

# Corporate Secretary Magazine Features Mark Lebovitch Commentary on Disclosure-Only Shareholder Lawsuits

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BLB&G partner Mark Lebovitch was featured providing his expert opinion on the merits of disclosure-only suits in the feature article, “Compensation Disclosure Lawsuits: Minimizing Risk,” published in the May 2013 edition of *Corporate Secretary*. The feature discusses the recent string of shareholder lawsuits filed against large corporations claiming that shareholders were not provided with adequate disclosure about executive compensation packages. Since a few of these cases resulted in victories for the plaintiffs, the article discusses what companies can do to minimize the risk of losing these types of cases if and when they are filed.

Described as a “big player” in the plaintiffs’ bar, Mr. Lebovitch explained that BLB&G “seeks to bring high-impact cases that raise meaningful corporate governance issues” and unlike other firms, has “not recommended that our clients pursue cases of that nature.” However, according to Mr. Lebovitch, a lawsuit may be appropriate if more than disclosure was an issue: “A board of directors that actually gives out compensation in excess of the power given to it by the company’s shareholders can – and likely should be sued...A suit of that nature is not just pursuing the disclosure of immaterial information to investors. It is actually trying to undo the unlawful compensation and make executives give back the money they should have never received in the first place.”

Mr. Lebovitch has prosecuted numerous high-profile cases on behalf of institutional investors to preliminary injunctions and to trial, obtaining hundreds of millions of dollars for investors and achieving unprecedented corporate governance improvements, including *In re El Paso Corp. Shareholder Litigation*, *In re Delphi Financial Group Shareholder Litigation*, *Pfizer Derivative Litigation*, the *Landry’s* going private litigation, and *In re ACS Shareholders Litigation*, among others. He also prosecutes securities litigations, and in that capacity was the lead litigation attorney in *In re Merrill Lynch Bondholders Litigation*, which settled for \$150 million, and was a member of the team prosecuting *In re Bank of America Securities Litigation*, which settled for \$2.425 billion.

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