

## Koji Fukumura

Partner



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San Diego

Securities Litigation + Enforcement  
 National Security  
 International Anti-Corruption/FCPA  
 Crisis Management  
 Shareholder Activism  
 Israel  
 Issues and Appeals

Koji focuses on complex commercial litigation, including the defense of securities class actions, derivative suits, M&A-related class actions and government investigations. He also regularly conducts internal investigations for boards as well as their audit or special litigation committees. Chambers USA has noted Koji is "practical, business-savvy and strategic," "has great advocacy skills" and has a "wonderful leadership presence." Koji is a former member of the firm's board of directors and a past chair of Cooley's securities litigation practice. He is also a past chair of the American Bar Association's Litigation Section and an immediate-past member of the American Bar Association's Board of Governors as well as its Finance Committee and the Standing Committee on Audit.

Koji has defended 100+ shareholder representative matters, including securities class actions, derivative suits, M&A class actions and breach of fiduciary duty class actions. His practice includes representing companies such as Qualcomm, GNC Holdings, Allbirds, IonQ, FIGS, CD Projekt RED, THQ, Stratasys, Horizon Therapeutics, Silverback Therapeutics, Ionis Pharmaceuticals, Acadia Pharmaceuticals, Neurocrine Biosciences, Tableau Software, Brocade, and The Honest Company.

Koji regularly conducts internal investigations for boards as well as their audit or special committees. He also counsels public companies, directors, officers, and principal shareholders on a wide range of issues relating to corporate governance, antitrust/unfair competition, the Foreign Corrupt Practices Act, Securities and Exchange Commission and Financial Industry Regulatory Authority enforcement, insider trading, and disclosure obligations under and compliance with federal and state securities laws.

**Koji's representative matters include:**

- Securing victory for **Qualcomm** when the US Court of Appeals for the Ninth Circuit affirmed the district court's dismissal of a securities class action that alleged the company misled working in good faith to negotiate a potential sale of the company to Broadcom
- Securing victory for **GNC** by obtaining the US Court of Appeals for the Third Circuit's affirmance of the dismissal of a securities class action that alleged the company made false or misleading statements regarding certain nutritional supplements that allegedly contained ingredients that could not lawfully be sold in the US
- Securing victory for **Horizon Therapeutics** by convincing the plaintiff to voluntarily dismiss their appeal of the dismissal of a securities class action brought in relation to the company's patient assistance programs
- Securing victory for **Eagle Pharmaceuticals** by convincing the plaintiff to voluntarily dismiss their appeal of the dismissal of a securities class action that alleged the company made misleading statements in regard to its new anticoagulant drug and the FDA approval process

- Securing victory for **Stratasys** by obtaining the US Court of Appeals for the Eighth Circuit's affirmance of the dismissal of a securities class action that alleged the defendants made false or misleading statements regarding a subsidiary's release of new fifth-generation (5G) 3D printers
- Securing victory for **Celladon** by obtaining the Ninth Circuit's affirmance of the dismissal of a securities class action that alleged the defendants misled investors concerning its clinical trials for Celladon's leading drug candidate

Koji is a past chair of the American Bar Association's Litigation Section as well as a former member of the section's executive committee and governing council. He is a former co-chair of the section's Securities Litigation Committee and was also co-chair of that committee's SEC Enforcement Subcommittee. Koji also was appointed as one of two Ninth Circuit representatives of the ABA's Standing Committee on the Federal Judiciary. He is a member of the National Asian Pacific American Bar Association, serving on its executive committee in 2005 and as regional governor from 2001 to 2004. Koji also is on the board of trustees for the Japanese American National Museum and is a Council Leader of the U.S.-Japan Council.

#### **Accolades**

- **Chambers USA:** Securities Litigation – California – Band 1 (2016 – 2023)
- **The Legal 500:** Securities Litigation – Defense (2016 – 2023)
- **Best Lawyers in America:** Lawyer of the Year for Bet-the-Company Litigation – San Diego (2023)
- **Best Lawyers in America:** Lawyer of the Year for Securities Litigation – San Diego (2013, 2019, and 2024)
- **Best Lawyers in America:** Lawyer of the Year for Mergers & Acquisitions, Litigation – San Diego (2012, 2013, 2014, 2018, 2019, 2021 and 2023)
- **Best Lawyers in America:** Leading Lawyer for Commercial Litigation (2009 – 2024); Securities Litigation (2009 – 2024); Litigation – Mergers & Acquisitions (2012 – 2024); Litigation –Regulatory Enforcement (2012 – 2024); Mass Tort Litigation/Class Actions (2020 – 2024); and Bet-the-Company Litigation (2023-2024)
- **Benchmark Litigation:** California Litigation Star (2010 – 2023); National Litigation Star (2023)
- **Benchmark Litigation:** San Diego Lawyer of the Year (2019 – 2022)
- **Southern California Super Lawyers:** Top 10 Lawyers in San Diego (2016, 2020 – 2023)
- **Southern California Super Lawyers:** Top 50 Lawyers in San Diego (2009 – 2013, 2015 – 2023)
- **Southern California Super Lawyers:** Leading Lawyer for Securities Litigation (2007 – 2023)

#### **Speaking engagements**

Koji has lectured on, written about and appeared on numerous programs discussing a variety of litigation-related issues, including the following:

- Corporate Fraud Seminar, USC Gould School of Law, April 2021 (with Darren Robbins)
- Life Sciences IPO Trends and Litigation, Marsh, 2021
- D&O Trends in 2021: Hard Market, COVID-19, and Other Factors Impacting Life Sciences Companies, ABD/J.P. Morgan Healthcare Conference, January 2021
- Securities Class Action and Shareholder Litigation: Key Developments and Trends, Northwestern Pritzker School of Law 48th Annual Securities Regulation Institute, January 2021
- Best Practices for Video Mediation, FedArb webinar, September 2020 (with Judge Layn Phillips)
- Corporate Fraud Seminar, USC Gould School of Law, April 2020 (with Darren Robbins)

- Welcome to the Future of Securities Litigation, 2020 PLUS D&O Symposium, New York City, February 2020 (with Darren Robbins)
- SEC Enforcement Update, ABA Corporate Counsel CLE Seminar, Palm Springs, California, February 2018
- How Will the Judiciary Help Shape Trump's Legacy?, 2018 PLUS D&O Symposium, New York City, January 2018
- Role of Lawyers in Adversarial Disputes, ABA/Vietnam Bar Program, Hanoi, Vietnam, January 2018

*A list of Koji's additional speaking engagements can be provided on request.*

## Education

James E. Beasley School of Law Temple University  
JD, 1993

University of Colorado at Boulder  
BA, 1989

University of Colorado at Boulder  
BA, 1989

## Admissions & Credentials

California

Colorado

Pennsylvania

## Court Admissions

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

US District Court for the Eastern District of Pennsylvania

US District Court for the Middle District of Pennsylvania

US District Court for the District of Colorado

## Rankings & Accolades

Best Lawyers in America: San Diego Lawyer of the Year for Bet-the-Company Litigation (2023), Securities Litigation (2013, 2019) and M&A Litigation (2012-2014; 2018, 2019, 2021, 2023)

Best Lawyers in America: Commercial Litigation (2009-2023), Litigation – Securities (2009-2023), Litigation – M&A (2012-2023), Litigation – Regulatory Enforcement (2012-2023), Mass Tort Litigation/Class Actions (2020-2023) and Bet-the-Company Litigation (2022-2023),

Chambers USA: Band 1 for Litigation: Securities – California (2022 – 2023)

Chambers USA: Litigation: Securities – California (2016 – 2021)

Euromoney's Benchmark Litigation Guide of Leading Firms and Lawyers: Litigation Star (2010-2022), San Diego Lawyer of the Year (2019-2020)

Legal 500: Securities Litigation – Defense (2016-2022); Key Lawyer – Healthcare: Life Sciences (2021)

Southern California Super Lawyers: Top 50 Lawyers in San Diego (2009-2013, 2015-2023)

Southern California Super Lawyers: Securities Litigation (2007-2023)

## Memberships & Affiliations

American Bar Association

American Bar Foundation

American Business Trial Lawyers Association

American Inns of Court

Federal Bar Association

Japanese American National Museum

National Asian Pacific American Bar Association

U.S.-Japan Council

Pan Asian Lawyers of San Diego

San Diego County Bar Association

Southwest Center for Asian Pacific American Law

Lawyers Committee for Civil Rights Under Law