



STUART J. GUBER

Stuart J. Guber is a member with the law firm. His practice focuses on multi-party complex litigation, including class, individual and shareholder derivative actions and investigations in both state and federal courts, securities litigation and corporate law, ERISA, professional liability, and internal investigations of corporate wrongdoing.

He is an advocate for corporate accountability and fiduciary responsibility, representing consumers, governmental entities, unions and pension funds, and has represented both individual investors and institutional investors including state and union pension plans in the handling of their securities class actions, merger & acquisitions cases, and derivative litigation. Mr. Guber has made a career of prosecuting violations of the federal securities laws on behalf of defrauded shareholders, pursuing derivative claims under state corporate law to redress misconduct committed by corporate officers and directors, and seeking to maximize shareholder value in merger and acquisition litigation. He also has experience litigating class action cases for violations of the Employee Retirement Income Security Act ("ERISA"), violations of the federal antitrust laws, and to redress harm committed by corporations against consumers under federal and state law.

In addition to his securities litigation practice, he has earned acclaim from both courts and other attorneys for his superior handling of a wide variety of other complex litigation matters, involving antitrust violations, unfair trade practices, whistleblower/qui tam claims, issues arising from accounting, trusts and estates or tax issues, consumer class actions and other types of complex business litigation.

CONTACT

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EDUCATION

Temple University, School of Law,
J.D., 1990

Temple University, B.S., 1986

BAR AND COURT ADMISSIONS

- Pennsylvania
- Georgia
- United States District Court, Northern District of Georgia
- United States District Court, Eastern District of Pennsylvania
- United States District Court, Colorado
- United States District Court, Eastern District of Michigan
- United States Court of Appeals: First Circuit, Third Circuit, Eighth Circuit, Ninth Circuit, Tenth Circuit, and Eleventh Circuit

LEGAL REPRESENTATIONS

- *In re Rite Aid Pharmacy Sec. Litig.*, MDL 1360 (E.D. Pa.) (\$320 million settlement of securities class action in connection with massive accounting fraud involving numerous interrelated GAAP and GAAS issues against senior management and public auditors);
- *In re Provident Financial Corp. Sec. Litig.*, No. 01-cv-3952 (N.D. Cal.) (\$65 million settlement against bank credit card company and its senior management regarding fraudulent accounting for charge-offs, allowance for doubtful accounts and off balance sheet securitizations of outstanding account balances);
- *In re Bell South Corp. Sec. Litig.*, No. 02-cv-2142 (N.D. Ga.) (\$35 million settlement in securities litigation involving accounting for write-downs of goodwill in foreign operations);
- *Paine v. Microwarehouse, Inc.*, No. 96-cv-01920 (D. Conn.) (\$30 million settlement in securities class action alleging accounting fraud);
- *In re MBNA Corp. Sec. Litig.*, No. 05-cv-00272 (D. Del.) (\$25 million securities class action settlement involving the company's credit card business);
- *In re Premier Technologies, Inc. Sec. Litig.*, No. 98-cv-1804 (N.D. Ga.) (\$20.75 million settlement in securities class action involving alleged misrepresentations concerning company's key product);

- *In re Boston Chicken, Inc. Sec. Litig.*, No. 97-cv-01435 (D. Colo.) (\$20 million settlement with company officers, directors, public auditors and underwriters involving complex accounting, securities and bankruptcy issues);
- *In re NPS Pharmaceuticals, Inc. Sec. Litig.*, No. 06-cv-00570 (D.Utah) (\$15 million class action securities settlement involving alleged misstatements about company's pharmaceutical product, PREOS, developed to treat osteoporosis);
- *In re Friedman's, Inc. Sec. Litig.*, No. 03-cv-3475 (N.D. Ga.) (\$14.9 million settlement in securities class action brought against the company's senior management, public auditors and majority shareholders alleging violations of GAAP in connection with company's credit losses and accounts receivable);
- *Centre for Neuro Skills, Inc.-Texas v. Specialties & Paper Products Union, No. 527 Health and Welfare Fund*, No.07-10150-A (Dallas County Ct. Texas) (lead trial counsel in achieving directed defense verdict on behalf of Taft-Hartley multi-employer union health and welfare fund);
- *Nepomuceno v. Knights of Columbus*, No. 96-cv-4789 (N.D. Ill.) (\$22 million settlement in life insurance vanishing premium policy consumer fraud case);
- *Criddle v. CNF, Inc.*, C.A, No. 434340 (Cal. Sup. Ct.) (successful derivative action resulted in corporate governance changes to address specific misconduct alleged in complaint relating to safety and maintenance reporting issues);
- *Koehler v. Green*, No. 405-cv-367-JFN (E.D. Mo.)(successfully defended firm and principal partner in breach of fiduciary duty litigation brought by lead plaintiff in connection with class settlement negotiations);
- *Maiocco, et al. v. Greenway Capital Corp.*, NASD No. 94-04396 (lead trial counsel for plaintiffs in securities arbitration awarding compensatory damages of \$227,000 and punitive damages of \$100,000 on churning and unsuitability claims against brokerage firm);
- *Solomon v. T.F.M., Inc.*, (achieved defense verdict as lead trial counsel in securities arbitration representing Philadelphia Stock Exchange options trading firm).

PUBLISHED OPINIONS

- *South Ferry LP v. Killinger*, 542 F.3d 776 (9th Cir. 2008);
- *Koehler v. Brody*, 483 F.3d 590 (8th Cir. 2007);
- *Wagner v. First Horizon Pharm. Corp.*, 464 F.3d 1273 (11th Cir. 2006);
- *Garfield v. NDC Health Corp.*, 466 F.3d 1255 (11th Cir. 2006);
- *Wagner v. First Horizon Pharm Corp.*, 464 F.3d 1273 (11th Cir. 2006);
- *In re Cerner Corp. Sec. Litig.*, 425 F.3d 1079 (8th Cir. 2005);
- *Nevius v. Read-Rite Corp.*, 335 F.3d 843 (9th Cir. 2003);
- *Robbins v. Koger Props.*,116 F.3d 1441 (11th Cir. 1997);
- *Schreiber v. Kellogg*, 50 F.3d 264 (3d Cir. 1995);
- *Marsden v. Select Med. Corp.*, 246 F.R.D. 480 (E.D. Pa. 2007);
- *In re Friedman's Inc. Sec. Litig.*, 385 F.Supp.2d 1345 (N.D. Ga. 2005);
- *In re Bellsouth Corp. Sec. Litig.*, 355 F.Supp.2d 1350 (N.D. Ga. 2005);
- *In re Xcel energy, Inc.*, 364 F.Supp.2d 1005 (D.Minn. 2005);
- *Tri-Star Farms Ltd. v. Marconi, PLC*, 225 F.Supp.2d 567 (W.D. Pa. 2002);
- *In re Campbell Soup Co. Sec. Litig.*, 145 F.Supp.2d 574 (D.N.J. 2001);
- *In re Rite Aid Corp. Sec. Litig.*, 146 F. Supp 2d 706 (E.D. Pa. 2001);
- *In re ValuJet, Inc. Sec. Litig.*, 984 F.Supp.1472 (N.D. Ga.1997);
- *Schreiber v. Kellogg*, 194 B.R. 559 (E.D. Pa. 1996);
- *Schreiber v. Kellogg*, 839 F.Supp.1157 (E.D. Pa. 1993);
- *Schreiber v. Kellogg*, 838 F.Supp.998 (E.D. Pa.1993).

HONORS AND AWARDS

Martindale Hubbell Peer Review AV[®]-rated lawyer, and included in *The Bar Register of Preeminent Lawyers™* in the United States for 2011, published by LexisNexis Martindale-Hubbell[®].