

## Brett De Jarnette

### Partner



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Palo Alto

Securities Litigation + Enforcement

Commercial Litigation

Class Action Litigation

Brett is a litigator who handles high-stakes business disputes in federal and state court. He focuses on securities class actions and derivative litigation, Securities and Exchange Commission (SEC) investigations and enforcement proceedings, and complex commercial disputes. Brett also counsels companies and their directors and officers on corporate governance, disclosure obligations, insider trading and mitigating litigation risk. His clients span across various sectors, such as life sciences, hardware, software, internet, social media, and financial industries.

Brett also was named one of Law360's Rising Stars of 2024 for securities litigation.

#### **Brett's representative matters include:**

- Representing Revance Therapeutics in a securities class action alleging the company misled investors about its neuromodulator treatment's likelihood of US Food and Drug Administration approval; the court dismissed the complaint with prejudice
- Representing BioMarin and certain of its officers in a securities class action alleging investors were misled about the durability of one of the company's gene therapies; the court dismissed all claims with prejudice, and the dismissal was affirmed by the US Court of Appeals for the Ninth Circuit
- Representing FibroGen and certain directors and officers in a securities class action arising from a number of stock drops related to its drug, roxadustat; the court held that FibroGen successfully rebutted the presumption of reliance at the class certification stage and dismissed the second-largest stock drop from the case
- Representing Fastly and certain officers in a securities class action and derivative litigation claiming that investors were misled about the company's growth and customer usage; the court dismissed the securities class action with prejudice, and the derivative litigation was voluntarily dismissed
- Representing Ellie Mae (ICE Mortgage Technology) and its directors and officers in derivative litigation alleging that the individuals committed insider trading; the court dismissed the complaint in its entirety, and the plaintiff chose not to amend
- Representing XOMA and certain officers in a securities class action and derivative litigation alleging that investors were misled about clinical trial results; the court dismissed the securities class action with prejudice, and the derivative litigation was voluntarily dismissed
- Representing Kik Interactive in an SEC investigation and enforcement action alleging that Kik's sale of cryptocurrency was an unregistered securities offering; after litigating in federal court, the parties settled

Brett graduated magna cum laude from the Santa Clara University School of Law and was honored with membership in the Order of the Coif. During law school, he externed in Google's legal department.

## Education

Santa Clara University School of Law  
JD, magna cum laude, Order of the Coif, 2013

University of California, San Diego  
BA, 2009

## Admissions & Credentials

California

## Court Admissions

US Court of Appeals for the Ninth Circuit

All California federal courts

US District Court for the District of New Jersey

US District Court for the Southern District of New York

US District Court for the Western District of Texas

US District Court for the District of Utah

## Rankings & Accolades

Best Lawyers in America: Ones to Watch – Commercial Litigation

Law360: Rising Star in Securities Litigation (2024)

## Memberships & Affiliations

American Bar Association (ABA)