

BLB&G Secures Two Rare U.S. Supreme Court Victories, Clearing the Way for Shareholder Claims Against NVIDIA and Facebook

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In back-to-back victories before the U.S. Supreme Court, BLB&G recently secured dismissals of appeals by NVIDIA and Facebook in two high-profile securities class actions. In both *NVIDIA Corp. v. E. Ohman J:or Fonder AB* and *Facebook, Inc. v. Amalgamated Bank*, the Supreme Court dismissed the tech giants' appeals as "improvidently granted"—an outcome the court rarely invokes—ensuring that these significant shareholder lawsuits will proceed toward trial on the merits.

Historic Dismissals That Protect Investor Rights

The Supreme Court's decisions dismissing these appeals marks a major win for BLB&G's clients and investors around the world. Decisions by the Supreme Court dismissing an appeal as "improvidently granted," such as those in these cases, are exceedingly rare and reflect a determination by the Supreme Court that it should never have accepted the appeals in the first place.

In dismissing the appeals as improvidently granted, the Supreme Court left intact favorable appellate rulings that allow these important shareholder actions to proceed into discovery and beyond. This pair of dismissals also protects established legal precedent, ensuring that investors may continue to bring important private actions that enforce our federal securities laws and strengthen our capital markets.

"We are thrilled with the outcomes in both cases on behalf of our clients and all of the *amici* who stepped forward to let the court know the significant issues at stake," said BLB&G Partner Salvatore Graziano. "These dismissals help ensure access to courts and maintain the efficiency and effectiveness of the U.S. securities markets, which are the envy of the world."

Challenging Corporate Misrepresentations in *NVIDIA* and *Facebook*

The lawsuit against chipmaking powerhouse NVIDIA alleges that NVIDIA misled investors about the degree to which its record revenue growth depended on highly volatile cryptocurrency-mining sales. When the crypto market crashed, NVIDIA's stock price plummeted, and shareholders suffered significant losses. The Ninth Circuit Court of Appeals reversed the trial court's prior dismissal, allowing the case to move forward. BLB&G, led by partners Jeroen van Kwawegen, John Rizio-Hamilton, and Jonathan Uslaner and Senior Counsel Michael Mathai, is prosecuting this case as co-lead counsel on behalf of co-lead plaintiffs E. Öhman J:or Fonder AB and Stichting Pensioenfond PGB.

In the *Facebook* action, shareholders allege, among other things, that social media giant Facebook's risk disclosures were misleading because they presented the risk of improper third-party data access and misuse as a hypothetical possibility—even though the company knew it had recently experienced such an incident on a massive scale in the Cambridge Analytica scandal. The Ninth Circuit's decision in favor of shareholders recognized that companies must be honest in their public disclosures and may mislead investors when they present already materialized risks as merely hypothetical possibilities. BLB&G, led by partners Salvatore Graziano, Hannah Ross, and Jeremy Robinson, is co-lead counsel in this case on behalf of co-lead plaintiff Public Employees' Retirement System of Mississippi.

Fighting for Justice and Corporate Accountability

These two victories before the Supreme Court epitomize the tenacity and skill of BLB&G's attorneys. Fighting on behalf of clients through every stage of litigation, the firm's lawyers are committed to vindicating shareholder rights and compelling truth and transparency in corporate disclosures. By defeating defendants' appeals, BLB&G ensures that investors will have the opportunity to uncover the facts, hold corporate wrongdoers accountable, and ultimately seek redress for the harm caused by misleading statements and omissions.

In a regulatory and legal landscape where accountability is often hard-won, these Supreme Court victories reinforce BLB&G's position at the forefront of securities litigation. The firm's track record of delivering meaningful results on behalf of shareholders demonstrates its unwavering commitment to pursuing justice—and winning—for those harmed by corporate fraud and misconduct.

"These outcomes are critical victories not only for our clients, but for all investors seeking to hold companies accountable," said BLB&G Partner and Securities Litigation Department Co-Head John Rizio-Hamilton. "By dismissing these appeals, the Supreme Court has reinforced the principle that shareholders deserve their day in court when misrepresentations distort our securities markets. This result is a testament to the strength of our litigation team and the integrity of the judicial process."