

## Kimberley Scimeca

Associate



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Boston

Securities Litigation + Enforcement

Commercial Litigation

White Collar Defense and Investigations

Pro Bono

Kimberley represents private and public companies in various complex commercial and securities litigation matters, as well as in M&A matters involving post-acquisition disputes. Her clients cover a range of industries, including life sciences, healthcare, insurance, technology, and financial and information services. Kimberley also maintains an active pro bono practice, working on matters involving wrongful convictions, racial justice and immigration appeals.

### Kimberley's recent and current matters

- Secured a complete reversal from the US Court of Appeals for the Federal Circuit of a district court's preliminary injunction on behalf of an international medical device company in a trade secret case
- Successfully rebutted the presumption of reliance at the class certification stage, resulting in dismissal of the second-largest stock drop from the case, in a securities class action against a pharmaceutical company
- Won a multimillion-dollar earnout payment for former shareholders of a patient engagement software company after accounting arbitration
- Won summary judgment for former shareholders of a medical software company in arbitration regarding a buyer's breach of a merger agreement for failure to release funds
- Secured a complete dismissal of a securities class action against an international biopharmaceutical company
- Secured a termination letter from the Securities and Exchange Commission ending an investigation into potential Foreign Corrupt Practices Act violations for an employee of an international technology company
- Conducted an internal investigation into whistleblower allegations of clinical data fraud for a publicly traded biotechnology company
- Secured a reversal from the US Court of Appeals for the Third Circuit of a bankruptcy court's denial of a motion to dismiss LTL Management's (Johnson & Johnson) Chapter 11 filing on behalf of an official committee
- Secured a reversal of an immigration judge's decision denying a claim of fear of persecution for a citizen of Ecuador
- Representing the American Society for the Prevention of Cruelty to Animals in an Administrative Procedure Act petition challenging the federal government's enforcement of the Animal Welfare Act

- Represented former US state chief justices and chief judges in an amicus brief on the Second Amendment in the US Supreme Court
- Represented former US governors in an amicus brief on racial and political gerrymandering in the US Supreme Court

Before joining Cooley, Kimberley was a judicial intern for Judge Richard G. Stearns of the US District Court for the District of Massachusetts. While attending Boston University School of Law, she served as the editor in chief of the Boston University Law Review. Kimberley also competed in the Homer Albers Prize Moot Court Competition, receiving awards for Best Team and Best Petitioner's Brief, and she served as a student attorney for the Wrongful Convictions Practicum. In addition, she was involved with and held leadership positions in the Women's Law Association and the First Generation Professionals. Kimberley was a recipient of the Dr. John Ordronaux Prize, which is awarded to a member of the graduating class for the most exemplary academic performance and leadership.

## Education

Boston University School of Law  
JD, 2021

University of Oklahoma  
MPA, 2018

University of Oklahoma  
BA, 2018

## Admissions & Credentials

Massachusetts

## Court Admissions

US Court of Appeals for the Eighth Circuit

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Federal Circuit

US District Court for the District of Massachusetts