

Austin P. Van

Partner

New York | Securities Litigation

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Austin P. Van focuses his practice on securities class actions and other high-profile litigations. Austin has repeatedly been recognized by *Lawdragon* as one of the top 500 Leading Plaintiff Financial Lawyers and has been named as a Recommended Lawyer by *The Legal 500*. From 2018–2025, Austin has been honored as a *Super Lawyers*® Rising Star. In 2020, Austin was named an MVP in Securities Litigation by *Law360*, as part of an “elite slate of attorneys [who] have distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals.” Only up to six attorneys nationwide are selected each year as MVPs in Securities Litigation. Austin was named to *Benchmark Litigation’s* “40 and Under Hotlist” in 2020 and 2021.

Austin represents clients in some of the largest class actions in the country:

- Currently represents institutional investor lead plaintiffs in a shareholder securities class action against social media and technology behemoth Meta Platforms, Inc. The complaint alleges that Meta misrepresented the impact of privacy changes in Apple’s iOS operating system on Meta’s core advertising business. Seeks to recover damages amounting to hundreds of billions of dollars on behalf of global investors resulting from the 26% drop in Meta’s share price following the revelation of the true impact of these privacy changes—in absolute terms, the largest one-day drop of a publicly traded company in U.S. history. (N.D. Cal. 2024)

EDUCATION

- Yale Law School
 - Juris Doctor
 - Editor, *Yale Law Journal*
 - Editor, *Yale Journal of International Law*
- London School of Economics
 - Master of Science
- Yale University
 - Bachelor of Science

ADMISSIONS

- New York
- New Jersey
- the United States District Courts for the Southern and Eastern Districts of New York
- the United States District Court of New Jersey
- the Northern District of Illinois
- the Southern District of Texas
- the United States Courts of Appeals for the First, Second, Seventh and Ninth Circuit
- the United States Supreme Court

- Currently represents plaintiffs in a putative nationwide consumer class action against Apple, Inc., maker of the iPhone and other technology products. The complaint alleges that Apple violated federal and state computer intrusion statutes and state consumer protection laws by tricking iPhone users to install updates to their older iPhone devices that effectively crippled them. Successfully argued and defeated defendants' motion to dismiss before District Judge Casey Pitts. (N.D. Cal. 2024)
- Currently represents lead plaintiffs in a securities class action against Hawaiian Electric Company and its officers. The complaint alleges that Hawaiian Electric concealed from investors the extent of the unmitigated risk of wildfires and misrepresented the actions it was taking to mitigate that risk. Investors suffered billions of dollars in losses when this risk materialized in the 2023 Maui wildfire disaster in Lahaina, Hawaii. (N.D. Cal. 2023)
- Currently represents lead plaintiffs in a securities class action against GSX Techedu, n/k/a Gaotu Techedu, a Chinese online education company. The complaint alleges that GSX falsified half of its student enrollment and revenues and caused investors billions of dollars in losses when the truth became known. Successfully defeated defendants' motion to dismiss. (D.N.J. 2023)
- Represented institutional investor as lead plaintiff in a securities class action against ATI Physical Therapy and its SPAC acquirer. The complaint alleged that ATI misrepresented that its attrition rate was low, when in fact the rate was twice the industry average. Successfully defeated defendants' motion to dismiss and proceeded to discovery on all claims under Section 10(b), Section 14 and Section 20(a) of the Exchange Act to proceed. Settled for \$24.9 million. (N.D. Ill. 2023)

- Represented lead plaintiffs in a securities class action against Citrix Systems, Inc. The complaint alleged that defendants violated Section 14 of the Exchange Act by soliciting votes to approve the sale of Citrix based on a proxy that concealed from shareholders accelerating SaaS ARR, a key business trend, so Citrix paid shareholders less for their shares than was fair. Successfully argued and defeated defendants' motion to dismiss before District Judge Rodolfo Ruiz. Settled case on favorable terms for \$17.5 million. (S.D. Fl. 2024)
- Represented certified class in a securities class action against TechnipFMC, a Fortune 500 oil and gas services company. Plaintiffs alleged that TechnipFMC overstated its net income in its initial registration statement due to its use of incorrect foreign exchange rates. Successfully argued and defeated defendants' motion to dismiss, argued and won lead plaintiffs' motion for class certification, and argued and defeated defendants' motion for summary judgment, all before District Judge Alfred Bennett. Led the class through complete preparations for trial. The case settled for approximately \$20 million. (S.D. Tex. 2020)
- Represented lead plaintiffs in a securities class action against electric vehicle manufacturer Faraday Future Intelligent Electric, Inc. and its SPAC acquirer, Property Solutions Acquisition Corp. The complaint alleged that defendants violated Sections 10(b) and 14(a) of the Exchange Act and Section 11 of the Securities Act by misrepresenting the level of committed reservations Faraday had for its flagship car in SEC filings, including in a proxy statement for the de-SPAC acquisition of Faraday. Successfully argued and defeated defendants' motion to dismiss before District Judge Christina Snyder and defeated defendants' motion for reconsideration. Settled case on favorable terms for \$7.5 million. (C.D. Cal. 2021)

- Represented lead plaintiffs in a securities class action against Rockwell Medical, Inc. Based on the strength of the complaint, at a pre-motion conference for defendants' motion to dismiss, District Senior Judge Allyn R. Ross stated that "based on what I have reviewed, it is virtually inconceivable to me that the consolidated amended complaint could possibly be dismissed on a Rule 12(b)(6) motion or a Rule 9(b) motion" and that any proposed motion to dismiss "would be a complete waste of time and resources of counsel, of the clients' money, and my time." Defendants declined even to move to dismiss the complaint and settled the case \$3.7 million—a highly favorable settlement for the class. (E.D.N.Y. 2019)
- Represented lead plaintiffs in a securities class action against Franklin Wireless Inc., a maker of wireless routers and communications devices. Based on the strength of the complaint, defendants declined to move to dismiss. Successfully obtained class certification and settled the matter on terms highly favorable for the class for \$2.4 million. (S.D. Cal. 2021)

Austin received a J.D. from Yale Law School, where he was an editor of the Yale Law Journal and the Yale Journal of International Law. He has a B.A. from Yale University and an M.Sc. from the London School of Economics. Prior to joining Pomerantz, Austin worked as an associate at Cravath, Swaine & Moore LLP.

Notable Cases

META PLATFORMS, INC.

“Meta’s investors suffered historically large losses during the period at issue, including a one-day 26% drop in the value of their shares, due...

META PLATFORMS, INC. SECURITIES LITIGATION

APPLE INC. CONSUMER CLASS ACTION

HAWAIIAN ELECTRIC WILDFIRE RISK SECURITIES LITIGATION

GSX TECHEDU / GAOTU TECHEDU SECURITIES CLASS ACTION

ATI PHYSICAL THERAPY SPAC SECURITIES CLASS ACTION

CITRIX SYSTEMS PROXY DISCLOSURE CASE

TECHNIPFMC IPO SECURITIES CLASS ACTION

FARADAY FUTURE SPAC SECURITIES LITIGATION

ROCKWELL MEDICAL SECURITIES LITIGATION

Publications

“The Future of Section 10(b) Claims Premised on Violations of Item 303 Looks Uncertain,” *The Pomerantz Monitor*, Vol. 21, Issue 1, Jan/Feb 2024

Accolades

- *Lawdragon* 500 Leading Plaintiff Financial Lawyers (2024-2026)
- *Super Lawyers*® Rising Star (2018–2020)
- *Super Lawyers*® (2023 – 2025)
- *Law360* MVP in Securities Litigation (2020)
- *Benchmark Litigation* 40 and Under Hotlist – (2020, 2021)
- *The Legal 500* Recommended Lawyer