

Partner, Palo Alto and Los Angeles

Litigation; Securities Enforcement;
Government Enforcement and White Collar Crime



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Bar Admissions

California

Education

J.D., Boston College Law School, 1988
B.A., University of Notre Dame, 1985

Experience

Deputy Chief, Assistant U.S. Attorney
for the Central District of California,
General Crimes Section (1994-2000)

Jack DiCanio is the head of litigation in Skadden's Palo Alto office. His distinguished career, which began in the United States Attorney's Office for the Central District of California, encompasses a diverse trial practice focusing on complex, high-stakes federal and state court litigation, as well as white collar defense. Mr. DiCanio has extensive experience defending government inquiries and conducting internal investigations related to anti-corruption, money laundering and tax fraud, accounting fraud, health care fraud, securities fraud and related matters.

Mr. DiCanio is ranked annually in *Chambers USA's* prestigious Band 1 for White Collar Crime and Government Investigations, where he is described as "very smart and thoughtful, with good judgment; aggressive and yet extremely professional." He has received three California Lawyer Attorney of the Year (CLAY) awards from the *Daily Journal*, including one for his successful defense of FedEx in connection with a federal criminal indictment (2017). In 2018, the *Los Angeles Business Journal* recognized him as one of its Top Litigators.

He also is recognized in numerous other publications for his successes on behalf of his clients, including Lawdragon 500 Leading Lawyers in America and *The Best Lawyers in America*. He was named *Best Lawyers' San Jose Area Criminal Defense: White-Collar Lawyer of the Year* in 2017 and 2018. He also has repeatedly been named by *Who's Who Legal* and *Global Investigations Review* as one of the country's leading investigations attorneys.

Some of Mr. DiCanio's matters include representing:

- Snap Inc. in obtaining a declination in a DOJ and SEC investigation relating to its IPO disclosures.
- Chipotle Mexican Grill Inc. in connection with a DOJ and FDA investigation relating to the 2015-16 norovirus outbreaks.
- The National Football League in connection with securing dismissal on summary judgment of a class action filed by retired players alleging that the players suffer from injuries resulting from the alleged improper administration of prescription drugs and painkillers during their playing days. This case was recognized as one of the *Daily Journal's* Top Verdicts for 2017.
- The National Hockey League in a concussion-related action filed by the estate of a former player (trial scheduled for late 2020).
- One of the largest state-owned enterprises in Asia in obtaining a declination in an SEC FCPA investigation.
- Marci Palatella, the CEO of International Beverage, as a defendant in the U.S. Department of Justice's college admissions case (trial scheduled for January 2021).
- The chairwoman, president and CEO of Sempra Energy, as well as current and former members of Sempra's board of directors, in securing a dismissal of separate securities class actions and shareholder derivative action arising out of a natural gas leak at a Southern California underground natural gas storage facility.
- Liberty Mutual Insurance Company and Liberty International Underwriters in securing a unanimous Ninth Circuit affirmance of the dismissal of a \$45 million insurance coverage action.
- Woori Bank of South Korea in securing the dismissal of an action in the Southern District of New York.

- The Walt Disney Company and certain of its current and former directors and executive officers in a derivative action arising from an alleged conspiracy to reduce labor competition and depress employee wages in the animation industry. The United States District Court for the Northern District of California dismissed the action with prejudice.
- TTX Co., Greenbriar Cos. and the Pacer International Unit of XPO Logistics Inc. in connection with the successful resolution, following a government investigation, of their dispute with United Industries LLC, a unit of Caterpillar.
- KPMG in numerous matters, including in connection with civil litigation filed against the firm seeking \$100 million in damages relating to tax advice provided by the firm. Mr. DiCanio achieved victories in both state and federal court actions.
- William J. Ruehle, the former CFO of Broadcom, in the largest stock options backdating case brought by the federal government. After an eight-week trial, the U.S. District Court for the Central District of California dismissed all charges, including the entire SEC complaint against all the defendants, including Mr. Ruehle.
- Oaks Christian School in a successful arbitration against the California Interscholastic Federation-Southern Section (CIF-SS), arising from CIF-SS's decision to move Oaks Christian and three other private, religious schools into a new athletic area, which would have had a detrimental impact on the school and its students. The arbitrator's decision returned all of the schools to their original athletic areas.

Mr. DiCanio's other clients have included: American Apparel; the cities of Burbank and Glendale in California; Highland Fairview Properties; Hyundai Motor Company; Intel Corporation; Intuitive Surgical, Inc.; NetApp, Inc.; Occidental Petroleum; Questcor Pharmaceuticals, Inc.; Samsung Electronics America, Inc.; ServiceNow, Inc.; Sony Computer Entertainment; Tessera Technologies, Inc.; Visa International; and Zurich Insurance Group.

Mr. DiCanio served as an assistant United States attorney for the Central District of California. As the deputy chief of the General Crimes Section, he was responsible for training and supervising assistant United States attorneys in federal criminal practice and trial advocacy. During his tenure with the Department of Justice, Mr. DiCanio received the Attorney General's Distinguished Service Award (the second-highest award within the Department of Justice).

Mr. DiCanio served on the Rampart Independent Review Panel, responsible for reviewing the policies, tactics and disciplinary procedures of the Los Angeles Police Department. He also served as counsel to the Blue Ribbon Committee on Child Protection.

Publications

"DOJ's 'China Initiative' Uses Scheme-to-Defraud Charges for Nondisclosure of Ties to China," *Skadden, Arps, Slate, Meagher & Flom LLP*, April 2, 2020

"SEC Enforcement Division Issues Annual Report: Increase in Enforcement Actions and Focus on Main Street and Cyber-Related Fraud," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 8, 2018

"The SEC's Renewed Scrutiny on Accounting Cases: Expected Focus Areas and How Companies Can Prepare," *Skadden, Arps, Slate, Meagher & Flom LLP*, September 23, 2013

"SEC and DOJ Release Highly Anticipated FCPA Resource Guide," *Skadden, Arps, Slate, Meagher & Flom LLP*, November 19, 2012

"You Gotta Know When to Hold Them — Determining When You Should Not Proffer Information to the Government," *Inside the Minds*, 2012

"UK Regulators Announce Significant Anti-Corruption Settlements," *Skadden, Arps, Slate, Meagher & Flom LLP*, July 27, 2011

"Dodd-Frank Act Tempts Securities Law Whistleblowers with Lucrative Cash Bounties, Highlighting the Need for Effective Compliance Procedures," *Skadden, Arps, Slate, Meagher & Flom LLP*, October 20, 2010

"SEC Enforcement Director Robert Khuzami Announces New Initiatives and Outlines Enforcement Priorities," *Skadden, Arps, Slate, Meagher & Flom LLP*, August 12, 2009