

Aric Wu

Partner



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New York

Securities Litigation + Enforcement
Shareholder Activism
Commercial Litigation
Class Action Litigation
White Collar Defense and Investigations

Aric H. Wu has extensive experience in complex commercial disputes, with a particular focus on securities class actions, shareholder derivative litigation, mergers and acquisition battles, and SEC investigations and enforcement proceedings. He has represented public and private companies across a variety of industries, as well as investment banks, accounting firms and private equity firms. Aric has been recognized as a top securities litigator by Law360, US Legal 500 and New York Super Lawyers.

Aric's representative matters include:

- Obtaining dismissal with prejudice of a federal securities class action alleging that Dutch Bros and its former executives misled investors about the impact of commodity inflation on operations
- Obtaining summary judgment for Rappi in a contract and tort action brought in the Delaware Court of Chancery
- Defending Verrica Pharmaceuticals, Orphazyme, Katapult Holdings, Sprinklr and Malibu Boats in federal securities class actions
- Representing special purpose acquisition company (SPAC) directors in a stockholder class action filed in the Delaware Court of Chancery alleging fiduciary duty breaches
- Defending Sportsman's Warehouse and its directors in a stockholder class action challenging certain bylaws brought in the Delaware Court of Chancery
- Representing BioIQ in litigation related to its acquisition by LetsGetChecked; following expedited litigation by BioIQ in the Delaware Court of Chancery, the parties agreed to a voluntary dismissal, and the merger was consummated
- Exposing litigation fraud by activist investor seeking to force Barnes & Noble Education to recognize a dissident slate of director nominees. Defeated motion for preliminary injunction and obtained summary judgment and award of attorneys' fees.*
- Winning a trial verdict for Susquehanna Growth Equity, LLC and SIG Growth Equity Fund I, LLLP on all fraud-based claims relating to the sale of Plimus, an e-commerce company, to Great Hill Equity Partners.*
- Obtaining dismissal of securities action filed against Royal Bank of Scotland in federal court relating to a \$1.2 billion dollar offering of mortgage-backed securities and dismissal of securities action filed against Royal Bank of Scotland in state court relating to alleged purchases of \$337 million in mortgage-backed securities.*
- Obtaining dismissal of securities action filed against UBS in state court relating to alleged purchases of

\$434 million in mortgage-backed securities.*

- Obtaining dismissal of securities claims asserted against F-Squared Investments in putative class action filed in the wake of a company settlement with the SEC and the SEC's filing of civil action against the company's former CEO.*
- Obtaining dismissal of multiple actions asserting putative stockholder derivative claims against current and former directors of Och-Ziff Capital Management Group LLC.*
- Obtaining dismissal of putative stockholder derivative action filed against current and former directors of Medallion Financial Corp.*
- Obtaining dismissal of securities claims asserted in putative class action against former CEO of Arysta LifeScience and President of Platform Specialty Products.*
- Representing Corvex Management and Related Fund Management in a dispute with CommonWealth REIT, a publicly traded real estate investment trust with billions of dollars in assets, and its trustees. Following a two-week trial, a three-member arbitration panel issued a ruling that created a clear path for the removal and replacement of CommonWealth's entire board of trustees. Major media outlets described the outcome as a "big win."*
- Representing eight underwriter defendants in securities class action lawsuits involving more than \$50 billion in mortgage-backed securities. Obtained rulings from district court and US Court of Appeals for the Second Circuit holding that the American Pipe tolling doctrine does not apply to the three-year statute of repose for claims under the Securities Act of 1933.*
- Representing The First American Corporation and its subsidiary eAppraiseIT in a putative securities class action lawsuit. Defeated class certification.*
- Representing Marsh & McLennan Companies in multiple securities actions. Obtained pre-trial dismissal of a number of actions.*
- Representing Delcath in consent solicitation commenced by hedge fund to replace the company's board of directors. Obtained injunctive relief preventing the hedge fund from replacing the board even though it had obtained sufficient shareholder votes to replace the board.*
- Defending Parlux against consent solicitation commenced by the head of a multibillion-dollar health and beauty products empire. Obtained stay of consent solicitation following application for injunctive relief based on violations of antitrust and securities laws. Parlux resolved battle without giving up control to insurgents.*
- Defending the Canadian firm of Deloitte & Touche in multiple securities actions arising out of the demise of an entertainment company. Obtained dismissal of Section 11 claim in shareholder class action and denial of class certification for Section 10(b) claim in noteholder class action.*
- Defending the Cayman Islands firm of Deloitte & Touche in multiple actions arising out of the demise of a risk retention group. Obtained dismissals of actions brought by liquidators and members of risk retention group.*
- Representing a Chinese accounting firm in connection with a joint investigation by the SEC, US Department of Justice and FBI. No action taken against accounting firm.*
- Representing a coalition of over twenty private investment companies appearing as amicus curiae in a case involving issues of first impression relating to derivative markets.*

* Representation handled prior to joining Cooley

By special arrangement, Aric served as Assistant to the International Claims Counsel of Deloitte Touche Tohmatsu from April 2003 to June 2004.

Education

Columbia University

JD, 1998

Princeton University

BA, 1995

Admissions & Credentials

New York

Court Admissions

US Court of Appeals for the First Circuit

US Court of Appeals for the Second Circuit

US Court of Appeals for the Third Circuit

US Court of Appeals for the Eighth Circuit

US District Court for the Southern District of New York

US District Court for the Eastern District of New York

US District Court for the Eastern District of Texas

US District Court for the Eastern District of Michigan

Rankings & Accolades

Legal 500, Top Securities Litigator

Law360, Top Securities Litigator

New York Super Lawyers