the POMERANTZ MONITOR

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Betting Against the House and Wynn-ing

By Murielle Steven Walsh

INSIDE THIS ISSUE

After six years of fiercely contested litigation, Pomerantz achieved a $70 million settlement with defendants in a securities class action against Wynn Resorts Ltd. and several of its officers. This is one of the largest – if not *the* largest – settlements to date of Section 10b-5 claims arising solely from #MeToo allegations.

Wynn Resorts owns and operates luxury hotels and destination casino resorts, including Wynn Las Vegas and Encore in Las Vegas, Nevada; Wynn Boston Harbor in Everett, Massachusetts; and Wynn Macau and Wynn Palace in Macau, China.

Briefly, the case arises from a decades-long pattern of sexual abuse and harassment by the company's billionaire founder and former Chief Executive Officer, Stephen (Steve) Wynn that was unchecked, tacitly permitted, and eventually covered up by defendants. In March 2016, Elaine Wynn, Steve Wynn's ex-wife and co-founder of Wynn Resorts, claimed in a legal filing in a separate litigation that Mr. Wynn had engaged in "serious misconduct" against at least one employee on company property, that the company's general counsel knew about it and helped to cover it up, and that this information had not been disclosed to the company's gaming regulators.

The same day, the company issued a press release vehemently denying Ms. Wynn's allegations and stating that any suggestion that Wynn Resorts had concealed information from its regulators was "patently false."

Almost two years later, in January 2018, the *Wall Street Journal* published an article exposing allegations of sexual abuse against Mr. Wynn, including that he had paid an employee $7.5 million dollars to settle her claim of being raped by him in 2005. The *WSJ* article was based on interviews with dozens of Wynn Resorts employees and others who "described a CEO who sexualized his workplace and pressured workers to perform sex acts." They also noted Mr. Wynn's power, including his growing political profile. "After Mr. Trump's 2016 election, Mr. Wynn became the Republican National Committee's finance chairman." Wynn's Resorts' stock price tanked over 10% in response to the *WSJ* article's allegations.

The company issued another statement that day claiming that the *WSJ* article had been instigated by Ms. Wynn, that the company had a hotline for fielding complaints about such conduct, and that no one had ever submitted a complaint about Mr. Wynn to that hotline, which falsely implied that no complaints had ever been made about him. Two weeks later, the Las Vegas Metropolitan Police Department disclosed that it had received two additional complaints about Mr. Wynn. The stock price again declined.

Murielle Steven Walsh, Partner

Gaming regulators in Nevada and Massachusetts immediately opened an investigation into the *WSJ* article's allegations, which they ultimately confirmed through interviews with company personnel and Wynn Resorts' own internal documents. The company admitted to having failed to investigate and report known complaints about Mr. Wynn's alleged misconduct. Mr. Wynn eventually stepped down.

This case had numerous twists and turns from the outset. We filed our First Amended Complaint in March 2019, but the district court dismissed the claims, granting us leave to amend. Several months after dismissing the case, the district court judge recused herself without explanation, and a new judge was assigned – Judge Andrew Gordon.

We filed our Second Amended Complaint in July 2020, and in July 2021, Judge Gordon upheld the claims regarding the 2016 press release referenced above by the company denying any misconduct by Mr. Wynn, as well as two other public statements issued by the company and Mr. Wynn denying the *Wall Street Journal*'s allegations and claiming that the company "had a hotline in place for reporting harassment and

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similar misconduct."

"[T]he plaintiffs have sufficiently alleged that [defendants] were aware of information contradicting their statements that denied misconduct allegations," held Judge Andrew P. Gordon. "The inference that these defendants were aware of Wynn's alleged misconduct at the time of their statements is cogent and compelling."

Then, just as discovery was beginning and we were set to go after the defendants for their internal documents which we knew would incriminate them, the presiding Magistrate Judge recused himself from the case (again without explanation). The case was randomly assigned to Magistrate Judge Elayna Youchah.

Unbeknownst to us at the time, Judge Youchah had previously represented Wynn Las Vegas and Wynn Resorts as defendants in a federal lawsuit filed by Angelica Limcaco. Ms. Limcaco's allegations arose from some of the same allegations at issue in our case. She alleged that while she was a salon manager at Wynn Las Vegas, one of the salon manicurists told Ms. Limcaco that Mr. Wynn had raped and impregnated her, and that she was reprimanded and eventually fired after she reported the alleged rape to Wynn Resorts' human resources department. The alleged rape victim Ms. Limcaco referred to was the same employee mentioned in the explosive *WSJ* article.

Judge Youchah did not divulge this prior representation to us. Meanwhile, defendants requested that the court bifurcate discovery (*i.e.*, split discovery into two stages – class certification discovery and then merits discovery only if class certification was granted). Judge Youchah granted their request, which significantly delayed the time by which defendants would have to hand over the damaging documents that we needed to prove our case.

Thereafter, we discovered Judge Youchah's prior representation of Wynn. Out of an abundance of caution, we promptly filed a motion for recusal pursuant to 28 U.S.C. § 455(b)(2) which requires federal judges, including magistrates, to recuse themselves from any case where "in private practice [s]he served as lawyer in the matter in controversy." Section 455(b) separately provides that a judge shall also disqualify herself in any proceeding where: "(1) [s]he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding," or "(2) in private practice [s]he served as lawyer in the matter in controversy, or a lawyer with whom [s]he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it."

On October 27, 2022, Magistrate Judge Youchah recused herself from *Wynn*, and Magistrate Brenda Weksler was assigned to the case. All told, six judges recused themselves from the case over the course of the litigation.

On March 2, 2023, Judge Gordon granted our motion for class certification. This was a critical win in the case because defendants had hoped to cut our class period in order to limit their damages by hundreds of millions of dollars. Defendants attempted to capitalize on the defendant-friendly Supreme Court ruling in 2021, *Goldman Sachs Group, Inc. v. Arkansas Teacher Retirement System*, 594 U.S. 113 (2021), where the Court held that plaintiffs cannot certify a class unless they can show a match between the alleged misstatements and the corrective disclosure. Accordingly, defendants argued that there is a "mismatch" between the company's general denials of misconduct and the more specific disclosures contained in the *WSJ* article. The court rightly agreed with us, however, noting that a corrective disclosure need not be a mirror image of the prior fraudulent statements, and that it is sufficient that the disclosure renders "some aspect" of the prior statements false or misleading. This decision is one of the first plaintiffs' wins in the post *Goldman* world.

Even though we now had a green light on merits discovery, defendants fought us relentlessly on producing any documents of substance. Meanwhile, they filed a highly premature motion for summary judgment, which again tried to knock out the corrective disclosure that held hundreds of millions of dollars in damages. We countered by asking the court to deny defendants' motion because they still had not produced the documents needed to decide the motion. At the same time, we moved to compel the defendants to produce the relevant documents.

We won on both counts. First, the new magistrate judge granted in large part our motion to compel. A few days later, the district court denied the defendants' motion for summary judgment and forbade them from refiling it until they had produced all the discovery we were lacking. Shortly after these two significant wins, the parties mediated and achieved the highly favorable $70 million settlement.

According to Partner Murielle Steven Walsh, who leads the case, there are two important takeaways. "First," she says, "it serves as a warning to corporations and their officers that talk is not, in fact, cheap. Investors care about corporate integrity and accountability, and companies that are accused of making statements to cover up or deny allegations of serious misconduct by executives face a potentially steep financial reckoning. Second, don't give up the good fight even when the odds seem stacked against you. Eventually, justice will prevail." ■

The case is *Ferris v. Wynn Resorts Ltd.*, No. 2:18-cv-00479 (D. Nev.).

Pomerantz Saves an NYC Homeless Facility

By the Editors

Pomerantz Senior Counsel Marc I. Gross, a securities class action attorney with a decades-long record of fiercely litigated successes on behalf of defrauded investors, embodies the generous spirit of community service in his pro bono work.

In his latest pro bono action, Marc intervened to provide a lifeline to Mainchance, a longtime midtown Manhattan homeless facility that had been threatened with closure by Mayor Eric Adams. To do so, he and his Pomerantz team filed an Article 78 proceeding – a civil lawsuit in New York State Supreme Court that challenges the legality of a New York State agency or official's actions.

For over 35 years, Mainchance has operated a vital 24/7 Drop-In Center and food pantry in midtown. Drop-In Centers offer homeless individuals a place to sleep overnight on a first-come-first-served basis, along with meals, showers, medical services, and housing counseling. In the last year, over 45,000 visits were made to the facility. Drop-In Centers provide an alternative to shelters, which offer longer stays, to which many homeless individuals are resistant.

Despite receiving high ratings for its performance of essential services, as well as maintaining partnerships with local institutions like NYU Langone and Baruch College, Mainchance was told in January 2024 that the NYC Department of Homeless Services ("DHS"), which funds its operation, was terminating Mainchance's contract on June 30, 2024, two years before its expiration. No explanation was provided.

At the time, Marc was a volunteer at Mainchance's Food Pantry and a member of its Board of Directors. Faced with the demise of what he knew to be a much-needed midtown institution and the loss of more than 30 jobs, Marc tapped Pomerantz associate Stephanie Weaver, paralegal Simon Hall, and legal assistant Taryn Sayre to help him fight the proverbial battle with City Hall.

At the outset, the task seemed especially daunting, given that Mainchance's contract allowed the City to cancel at any time "without cause." Undaunted, the Pomerantz team pressed DHS to provide reasons for the premature termination. At a City Council hearing in April, the DHS Deputy Commissioner said that Mainchance was "underperforming."

Pomerantz thereupon filed an administrative Notice of Dispute, challenging that characterization as contrary to DHS' periodic audit reports. DHS formally responded by letter, acknowledging that Mainchance had not underperformed, and indeed had benefited the neighborhood, but that the agency had decided to move away from the Drop-In Center model to a Safe Haven model. The major difference between the two models is that Safe Havens provide homeless individuals with beds rather than chairs to sleep in overnight. Mainchance responded by applauding the purported policy change and pointing out that it had already submitted a proposal to convert to a Safe Haven. It seemed suspect that, two days before advising Mainchance in writing that it was being terminated because the DHS was moving away from the Drop-In Center model, a DHS spokesperson had touted the Adams administrator's investment in Drop-In Centers, including one scheduled to be opened this summer, while also acknowledging that Mainchance was the only Drop-In Center the agency had decided to terminate.

Faced with the looming June 30th deadline, Pomerantz filed a petition and a motion for an injunction on June 10, 2024. Fortunately, the Court promptly scheduled a hearing for June 23, after which it entered a temporary restraining order compelling continued funding until a full hearing could be held on July 23, 2024. Marc explained, "As strong as the facts appeared, we had to overcome the high hurdle of the contractual language, which clearly stated that the City could cancel the contract without cause."

Pomerantz argued that despite this clause (which is standard and adhesive), any government agency decision is subject to court review if it is an "abuse of discretion," arbitrary or clearly unreasonable (which are the standards for NYS Article 78 claims). This made sense given the exceptional power of governments relative to private contractors. In this case, the decision to terminate was particularly egregious given the homeless clients' NYS Constitutional Right to Shelter. New York State case law is unsettled on this issue, with some courts holding that the contract language pre-empts any claims under Article 78, which allows proceedings to challenge decisions made by state and local governments, while other courts hold that Article 78's "arbitrary and capricious" standard pre-empts the contractual language.

Fortunately for Mainchance and its clients, Judge Lynn R. Kotler acknowledged that the closure of any shelter in the midst of a homeless crisis made little policy sense, and that the circumstances in this case clearly failed to meet the reasonableness standard. On September 19, 2024, the Court handed down a decision and order permanently barring termination of the Mainchance contract prior to its expiration in June 2026.

In light of recent allegations that have surfaced against Mayor Adams, it is possible that the reason he chose to close this particular homeless facility is that is next door to a new, luxury high-rise hotel owned by Turkish business interests. The hotel was built by a Turkish construction company with offices in Brooklyn whose employees made donations to Mayor Adams' political campaigns. Time will tell whether these entities and individuals are the same donors referenced in the recent indictment of the Mayor. In the meantime, Pomerantz is proud to have fought to save Mainchance, allowing it to continue providing important services to the New Yorkers who need them most.

Marc I. Gross, Senior Counsel

Pomerantz Settles Case Alleging "Dark Practices"

By Jonathan D. Park

On August 26, 2024, Pomerantz secured preliminary approval of a $3.6 million settlement in a securities class action against Global Payments, Inc. ("GPN") in the United States District Court for the Northern District of Georgia. The case was initially filed after the federal Consumer Financial Protection Bureau ("CFPB") sued GPN's wholly owned subsidiary, Active Network, LLC ("Active Network"), for alleged deceptive practices in violation of federal consumer protection law.

GPN is a payments technology company that provides software and services to merchants and financial institutions. Active Network provides registration and payment processing services to organizers of events such as summer camps and athletic competitions. Many such organizers, rather than building their own registration and payment infrastructure, contract with a vendor like Active Network. In such a case, when an individual registers for that organizer's event, they are directed to a webpage built by Active Network to complete the process. Active Network collects the consumer's payment data (such as a credit card number) and retains a portion of the payment pursuant to its contract with the organizer.

> "Active Network designed its online registration and payment process to deceive customers."

Active Network also has a "discount membership club" called "Active Advantage." In return for an annual fee, Active Advantage members can redeem discounts for processing fees, beer and wine tastings, sports apparel, flowers, travel, lodging, and race registrations.

Active Network allegedly employed two practices, "dark patterns" and "negative options," that deceived consumers into enrolling in Active Advantage. According to the CFPB, dark patterns are design features that deceive, steer, or manipulate users into behavior that is profitable for a company, but often harmful to users or contrary to their intent, and negative options are terms and conditions under which a seller interprets a consumer's silence or failure to reject or cancel an agreement or service as acceptance of an offer. The CFPB has warned that these may violate consumer protection laws.

Jonathan D. Park, Of Counsel

Drawing on the CFPB's allegations and other sources, Pomerantz's clients alleged that Active Network designed its online registration and payment process to deceive consumers into unknowingly accepting "inserted offers" to enroll in Active Advantage in the process of registering for events, and that those trial memberships were automatically converted to paid memberships when the unknowing consumers failed to cancel before the trial period ended.

Prior to being acquired by GPN in 2017, Active Network was repeatedly accused of such practices. For instance, the attorneys general of Iowa and Vermont, as well as district attorneys in California, brought cases against the company under consumer protection laws, which Active Network settled. Active Network also settled a consumer class action with similar allegations only months before the GPN acquisition.

Nevertheless, after acquiring Active Network, GPN stated in SEC filings that it was "currently in compliance with existing legal and regulatory requirements." GPN and its senior officers also touted Active Network's performance without disclosing that it reflected Active Advantage membership fees charged to unsuspecting consumers.

The CFPB's action, filed in October 2022, included detailed allegations indicating that the defendants' statements were false. After conducting an investigation—which GPN did not disclose—the CFPB alleged that Active Network continued to deceive consumers into accepting the inserted offer for Active Advantage membership, that consumers enrolled in Active Advantage redeemed only 2.8% of the fees they paid, indicating that consumers were unaware of their enrollment (and leading one senior manager to call the program "pure profit" in an internal email), and that Active Network generated over $300 million in fees from Active Advantage since 2011. Pomerantz investigated and uncovered numerous former Active Network employees who corroborated these allegations and alleged that these issues were well known at the company.

After the court largely denied the defendants' motion to dismiss, the parties began the discovery process and agreed to settle the case soon thereafter. For its part, the CFPB action was stayed shortly after it was filed, in light of the United States Court of Appeals for the Fifth Circuit's ruling that the CFPB's funding authority was unconstitutional. After the Supreme Court reversed that decision, the stay of the CFPB's action was lifted, and that case is now pending.

"AI Washing" – The New Deceptive Marketing Technique

By Zachary Denver

Artificial intelligence, or AI—technology that enables computers to mimic human learning, comprehension, problem solving, and/or decision making—is the "new" hot thing. The trend is driven by innovation in so-called "generative AI": text, image, audio, and video generating computer programs able to utilize vast data sets to create realistic looking and sounding output. Many imagine that AI first stormed the world in November 2022 with the launch of ChatGPT, but AI tools have been around for years. IBM's Watson AI system crushed its human competitors on Jeopardy! over thirteen years ago. But with this latest generation of generative AI, every company wants a role in the AI revolution. With this increased desirability, it seems that suddenly everything is being advertised as being powered by AI, even when it isn't.

AI hype has led to a deceptive marketing practice called "AI washing." Similar to "green washing" – exaggerating positive environmental impact to distract the public or investors from less flattering news – AI washing exaggerates a company's effective use of AI technology in its products or operations. AI washing is intended to make a company appear more sophisticated or technologically advanced than it really is by linking it to the technological trend of the moment.

AI washing can take different forms. A company could outright lie about the existence of AI in its products, exaggerate AI's impact on the business or its capabilities, or falsely suggest a new AI system can out-perform existing, non-AI products or systems. AI washing can also involve exaggerating a new AI operation's sustainability or suggesting that AI represents a new direction when its use in a given situation is just a gimmick. AI technology requires massive computing power and data storage as well as up-to-date data sets to feed the algorithm, all of which are costly. It is equally AI washing for a company to tout its new AI system without acknowledging those costs.

Even the largest corporations engage in practices that could be considered AI washing. Amazon has faced accusations of AI washing for its Just Walk Out Program. For Just Walk Out, Amazon publicized an AI-powered system that allowed Amazon Fresh and Amazon Go shoppers to pick up their items and leave without paying because the AI-backed sensors would identify items chosen and bill customers automatically. Pitching the service as an AI play raised Just Walk Out's profile, but also hid the fact, reported earlier this year, that Amazon needed around 1,000 workers in India to manually check almost three-quarters of transactions. Amazon denied the reports but did admit that the Indian workers were reviewing the system. The takeaway is that Just Walk Out used AI, but not as effectively as Amazon suggested.

The SEC Moves to Clean Up AI Fraud

The Securities and Exchange Commission has taken action on AI washing in moves that portend future scrutiny of the practice. In March 2024, the SEC announced it had settled charges against two investment advisors, Delphia (USA), Inc. and Global Predictions, Inc., for making false and misleading statements about their purported use of artificial intelligence. The firms settled for $225,000 and $175,000 respectively. According to the SEC, both firms were marketing to clients that they were using AI in ways they were not. SEC Chair Gary Gensler warned about false claims concerning AI use. In the press release announcing the settlement, the outgoing Director of SEC's Division of Enforcement, Gurbir Grewal, while indicating that the Commission would be focused on AI washing in the financial services industry, stated, "[W]e are committed to protecting [investors] against those engaged in 'AI washing.'"

In June 2024, the SEC followed up with an AI washing charge against an issuer, charging the CEO and founder of AI startup Joonko Diversity, Inc., Ilit Raz, with defrauding investors. According to the complaint, Ms. Raz marketed Joonko as a technology platform using AI to match customer firms with diverse job candidates to help clients achieve Diversity, Equity, and Inclusion goals, when in reality the platform did not function as Ms. Raz claimed

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at all. In a press release announcing the complaint, Mr. Grewal called the case "an old school fraud using new school buzzwords like artificial intelligence and automation." He promised continued policing "against AI-washing and the type of misconduct alleged in today's complaint."

Chairman Gensler has commented on this topic before. In prepared remarks to Yale Law School in February 2024 on AI more generally, the SEC Chair called out the potential for AI washing and offered advice to those making public statements: "If a company is raising money from the public, though, it needs to be truthful about its use of AI and associated risk." He continued, "AI washing, whether it's by companies raising money or financial intermediaries, such as investment advisers and broker-dealers, may violate the securities laws." Recently, on an episode of his YouTube show "Office Hours," Mr. Gensler once again warned about AI washing, signaling a further crackdown. He broadened the focus to discuss registrant filings, explaining that companies should consider whether AI discussions might be material to investors. Clearly, the SEC will stay focused on this problem.

> "More litigation seems inevitable as public companies rush to tout their ultimately ephemeral AI-integration and products."

Investors Won't Be Left Out to Dry

In addition to SEC scrutiny, AI washing is already generating private securities fraud cases under the Exchange Act and Securities Act. Indeed, in 2024, investors brought at least eight prominent AI washing cases alleging Exchange Act claims.

One prominent example is *D'Agostino v. Innodata Inc., et al.*, No. 2:24-cv-00971 (D.N.J.), where shareholders of Innodata Inc., a global data engineering company focusing on AI, allege that Innodata made false claims about its "proprietary, state-of-the-art" "core AI technology stack," when in reality Innodata lacked viable AI technology, its platform was a rudimentary software, Innodata was not going to meaningfully use AI for new contracts, and it was not effectively investing in research and development for AI. According to the plaintiffs in the Innodata suit, the truth emerged in a short seller report exposing the company's AI washing practices.

Zachary Denver, Associate

In *Hoare v. Oddity Tech Ltd. et al.*, No. 1:24-cv-06571 (S.D.N.Y.), shareholders of Oddity, a consumer tech platform that uses AI to identify customer needs and solutions in the beauty and wellness products space, allege that the company overstated its AI technology and capabilities, and the extent to which that technology drove sales. According to the suit, the truth emerged in a short seller report describing discussions with former employees who called the company's AI "nothing but a questionnaire."

More litigation seems inevitable as public companies rush to tout their ultimately ephemeral AI-integration and products. Further suits could be driven by companies that include AI disclosures in their public filings without adequately disclosing risk, thus creating the impression of AI usage that materially differs from reality. Chairman Gensler has already hinted that generic risk disclosures for AI will not suffice. In his prepared remarks to Yale, he said "investors benefit from disclosures particularized to the company, not from boilerplate language."

Section 11 claims under the Securities Act for AI washing in a registration statement may be even more common than Exchange Act Section 10(b) claims. For any startup, the need to appear cutting-edge is powerful, and companies may be tempted to exaggerate AI tools that are actually incidental to the product. Additionally, legitimate technology startups trying to innovate in AI may misstate their readiness to incorporate the tools or overstate what they can do. This is already a problem. According to a 2019 report by tech investment firm, MMC Ventures, 40% of new tech firms that described themselves as "AI start-ups" in fact used virtually no AI at all.

AI washing may be an emerging problem for investors, but as its moniker suggests, it is just another form of misleading customers and investors: an old school fraud using new school buzzwords. The securities laws apply to the new as well as the old. ■

Pomerantz Achieves Settlement with Emergent BioSolutions

By the Editors

In 2021, biopharma company Emergent BioSolutions was at the center of a scandal that shook investor trust. With a Baltimore facility pre-certified to produce pandemic vaccines, Emergent signed over $1.5 billion in contracts with Johnson & Johnson, AstraZeneca, and the U.S. government to produce desperately needed bulk drug substance for COVID-19 vaccines at the height of the pandemic. Emergent's executives assured investors of their readiness, touting their facility's ability to manufacture vaccines at commercial scale. But in March 2021, media outlets reported that employees had mixed up ingredients, cross-contaminating millions of dose-equivalents of J&J's vaccine with AstraZeneca material. These reports also detailed a broader history of quality control issues at the Baltimore plant, including contamination risks and inadequate employee training. After Emergent's executives denied that cross-contamination occurred, claiming that only one batch of vaccine drug substance was discarded, Emergent's stock cratered as more batches were destroyed, the government took operational control of the Baltimore facility away from Emergent, and COVID-19 vaccine production was ended. A Congressional investigation revealed that 400 million dose-equivalents out of 500 million produced by Emergent were destroyed.

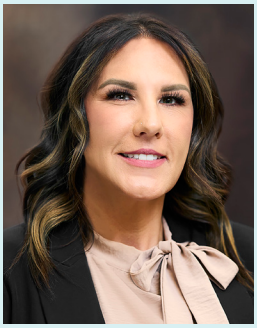
Pomerantz pursued a securities class action against Emergent, alleging that it misled investors by concealing significant manufacturing issues at its Baltimore facility and misrepresenting the facility's readiness, and the scope of the problems.

Pomerantz recently secured preliminary approval of a $40 million settlement for defrauded Emergent investors. Led by Pomerantz Partner Matthew L. Tuccillo, the litigation highlights the critical importance of transparency and accountability in the biopharma industry, where investor trust and consumer safety are paramount.

Jeremy A. Lieberman

Jennifer Pafiti

Dr. Daniel Summerfield



Janalee Spencer

NOTABLE DATES ON THE POMERANTZ HORIZON

IF YOU WILL BE ATTENDING ANY OF THESE EVENTS AND WOULD LIKE TO MEET WITH US, SEND US A MESSAGE AT: EVENTS@POMLAW.COM

On October 27 – 30, **JENNIFER PAFITI** and **JANALEE SPENCER** will attend **NCPERS' Public Safety Conference** in Palm Springs, California.

JEREMY A. LIEBERMAN will lead the **Fireside Chat at Global Legal Group's Global Class Actions Symposium 2024** that will take place from November 12 – 13 in Lisbon, Portugal.

JENNIFER and **DR. DANIEL SUMMERFIELD** will appear on the panel, "The Case for Investors' Engagement with Policy Makers and Regulators – A Role Whose Time Has Come?" at the **ICGN Conference** in Melbourne, Australia, that will take place from November 12 – 14.

On November 19, **DANIEL** will attend the **Professional Pensions Investment Conference** in London, UK. On November 20, he will speak at **Assogestioni's** presentation of the book, "Board-Shareholder Dialogue: Policy Debate, Legal Constraints and Best Practices," also in London.

On November 21, **POMERANTZ** will co-host an event for trustees with **QuietRoom** on "How to Talk About Pensions' Impact Without Greenwashing."

On November 21, **DANIEL** will attend the **Responsible Asset Owners' Global Symposium**. On December 5, he will participate in a panel debate on climate change litigation hosted by **Law Debenture**. Both events will take place in London, UK.

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Pomerantz is acknowledged as a global leader in securities and corporate governance litigation. Pomerantz monitors the portfolios of some of the most influential institutional investors and financial institutions worldwide, monitoring assets in excess of $9 trillion. Founded by Abraham L. Pomerantz, who was known as the "dean of the class action bar," the Firm pioneered the field of securities class actions. For 85 years and counting, Pomerantz has continued the tradition that Abe Pomerantz established, fighting for the rights of victims of securities fraud, breaches of fiduciary duty, and corporate misconduct. Prior results, however, do not guarantee a similar outcome in future cases.

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