



Adam Trigg

Partner

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PRACTICE AREAS

Securities Litigation

Investigations & White Collar Defense

Business Litigation

EDUCATION

UCLA School of Law (J.D., 2008); Order of the Coif

University of California, Berkeley (B.A., 2000). Highest Honors in Political Science; High Distinction (*Magna Cum Laude*); *Phi Beta Kappa*

PROFESSIONAL INVOLVEMENT

ABTL – Northern California Chapter, Leadership Development Committee, Chair, 2019.

American Bar Association – Member.

State Bar of California – Member.

Santa Clara County Bar Association – Member.

BAR ADMISSIONS

2008, California;

United States District Court, Northern, Central, Eastern, and Southern Districts of California;

United States Court of Appeal, Ninth Circuit

Adam Trigg

Rated by Super Lawyers

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SUMMARY

Commercial litigator Adam Trigg represents directors, officers, and founders in complex securities litigation, shareholder disputes, business divorces, and other intracompany controversies. His Silicon Valley-based clients include executives and leaders of venture capital, life sciences, biotechnology, and high-tech companies.

Securities Litigation and SEC Investigations

Adam has defended numerous officers, directors, and companies in securities class actions, shareholder derivative actions, and SEC investigations and enforcement actions. He focuses on early resolution when possible, successfully moving to dismiss or settle many lawsuits at the pleadings stage. Adam maintains cooperative relationships with regulatory agencies as part of his advocacy for clients under investigation by the SEC, U.S. Department of Justice, and other regulators.

Tech Company and Founder Disputes

Resolving founder disputes—from struggles over corporate control to allegations of fraud and misuse of corporate funds, equity interest conflicts, breach of contract, and other claims—is a significant area of Adam's practice.

Adam brings in-depth forensic resources to address the sophisticated accounting issues entailed in valuations and damage assessment during company leadership breakups. He digs deep into entangled financial details to clarify and identify the relevant facts underlying disputes to position

clients well for litigation.

He manages all phases of complex litigation: pre-litigation counseling, fact investigation, discovery, motion practice, alternative dispute resolution, and trial preparation.

Adam was recognized as a "Rising Star," top-rated securities litigation attorney in San Jose, CA by *Super Lawyers*. In addition to his litigation practice, Adam was chair of the Leadership Development Committee of the Northern California Chapter of the Association of Business Trial Lawyers (ABTL). He is a contributing editor to The Rutter Group's *California Practice Guide, Civil Procedure Before Trial, Claims and Defenses, Breach of Fiduciary Duty*. Out of the office, Adam is a foster parent and dedicates time to strengthening the foster care community, including serving as a pro bono attorney for foster parents through Advokids, a legal advocacy non-profit which protects the rights of foster children in California.

REPRESENTATIVE MATTERS

INTRA-CORPORATE DISPUTES

Atinar Capital II, LLC, et al. v. Aida Alvarez, et al., No. CGC-17-559515, San Francisco County Superior Court

The Firm represents two venture funds in a case alleging breach of fiduciary duty and aiding and abetting breach of fiduciary duty arising out of a company's financing rounds.

Kerrigan Capital, LLC, et al v. David Strohm, et al., CIV 534431, San Mateo County Superior Court
Represented several venture funds in a case, filed on behalf of a proposed class of common shareholders of a company, alleging claims of breach of fiduciary duty and aiding and abetting breaches of fiduciary duty arising out of the company's financing rounds.

Le v. L&B Laboratories Inc., No. 18-CV-332353, Santa Clara County Superior Court
Represented founder and corporation in claims by the co-founder of breach of fiduciary duty and waste of corporate assets. Negotiated favorable settlement after discovery.

Lloyd v. Mullenex, No. 5:19-cv-03999-NC, N.D. Cal.

Represent founder of successful mobile security company whose co-founder is claiming breach of fiduciary duty and fraud in connection with the sale of the company's assets.

SECURITIES LITIGATION

Robinson, et al. v. Audience, Inc., et al., No. 2012-1-CV-232227, Santa Clara County Superior Court
Represented Audience and its officers in a securities class action alleging Audience's registration statement for its initial public offering misrepresented its relationship with its largest customer.

Obtained a favorable settlement after discovery.

Jordan Cianci, et al. v. Blue Earth, Inc., et al., No.14-CV-08263, C.D. Cal., N.D. Ga.

Represented Blue Earth and its officers in a securities class action and securities suit by an institutional investor. Plaintiffs claimed Defendants misled investors concerning the market for Blue Earth's battery backup systems and the construction of, and accounting for, its combined heat and power plants. Filed and won multiple motions to dismiss the class action, which settled while on appeal for a nominal amount.

Tadros v. Celladon Corporation et al., No. 15-cv-01458, S.D. Cal.

Represent Celladon and its officers in a securities class action. Plaintiffs claim Defendants misled investors concerning Celladon's clinical trials for its leading drug candidate. Filed and won motion to dismiss all claims with prejudice. The case is currently on appeal before the U.S. Court of Appeals for the Ninth Circuit.

In re ECotality, Inc. Securities Litigation, No. 3:13-CV-03791-SC, N.D. Cal.

Represented former directors and officers of ECotality in a shareholder class action lawsuit where shareholders claimed the company misled them about the potential success of a government-funded project to develop and install electric car chargers and other lines of business. Filed and won a motion to dismiss all claims.

Cornett v. Lender Processing Services, Inc., No. 3:2012cv00233, M.D. Fla.

Represented Lender Processing and certain of its officers in a securities class action alleging improper business practices. The case was dismissed, and the Plaintiff filed an amended complaint. The parties entered into a favorable settlement prior to a decision on the second motion to dismiss.

Applestein v. Medivation, Inc., No. 12-15960, N.D. Cal., 9th Cir.

Represented Medivation in a securities class action filed against the company and several of its officers. Plaintiffs claimed Defendants misled investors concerning the effectiveness of a drug and that Plaintiffs suffered a loss when the company disclosed that the Phase III trial for the drug did not meet its primary or secondary endpoints. The Court granted dismissal with prejudice, which was affirmed by the Ninth Circuit.

In re Nuvelo, Inc, Securities Litigation, No. C 07-4056 VRW, N.D. Cal.

Represented Nuvelo in a securities class action filed against the company and several of its officers. Plaintiffs claimed Defendants misled investors concerning the risks of its Phase III trials and the results of its Phase II trials. Obtained a favorable settlement prior to class certification.

Tom Bellomo, et al. v. XenoPort, Inc., et al., No. 10-CV-03301 N.D. Cal.

Represented XenoPort, Inc. and certain of its officers and directors in a securities class action alleging that Defendants failed to adequately disclose the results of carcinogenicity studies of a drug candidate. The Court granted dismissal with prejudice.

CONTRACT AND LICENSING DISPUTES

Elenza, Inc. v. Alcon Laboratories Holding Corporation, et al., No. N14C-03-185 MMJ CCLD, Superior Court of Delaware
Represented Elenza in contract, trade secret, and other tort claims against Defendants involving medical device technology.

Intel Corp. v. Nvidia Corp, CA No. 4373-VCS, Delaware Chancery Court
Obtained \$1.5 billion settlement for NVIDIA in a breach of contract dispute with Intel.

Trinity Capital Management v. Power Integrations, Inc., Santa Clara County Superior Court
Defended company against attempted enforcement of lease guaranty. Achieved full dismissal with prejudice after discovery with no payment from Defendant.

PUBLICATIONS

Author: “Issues and Strategies for Representing Individual Defendants in Securities Class Actions”
American Bar Association’s Securities Litigation Journal (May 2020).

The Rutter Group’s California Practice Guide, Civil Procedure Before Trial, Claims and Defenses,
Breach of Fiduciary Duty – Contributing Editor, 2018-19.

Author: “Procuring Third Party Document Discovery under the Federal Arbitration Act” ABTL
Northern California Report (Vol. 26, No. 1 Fall 2018).