SELTZER CAPLAN MCMAHON VITEK

Richard D. Gluck

Of Counsel

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Practice Groups

- Litigation
- White Collar Criminal Defense/Government Investigations
- Real Property Development & Litigation
- Construction Law & Construction Litigation
- Employment Law
- Professional Liability Defense
- Estates & Trusts Litigation

Mr. Gluck is a business trial lawyer whom clients trust to handle their most important legal matters. He has more than 30 years of litigation and trial experience in complex, “bet-the-company” cases, including securities and consumer class actions, construction and real estate development disputes, unfair competition, trademark infringement and trade secret theft actions, wrongful termination and other employment matters, and cases involving claims for breach of contract, fraud, and professional negligence. His clients have included government pension funds and retirement systems, investment banks and other institutional investors, public companies and their officers and directors, and businesses of all size and form.

He has substantial trial experience, having obtained verdicts or awards for his clients in several multi-million dollar lawsuits and arbitrations. Judges, arbitrators, and opposing counsel have all commended his professionalism and courtroom advocacy.

Mr. Gluck also has extensive experience conducting internal investigations and representing public companies and their officers and directors in SEC and other government investigations and enforcement actions.

Education

Mr. Gluck received his B.S., with honors, in Business Administration from California State University, Sacramento in 1987. He earned his J.D., *summa cum laude*, from Santa Clara University School of Law in 1990. While in law school, Mr. Gluck was Articles Editor for the *Santa Clara Computer and High Technology Law Journal*.

Employment Background

Prior to joining Seltzer Caplan McMahon Vitek in February 2023, Mr. Gluck most recently was senior counsel with Bernstein Litowitz Berger & Grossmann LLP, where he investigated and prosecuted claims under the federal and state securities laws, helping to recover more than $4 billion for investors. Before that, he had been a partner at Fairbank & Vincent, a highly respected business litigation firm comprised of former colleagues at Gibson Dunn & Crutcher, where he had spent several years as a senior associate. Before entering private practice, Mr. Gluck clerked for Judge William H. Orrick of the United States District Court for the Northern District of California and externed for Judge Stanley Mosk of the California Supreme Court.

Representative Matters

Mr. Gluck has more than 30 years of litigation and trial experience in complex, "bet the-company" cases, including securities and consumer class actions, construction and real-estate development disputes, unfair competition, trademark infringement and trade secret theft actions, wrongful termination and other employment matters, and cases involving claims for breach of contract, fraud, and professional negligence. His clients have included government pension funds and retirement systems, investment banks and other institutional investors, publicly traded companies and their officers and directors, businesses of all size and form, and sole proprietors and entrepreneurs.

Mr. Gluck also has extensive experience conducting internal investigations and representing individuals and companies and their officers and directors in SEC and other governmental agency investigations and enforcement actions. He also has substantial trial experience, having obtained verdicts or awards for his clients in several multi-million-dollar lawsuits and arbitrations. Judges, arbitrators, and opposing counsel have all commended his court-room advocacy and cross examination skills.

Defense Representation

- Obtained defense verdict after a two-week jury trial in Los Angeles Superior Court in a multi-million dollar fraud claim arising from the sale of an underground utilities contractor
- Obtained a defense verdict after a six-day jury trial in San Diego Superior Court for a large hospitality company in a multi-million breach-of-contract claim
- Defeated all claims and obtained an award of more than $1.2 million in attorney's fees and costs after seven days of arbitration in a $200 million fraud and breach-of-contract action arising from a failed condominium-hotel project in Las Vegas
- Obtained dismissal of claims alleging violation of federal Computer Fraud and Abuse Act against former officers of investment management firm
- Defeated effort by large international medical-equipment manufacturer to enjoin start-up manufacturer of portable ventilators from selling its new, more advanced product alleged to have been developed using stolen trade secrets and intellectual property; case later settled on extremely favorable terms
- Obtained summary judgment in a breach-of-fiduciary-duty action against three outside directors of a large privately held apparel manufacturer
- Obtained summary judgment for HVAC contractor in action seeking to hold contractor liable for construction defects and delays as successor-in-interest to bankrupt entity
- Settled on favorable terms a securities class action, SEC enforcement action, and more than a dozen NASD arbitrations for the former chief executive of a large municipal bond underwriter
- Settled on favorable terms a securities class action and an SEC enforcement action for the former CFO of a large publicly traded healthcare company
- Settled on favorable terms a securities class action and an SEC enforcement action against the former CFO of a failed thrift
- Settled on favorable terms a securities class action and an ERISA class action against the former CFO of a large bank holding company

Plaintiff Representation

- Senior member of the team that recovered nearly $2 billion for 35 institutions that invested in the Allianz Structured Alpha Funds
- Key member of the teams that prosecuted several RMBS class and direct actions against several large Wall Street Banks, including cases against Bear Stearns, which settled for $500 million; JPMorgan, which settled for $280 million; and Morgan Stanley, which settled for $95 million
- Senior member of team that prosecuted the In re Lehman Brothers Equity/Debt Securities Litigation, which resulted in over $615 million for investors and is considered one of the largest total recoveries for shareholders in any case arising from the financial crisis
- Was instrumental in developing important evidence that led to the $99 million settlement with Lehman's former auditor, Ernst & Young – at the time one of the top 10 auditor settlements ever achieved

- Key member of the trial teams that prosecuted litigations against MF Global, which recovered $234.3 million on behalf of investors; Wilmington Trust, which settled for $210 million; Genworth, which settled for $219 million; Mattel, which settled for $95 million, and Symantec, which settled for $65 million
- Obtained plaintiff verdict for client after 5-day jury trial in breach-of-contract action

Professional Affiliations & Admissions

- State Bar of California
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- Association of Business Trial Lawyers, San Diego Chapter (President, 2013); Member, Board of Governors, 2005-present)

Publications & Speaking Engagements

- "The Fraud-on-the-Market Presumption is Alive and Well," Association of Business Trial Lawyers, San Diego, ABTL Report, Fall 2014
- Panelist, ABTL Nuts and Bolts of Civil Discovery
- Moderator, Panel of In-house Counsel, ABTL Annual Seminar, 2012
- Panelist, ABTL Trial Practice Programs, 2013-2016

Professional Awards & Honors

- Recognized by *Super Lawyers* for Securities Litigation
- Recognized by *San Diego Magazine* as one of San Diego's "Top Lawyers" for Complex Business Litigation
- Rated by Martindale-Hubbell® as AV Preeminent®