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TOP BOUTIQUES 2023



FROM LEFT: Henry Rosen, Patrick Daniels, Caroline Robert, Brian O'Mara

DiCello Levitt

SAN DIEGO • INVESTORS' SECURITIES LITIGATION

DiCello Levitt began in 2017 with the goal to seek “justice in all its dimensions” on behalf of plaintiffs large and small in complex litigation. Originally a Chicago boutique, it now has about 70 attorneys in six offices.

The newest office launched in San Diego in March to represent pension funds and other big investors suing corporations in securities litigation. Patrick Daniels, who heads the firm's new practice area, said he and firm leaders “had similar ideas about how a securities practice could be formed” by taking advantage of the latest technology to efficiently handle the practical aspects of monitoring our clients’ portfolios, identifying the strongest and biggest claims and successfully prosecuting the litigation.

The office has seven attorneys plus about 10 staff, but Daniels expects it to reach 40 people eventually. He and the core group came from Robbins Geller Rudman & Dowd and, before that, from Milberg Weiss.

Daniels focuses on looking for potential cases through a service the firm calls the Global Securities Review. “When investors suffer losses and there’s some violation of the securities laws, ... we’re already proactively monitoring our big institutional investors’ portfolios to report to them on the various claims and what their options may be. That involves obtaining and managing a huge amount of trading data and we utilize the latest technology in database management and security to do so much more quickly and accurately than in the past,” he said.

The other attorneys in the office and in the firm’s broader securities practice are litigators. Many of their matters are huge and international.

Partner Nathan Bear and others are representing investors suing Volkswagen, Porsche and Daimler in six different German proceedings for losses suffered as a result of the car companies’ emission scandals. Clients include the Abu Dhabi Investment Authority and the Canada Pension Plan. The cases are under German law and the firm’s attorneys are supporting German counsel, but they also are advising on legal concepts that have been more fully developed in U.S. law.

Daniels and partner Henry Rosen are leading a team representing about two dozen pension plans in an arbitration in Brazil against *Petróleo Brasileiro S.A.* In what Rosen described as “the largest financial fraud in the history of financial frauds,” the state-owned petroleum company allegedly misled U.S. investors by filing false financial statements to hide a massive bribery and bid-rigging scheme.

The company already agreed to pay about \$1.8 billion in a 2018 settlement with the SEC. The Brazilian side of the case has reached the damages stage, and Rosen is set to appear at a hearing in Brazil later this month.

In another big case, Daniels and his partners filed a class action seeking damages on behalf of certain bondholders harmed by the spectacular collapse of Credit Suisse in March 2023. *Star Colbert v. Dougan*, 1:23-cv-04582 (E.D. N.Y., filed June 20, 2023).

“The claims are based on Swiss law, and the defendants are the managers and directors who were responsible for the loss of about 17 billion in the bonds ... due to their negligent mismanagement of the bank and Credit Suisse’s resulting loss of trust of its clients,” Daniels said. The bank collapsed on March 19, 2023 after over \$200 billion in withdrawals of client funds, resulting in Credit Suisse being the first “global systemically important” bank to be rescued since 2008.

And last month, the securities team was appointed as sole lead counsel in a class action that accuses Syneos Health, a life sciences biotech research company based in South Carolina, of misleading investors about its business success during the pandemic. *United Association of Plumbers and Pipefitters v. Syneos Health Inc.*, 1:23-cv-06548 (S.D. N.Y., filed July 27, 2023).

The firm, which will be filing an amended complaint later this month, represents two big funds investment funds from Luxembourg and Belgium, Daniels said.

In other matters, he added, the firm has represented sovereign wealth funds from Abu Dhabi and Kuwait, a Belgian entity that includes the country’s royal house and a large Parisian bank.

Although the U.S. is the firm’s core, the practice operates extensively in the Middle East, the Benelux countries and London, he added.

— Don DeBenedictis