

Richard S. Horvath, Jr.

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Litigation



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Education

J.D., University of Pennsylvania
Law School, 2004

M.S., Lehigh University, 2001

B.A., Lehigh University, 1999

Bar Admissions

California
Delaware

Publications

"Internal Controls at Private
Corporations," *San Francisco / Los
Angeles Daily Journal*, June 15, 2017

Co-Author, "Director Liability for Data
Breaches: How Real is the Risk?"
Law.com, July 9, 2015

Co-Author, "Ninth Circuit Looks North
in First-of-Its-Kind Decision," *Law.com*,
June 12, 2015

Co-Author, "Twist on Merger Litigation:
Paid Too Much?" *San Francisco / Los
Angeles Daily Journal*, January 22, 2015

Richard S. Horvath, Jr. has a diverse litigation practice focused on representing directors and public companies in actions or internal investigations involving alleged breaches of fiduciary duty arising from purported failures of internal controls, corporate misconduct or violations of federal securities laws. He regularly advises clients on the fiduciary duties of directors and officers, responding to activist shareholders and the investments of significant shareholders in public and private companies. Mr. Horvath's representations have included:

Corporate Governance and Securities Litigation:

- directors of Sempra Energy in shareholder litigation alleging claims for breach of fiduciary duty or violations of federal securities laws in connection with a gas leak at the Aliso Canyon storage facility;
- The Walt Disney Company, directors and officers in shareholder derivative litigation arising out of alleged recruiting practices;
- directors of PG&E Corporation and Pacific Gas and Electric Company in shareholder derivative litigation arising out of the San Bruno pipeline rupture;
- directors of Hewlett-Packard Company in, among other matters:
 - shareholder litigation alleging breach of fiduciary duty or violations of federal securities laws arising out of the \$11.1 billion acquisition of Autonomy Corporation plc;
 - shareholder derivative litigation related to alleged violations of the False Claims Act, the Foreign Corrupt Practices Act and other claims; and
 - shareholder derivative litigation related to the dismissal of HP's former chief executive officer;
- Chevron Corporation in shareholder derivative litigation related to alleged violations of the False Claims Act.

Corporate Transaction Litigation:

- Arden Group Inc. and its board in a shareholder class action related to the \$394 million acquisition of Arden Group by TPG Capital LP;
- Cost Plus Inc. and its board in a shareholder class action challenging the \$550 million acquisition of Cost Plus by Bed, Bath & Beyond, Inc.;
- an investment firm in a shareholder class action challenging the \$110 million going-private transaction for United PanAm Financial Corp.; and
- Permira Advisers LLC and its affiliates in shareholder class actions related to their \$440 million acquisition of Renaissance Learning, Inc.

Commercial and Complex Litigation:

- an investment firm in litigation alleging breach of a nondisclosure agreement and misappropriation of trade secrets; and
- a professional sports league in litigation related to a national championship game.

Mr. Horvath was a key member of the team recognized by the *Daily Journal* with a 2016 California Lawyer Attorneys of the Year award for innovative work on behalf of Broadcom Corporation in its acquisition by Avago Technologies. His *pro bono* matters have included representing two families in a successful challenge to a public school district's prayer practices, obtaining a precedent-setting decision from the Third Circuit Court of Appeals. Mr. Horvath writes frequently about legal and business issues relevant to directors and officers, including developments in shareholder litigation and oversight duties. His 2017 *Daily Journal* article on "Internal Controls at Private Corporations" can be accessed [here](#).