

quinn emanuel trial lawyers
quinn emanuel urquhart & sullivan, llp

**White Collar Criminal Defense and Internal Investigations
Recent Representations**

OPTIONS BACKDATING

- We represented the Special Committee and Special Litigation Committee of **Apple Computer** in connection with its investigation into allegations of stock option backdating and handling of all derivative and class action litigation related to such allegations.
- We represented **Barnes & Noble** in a special committee investigation in connection with SEC and USAO investigations into alleged stock options backdating and parallel shareholder derivative actions.
- We represented the former executives of **Computer Sciences Corporation** in connection with parallel SEC and USAO investigations into alleged stock options backdating.
- We represented the executives of **Marvell Corporation** in connection with SEC investigation into alleged stock options backdating and parallel shareholder derivative and class actions.
- We represented **JB Oxford/National Clearing Corp.** in the first mutual fund late trading/market timing SEC enforcement case.

SECURITIES, ACCOUNTING AND FINANCIAL FRAUD

- We obtained a complete dismissal of claims by the New York Attorney General alleging securities fraud under the Martin Act relating to the sale of auction rate securities.
- We represented the Management Committee of a **major national class action law firm** in connection with a high-profile criminal mail fraud and obstruction of justice prosecution of the firm and several of its controlling partners.
- We served as counsel to the Chairman and CEO of **Intermix**, the parent company of **MySpace.com**, in a five-month audit committee investigation, and in subsequent SEC and shareholder litigation. The SEC matter was resolved with recommendation of no enforcement action from SEC Staff.

- We represented **eUniverse** in a multi-year SEC investigation, and secured "no action" letter from the SEC Enforcement staff in revenue recognition and accounting restatement case.
- We represented several former managers of a **major auto-parts manufacturer** in a joint securities fraud investigation by the SEC and DOJ.
- We represented a former executive of a **medical device company** in connection with allegations of securities fraud, as well as mail and wire fraud, in complaint filed by SEC and indictment brought by USAO.
- Counsel to the Special Committee of the Board of Directors of a major Fortune 10 international conglomerate regarding its investigation into alleged fraudulent billing and conflict of interest by one of its primary outside law firms.
- Counsel to the Special Committee of the Board of Directors of **Idealab** to investigate claims by venture capital investors alleging various improper stock transactions and self-dealing on the part of the Company's management. The action settled after the firm delivered the report.
- Counsel to **AOL Time Warner** in the **Homestore.com** investigation of "roundtrip" and barter accounting practices and securities litigation.
- Counsel to **Tier Technologies** in a six-month Audit Committee investigation following an accounting restatement, and in related shareholder and SEC proceedings.
- Counsel to **Terayon Communications Systems** in a year-long Audit Committee investigation arising out of an accounting restatement and in related SEC and shareholder actions. The investigation involved operations in Canada, Israel and Brazil. The SEC matter was resolved with recommendation of no enforcement action from SEC Staff.
- Counsel to the Chairman of **Ariba Software**, in an internal investigation of accounting practices, and subsequent SEC and shareholder litigations.
- Counsel to the General Counsel of **L90/Max Worldwide** in SEC and DOJ investigations of accounting practices in the Internet advertising industry.
- Counsel to the former CFO of **Brocade** in Special Committee investigation, and SEC and shareholder litigations.
- Counsel to the Special Committee of independent Directors of a major industrial conglomerate in response to a shareholder demand concerning losses recognized following the acquisition of a defense contracting subsidiary.

FALSE CLAIMS ACT / QUI TAM LITIGATION

- We represented **Northrop Grumman** against multiple employment and qui tam suits brought by former employee in an ex rel matter alleging flaws in circuitry for guidance system for MX missile. The representation included a jury trial and appellate proceedings in the Ninth Circuit and the Supreme Court. All qui tam claims were dismissed and plaintiff received no monetary recovery after payment of sanctions award and attorneys' fees.
- We represented **Flour Daniel Corp.** when a former employee overseeing cleanup of former Department of Energy nuclear fuel processing facility north of Cincinnati brought qui tam action challenging the cost and schedule estimates for project. Obtained a favorable settlement.
- We represented **Hughes Aircraft** in obtaining a dismissal against both the United States government and the relator in qui tam False Claims Act case alleging mischarging under government contracts.
- We represented **CNA Financial Corp.** in obtaining dismissal of an action asserting qui tam claims under the Medicare Secondary Payer Act.

HEALTH CARE

- We represented **Kaiser Permanente** in connection with civil and criminal actions brought by the Los Angeles City Attorney alleging the improper discharge of patients.
- We represent a former employee of a **major pharmaceutical company** and **local hospitals** in connection with a USAO investigation into possible violations of the Federal Medicare and Medicaid Anti-Kickback Statute, the privacy provisions of the Health Insurance Privacy and Portability Act ("HIPAA"), and other federal statutes.

FOREIGN CORRUPT PRACTICES ACT/INTERNATIONAL INVESTIGATIONS

- Counsel to the Special Committee the Board of Directors of one of Europe's largest engineering and construction firms concerning violations of the Foreign Corrupt Practices Act relating to government procurement contracts in Africa and elsewhere.
- Counsel to the **Board of Supreme Audit in Iraq** in investigating fraud in the Oil for Food program.
- Counsel to **Coca-Cola's** bottler in Turkey in Coke's internal investigation of the bottler arising out of alleged violations of the Tort Claims Act and Torture Victim Protection Act. We went on to defend both the bottler and Coke in a civil lawsuit arising out of the same allegations and obtained a dismissal on *forum non conveniens* grounds.

- Counsel to the Special Committee of independent Directors of a major clothing manufacturer in response to allegations of customs violations, kickbacks and commercial bribery in its Hong Kong and Singapore operations.

PHARMACEUTICAL

- Counsel to the Special Committee of independent Directors of a NYSE biotech company into allegations that company's senior management had misrepresented the status and progress of the company's clinical development program.
- Counsel to a pharmaceutical company into losses of upwards of \$2 million in Schedule II controlled substances (narcotics) from the company's distribution center.

MONEY LAUNDERING AND FORFEITURE

- We have represented individuals charged with structuring and other money laundering offenses and have successfully recovered assets seized in civil, criminal, and administrative forfeiture actions.
- We successfully obtained reversal of an individual white-collar conviction in the United States Court of Appeals for the Second Circuit where our client was charged with violating the Iranian trade embargo and operating an unlicensed money transmitting business based on his receipt of family funds sent from Iran through an informal money transfer system called a hawala. In a unanimous published opinion, the Second Circuit held that the ITR do not unambiguously prohibit non-commercial remittances, including family remittances, between the United States and Iran, and that the district court had erred in declining to instruct the jury that a “money transmitting business” must be an enterprise, not a single transaction as well as in improperly equating operation of a hawala with operation of a money transmitting business.

WORKPLACE SAFETY

- We represent major corporations in criminal investigations and administrative proceedings resulting from workplace injuries.

OTHER

- Representing plaintiffs, we won a wrongful death and false imprisonment verdict in a court trial arising out of the death by drug overdose of a 24-year-old woman. The defendant prevented others from coming to the aid of the decedent, because of his own fear of arrest for this and other crimes. The Court found the defendant acted with malice, oppression and fraud, and had the defendant arrested in the courtroom after announcing the verdict.

We have also been retained for investigations of antitrust, environmental, employment, and other regulated industry practices for clients that include **The Scotts Companies, Waste Management, Kaiser Permanente, Toyota, IBM, and Shell**, among others.