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TRAILBLAZERS

PLAINTIFFS' LAWYERS



SAMUEL H. RUDMAN AND SPENCER A. BURKHOLZ

ROBBINS GELLER RUDMAN & DOWD LLP



PIONEER SPIRIT After attending the University of Virginia School of Law, Spence Burkholz moved to California in 1989 and worked on broker-dealer cases. “I had been an economics major and was always interested in the markets.” Sam Rudman had an affinity for corporate securities litigation in law school. “After taking a job at the SEC, I joined a firm doing internal corporate investigations and had the opportunity to move to the plaintiffs’ side.”

TRAILS BLAZED Rudman and Burkholz recently defeated CBS and former CEO Leslie Moonves’ efforts to dismiss in a case alleging violations under the Securities Exchange Act of 1934. When numerous allegations of sexual misconduct began to surface against him, Moonves spoke at a Variety magazine conference and, according to the court’s order, “[a] reasonable investor could have understood Moonves’s statement to mean that he did not have exposure to sexual misconduct allegations, thus providing reassurance that Moonves, the one executive that the Company and analysts viewed as crucial to CBS’s continued success, would not be compromised by the #MeToo Movement.” According to Burkholz, “The investment community put a premium on CBS’s price due to his role. With those kinds of CEOs, investors need to know there are no issues with them.” When an article by journalist Ronan Farrow was published a few months later linking back to Moonves’ critical statement at the Variety conference, CBS’s stock began to drop. As additional allegations surfaced, CBS stock continued to decline, which is the basis for the suit. Rudman and Burkholz represented investors in CBS, with Construction Laborers Trust Funds for Southern California as lead plaintiff.

FUTURE EXPLORATIONS Burkholz believes many companies are too far leveraged, which will result in financial manipulations: “When the markets are good, companies can hide things. And when they are shakier, they can’t hide some manipulations, and they come out.” Rudman also believes rising markets bring increased fraud: “I’ve seen the same frauds over and over. I’m shocked people do the same things, but there will always be fraud in the market.”

ROBERT R. HENSSLER JR.

ROBBINS GELLER RUDMAN & DOWD LLP



PIONEER SPIRIT As an undergraduate at the University of New Hampshire, Robert Henssler Jr.’s interest in insider trading began after reading an article describing the disparate sentences white-collar criminals received compared to other criminals. “It seemed like an injustice that they were getting shorter sentences for stealing more money.”

TRAILS BLAZED Shortly after finishing law school, Henssler was assigned to the Enron case, where he and the litigation team obtained a record-breaking \$7.2 billion recovery for investors. His litigation experience from that case would later help him obtain more significant recoveries for investors in cases against companies including J.C. Penney, Blackstone and CIT Group. As lead counsel in *Schuh v. HCA Holdings*, he was involved in a case resulting in a class-action recovery for \$215 million—one of the largest in Tennessee history. Henssler also led the litigation team in *Marcus v. J.C. Penney*, a case involving accusations that the retailer was misrepresenting its financial health resulting in a settlement of \$97 million. And in serving as lead counsel, he successfully defeated, in part, Johnson & Johnson’s motion to dismiss in a case involving allegations of positive asbestos tests for the company’s baby powder and other talcum products. “We are pleased with the court’s decision and very excited to prepare the case against Johnson & Johnson for trial.”

FUTURE EXPLORATIONS Henssler believes there will be further efforts by corporations and their lobbyists to block defrauded investors from the courthouse. “The investor protections, including the Securities Exchange Act of 1934, are part of the reason we have the strongest financial markets in the world. We need to keep those protections in place so people can trust these markets and continue to seek them out.”

WILLOW E. RADCLIFFE

ROBBINS GELLER RUDMAN & DOWD LLP

PIONEER SPIRIT While clerking for a magistrate after law school, Willow Radcliffe was able to gain experience in several practice areas. “I was drawn to securities work with its complex issues at the highest levels, and I liked the idea of working with individuals who had been harmed rather than big corporations.”

TRAILS BLAZED In *Stoyas v. Toshiba Corporation*, Radcliffe represented plaintiffs alleging that Toshiba had violated the Securities Exchange Act of 1934 and Japan’s Financial Instruments and Exchange Act. Toshiba was accused of deliberately and improperly overstating its pretax profits by more than \$2.6 billion and concealing nearly \$1.3 billion in losses at its U.S.-centered business, Westinghouse Electric Company. Plaintiffs argued that their purchases of unsponsored Toshiba American depository receipts were a domestic transaction, successfully defeating the defendant’s motion to dismiss. The resultant ruling allowed U.S.-based investors to bring claims related to their purchases of unsponsored ADRs under the Securities Exchange Act of 1934. In another high-profile securities action, Radcliffe obtained a significant settlement in a case in the Southern District of New York involving the marketing practices of Pfizer and allegations of earning revenue from off-label promotion. “On the eve of trial, we settled for \$400 million.”

FUTURE EXPLORATIONS Radcliffe believes there will continue to be an increase in securities cases involving multinational or global corporations with discovery being an area of focus. “With the increasing volume of data and data types in e-discovery and the ability to recognize technical issues and streamline the review of documents, it is definitely an area on the forefront.”



Congratulations to Robbins Geller partners **Samuel Rudman, Spencer Burkholz, Willow Radcliffe, and Robert Henssler, Jr.** for being selected as 2020 Plaintiffs' Trailblazers.



SAMUEL RUDMAN



SPENCER BURKHOLZ



WILLOW RADCLIFFE



ROBERT HENSSLER, JR.

Robbins Geller Rudman & Dowd LLP is one of the world's leading complex litigation firms representing plaintiffs in securities fraud, antitrust, corporate mergers and acquisitions, consumer and insurance fraud, multi-district litigation, and whistleblower protection cases. With 200 lawyers in 9 offices, Robbins Geller has obtained many of the largest securities, antitrust, and consumer class action recoveries in history, recovering tens of billions of dollars for victims of fraud and corporate wrongdoing. Robbins Geller attorneys are consistently recognized by courts, professional organizations, and the media as leading lawyers in their fields of practice. Please visit rgrdlaw.com for more information.