

Michael J. Kahn

Associate Attorney

mjkahn@gibsondunn.com

T: +1 415.393.8316

San Francisco



Michael Kahn is a litigation associate in the San Francisco office of Gibson, Dunn & Crutcher. Michael's practice focuses on securities litigation, including securities class actions, stockholder derivative suits, and other stockholder disputes. Michael has crafted winning arguments in many complex securities actions, including for Slack in the U.S. Supreme Court's 9-0 opinion in *Slack Technologies v. Pirani*. Michael also represents clients facing SEC investigations, and as both plaintiffs and defendants in a broad range of commercial litigation, including contract, fraud, defamation, trade secrets, and false advertising disputes.

Representative matters

- Obtained unanimous Supreme Court win for Slack in the first securities suit relating to going public through a direct listing. See *Slack Technologies, LLC v. Pirani*, No. 22–200 (plaintiffs suing under Section 11 of the Securities Act must “trace” their shares to the registration statement they claim is misleading).
- Defending Meta (Facebook) in securities and derivative litigation arising out of news of Cambridge Analytica's misappropriation of user data
- Defending HP in multiple securities suits regarding its printer supplies business
- Defending Wish.com in securities and derivative litigation relating to its IPO, and successfully dismissed derivative suit alleging oversight failures by Board
- Defending loanDepot in securities and derivative litigation relating to its IPO
- Defending clients in class actions relating to the collapse of FTX
- Defending crypto company against claim that it should have registered its token as a security
- Successfully dismissed securities suit against venture capital firm that plaintiffs claimed “controlled” Zymergen at the time of its IPO
- Successfully dismissed multiple derivative actions against USAA relating to its investment in TrueCar
- Successfully dismissed securities suit against Elliott Management relating to the acquisition of Gigamon
- Represented Welltower in suit against former executive for allegedly violating non-compete agreement. Defeated defamation counterclaim, and then secured favorable settlement the night before trial
- Defeated attempted hostile takeover of Depomed (Assertio) after securing a preliminary injunction based on misuse of Depomed's confidential information in breach of NDA
- Represented venture capital firm in securities litigation arising out of collapse of

Capabilities

Securities Litigation
Class Actions
Litigation
Technology Litigation

Credentials

Education

New York University - 2012 Juris Doctor
University of California - Berkeley - 2009
Bachelor of Arts

Admissions

New York Bar
California Bar

electric vehicle start-up company

- Successfully dismissed defamation claim based on my clients' allegations that a CEO committed sexual assault, including convincing the Ninth Circuit to adopt a broad view of the fair report privilege
- Represented technology company as plaintiff (and defendant in countersuit) in sprawling fraud, breach of contract, trade secrets, false advertising, and unfair competition litigation arising out of data hosting contract
- Represented PG&E Board committee in investigation of alleged breaches of fiduciary duty by directors and officers in connection with fatal San Bruno pipeline explosion

In his pro bono practice, Michael represented a death row inmate in the successful reversal of his conviction and death sentence after proving that juror misconduct corrupted client's trial. He also successfully vacated on constitutional grounds the felony conviction of a non-citizen, legal resident who otherwise faced the threat of deportation. Additionally, Michael played a lead role in working with a civil rights organization to draft a report on police reform.

Michael also is active in the community, and serves on the board of the JCC of the East Bay.

Michael received his Juris Doctor from New York University School of Law in 2012, where he was a Robert McKay scholar. He received his undergraduate degree from the University of California, Berkeley in 2009, where he graduated with High Honors in History and High Distinction in General Scholarship, and was elected to Phi Beta Kappa.

Michael is admitted to practice in California and New York.

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