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Skadden Racks Up Four Wins in 48 Hours

By Jenna Greene
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Securities litigators at Skadden, Arps, Slate, Meagher & Flom are on a hot streak, winning dismissal of four potential mega-suits last week.

One suit, a derivative action against Bank of America Corp. in U.S. District Court for the Southern District of New York, stemmed from the bank's 2008 purchase of Countrywide Financial Corp.

The suit, which also named certain current BoA officers and directors and former officers of Countrywide, related to purported fraud in connection with Countrywide's "High Speed Swim Lane" loan origination program.

Judge Andrew Carter Jr. granted the defendants' motion to dismiss on Sept. 29, ruling that the complaint "fails to state a particular, plausible claim for relief, and must be dismissed." The Skadden team included New York partners Jay Kasner, Scott Musoff and Wilmington partner Paul Lockwood.

A day later, Kasner and Musoff scored another win in the Southern District on behalf of News Corp., NI Group Ltd., Rupert Murdoch and James Murdoch.

U.S. District Judge Paul Gardephe on Sept. 30 dismissed a consolidated second amended class action complaint alleging News Corp. and the executives concealed a widespread phone hacking scandal at its British newspapers from U.S. investors. (The first complaint was dismissed last year.)

Rounding out the Southern District action, also on Sept. 30, Kasner and Boston partner Kurt Hemr secured a motion to dismiss a breach of contract securities class action against AXA Equitable



Jay Kasner



Scott Musoff

Life Insurance Co. The plaintiffs alleged that AXA breached its contractual duties to them by implementing a volatility management strategy for its variable annuity policies.

The case was before U.S. District Judge Vernon Broderick.

Finally, a Chicago-based team that included partner Charles F. Smith and counsel Marcie Lape won the dismissal of a consolidated securities class action on Sept. 30 in U.S. District Court for the Northern District of Ohio.

The plaintiff claimed that TCP's IPO registration statement and prospectus contained material misstatements or omissions.

U.S. District Judge Dan Aaron Polster tossed the case, ruling that the plaintiff failed to plead facts to show that the relevant statements were false when made and failed to conduct an independent investigation into the facts alleged in the complaint.

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