insurance companies and investment firms relating to a former employee's allegations of retaliation, discrimination and violations of the Securities Exchange Act.

Represented the board of directors of a bankrupt alternative energy company in connection with its reorganization and defense of several securities, breach-of-fiduciary-duty, and whistleblower claims.

Helped secure a \$21 million settlement as liaison counsel to the lead plaintiff in a \$42 million securities class action alleging that a silver mine made materially false and misleading statements to defraud investors.

Defending a venture capital fund's founder, C-Suite executive, and management company in an SEC investigation regarding the Securities Act, the Exchange Act, and the Advisors Act.

Defending a construction industry CEO in civil investigation being conducted by the U.S. Attorney's Office for the SDNY alleging False Claims Act violations.

Representing a special committee of board of directors of a closely held corporation in conducting internal investigation of company-to-executive lending activity and related corporate governance and controls.

Defending a construction industry founder/officer in a highly contentious shareholders' derivative action seeking to unwind a purchase transaction, dissolution, and damages.

Counseling a major development-round investor in protecting/enforcing ownership rights with regard to a blockchain technology company's contentious restructuring transaction and related public offering.

Obtained a termination/no action letter in defending a registered investment advisor in an enforcement proceeding alleging suitability violations.

Prosecuted business tort claims for a registered investment advisor against former partners in a FINRA industry dispute, and obtained a favorable settlement on the eve of arbitration.

Obtained a favorable settlement and dismissal for a business consulting and credit repair enterprise and its founder/CEO in an enforcement action alleging a Ponzi scheme.

Obtained a favorable settlement and an administrative order for a private equity fund and management team in an SEC investigation alleging a Ponzi scheme and related violations of the anti-fraud provisions of the Securities Act, the Exchange Act, and the Advisors Act, and in a parallel receivership action and investors' actions.

Obtained a termination/no action letter in defending the co-founder/CEO of a digital asset issuer in an SEC investigation alleging violations of the anti-fraud provisions of the Securities Act, the Exchange Act, and the Advisors Act.

Defended (local counsel) municipal funds and former trustees in seven consolidated securities class actions alleging securities fraud and seeking damages in excess of \$1 billion.

Won full dismissals of a putative class action and parallel dissenter's rights actions for a manufacturing company, C-Suite executives, and directors in shareholder litigation seeking to unwind a complex merger transaction and damages.

Obtained a favorable settlement and dismissal for a real estate development company and its principal in an enforcement action and parallel receivership actions alleging Ponzi scheme.

Obtained a termination/no action letter in defending a mutual fund's former independent trustees in an SEC investigation alleging violations of the Investment Company Act of 1940.

Won judgment on behalf of a defrauded equity investor for the full investment amount plus attorneys' fees in a securities fraud action against a former business partner in the health supplements industry.

Obtained a favorable settlement and administrative order in defending a mutual fund's management team and an interested trustee in an SEC proceeding alleging violations of the Investment Company Act of 1940.

Obtained a favorable settlement and an administrative order for a registered investment advisor and its president in an SEC enforcement proceeding alleging violations of the anti-fraud provisions of the Advisors Act.

Negotiated a "walk away" settlement on the eve of a FINRA arbitration for a brokerage firm defending a customer dispute alleging state and federal securities fraud and breach of fiduciary duty claims.

Represented a startup contract carrier operation in a contested application proceeding before the PUC—prevailed at hearing and obtained an Interim Order and subsequent Commission Order granting the requested authority over the intervenor's objection.

Represented a regional vocational college in defending against Title VII racial discrimination claims asserted by a former employee—obtained summary judgment, dismissal of subsequent appeal, and denial of subsequent petition for a writ of certiorari.

Obtained full dismissal after the first week of trial for a seller of a local business in defending against claims brought by a potential purchaser and in prosecuting counterclaims and cross-claims against multiple parties.

Obtained a six-figure jury verdict for a regional business in the nutraceutical industry in defending against claims and in prosecuting counterclaims in a commercial contract dispute.

Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.

Obtained dismissal of a putative Securities Act class action for a global telecommunications company and, after a partial reversal and remand, again obtained dismissal of amended claims.

Defended a pharmaceutical startup company in an SEC enforcement action alleging misappropriation of investor funds and related Securities Act and Exchange Act claims.

Successfully defended the Colorado arm of the second-largest home building company in the U.S., together with executives and employees, against alleged violations of the Colorado Securities Act, among other claims, arising out of a metropolitan district development. Obtained dismissal of all claims against nine out of 10 defendants, paving the way for a favorable settlement.

Obtained a termination/no action letter in defending retail securities trader in an SEC investigation alleging market manipulation violations.

Obtained a termination/no action letter in defending a Certified Financial Planner in an enforcement proceeding before the CFP Board.

Negotiated the sale of a start-up company in the face of claims of embezzlement, self-dealing, and breach of fiduciary duty, and ensured no liability accrued to our client, the current owner.

Contacts

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