

## Elizabeth Gingold Clark

### Partner

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Elizabeth Gingold Clark is a partner in Alston & Bird’s Securities Litigation Group, where she focuses her practice on representing publicly traded companies and financial institutions in securities class actions, shareholder derivative suits, M&A litigation, and government investigations and enforcement actions.

Elizabeth received her J.D. from the University of North Carolina School of Law in 2009. While in school, Elizabeth served as a staff member for the *First Amendment Law Review* and vice president of the Carolina Public Interest Law Organization. During her third year, she also interned with the Hon. Wanda G. Bryant of the North Carolina Court of Appeals. Elizabeth received her B.S. in 2002 from Cornell University’s School of Hotel Administration.

Before attending law school, Elizabeth worked in event management for both ARAMARK and Starwood Hotels & Resorts.

Elizabeth serves on Alston & Bird’s Women’s Initiative and is active in the National Association of Women Lawyers and National LGBT Bar Association. Elizabeth has been selected to the Atlanta Women’s Foundation’s (AWF) 2021 class of “Inspire Atlanta,” a leadership program for a select group of diverse professional women seeking to create positive change for women and girls in Atlanta.

#### **Representative Experience**

- Represented Avanos Medical (formerly known as Halyard Health) and two of its former officers in a securities class action in New York federal court where the court granted our motion to dismiss. *Jackson v. Halyard Health Inc., et al.*, No. 1:16-cv-05093 (S.D.N.Y.). The court subsequently denied the plaintiff’s post-judgment motions, which was affirmed by the Second Circuit. *Jackson v. Avanos Medical Inc., et al.*, No. 19-1300 (2nd Cir.). Also represented Avanos Medical in related derivative actions in New York, Delaware, and California federal courts that were voluntarily dismissed in the wake of the Second Circuit opinion in the class action.
- Representing a Fortune 400 manufacturing company in a securities class action and related shareholder derivative actions pending in federal court in Georgia.
- Represented the 3D Systems board of directors in derivative actions in South Carolina federal and state courts, Delaware federal court, and California state court. Represented 3D Systems and several former officers as counsel in a securities class action in South Carolina federal court.
- Representing MiMedx Group Inc. in a securities class action pending in Georgia federal court. Represented MiMedx in shareholder derivative actions in Georgia and Florida federal and state courts.

- Represented LHC Group in a putative class action in Kentucky federal court challenging its merger with Almost Family, which created the second largest in-home healthcare provider in the country. The court denied the plaintiff's motion for a preliminary injunction seeking to enjoin the merger vote, and the deal closed as scheduled. The court subsequently granted the motion to dismiss in its entirety and entered judgment in LHC's favor. *In re Almost Family Secs. Litig.*, No. 3:18-cv-00040-RGJ, 2020 U.S. Dist. LEXIS 23456 (W.D. Ky. Feb. 11, 2020).
- Representing Astec Industries along with certain of its former officers in a shareholder securities class action in Tennessee federal court where our motion to dismiss was granted. *City of Taylor General Employees Retirement System v. Astec Industries, et al.*, No. 1:19-CV-00024-CEA-CHS, 2021 U.S. Dist. LEXIS 31343 (E.D. Tenn. Feb. 19, 2021).
- Represented Internap in a securities class action and related derivative actions in Georgia federal and state courts related to various disclosure issues.
- Represented Coca-Cola Enterprises and its board of directors in a series of class actions in Delaware Chancery Court related to the formation of Coca-Cola European Partners. The deal closed as scheduled.
- Represented The First Bancshares Inc. and its board of directors in two securities class actions in Mississippi federal court and Florida state court related to several transactions. The deals closed as scheduled.
- Represented LHC Group in a securities class action and related derivative actions in Louisiana federal court related to various disclosure issues.
- Member of the trial team that obtained a verdict rejecting the majority of the FDIC's negligence and breach of fiduciary duty claims against the former directors and officers of a closed bank.
- Represented a Fortune 500 public company in an internal investigation arising from a whistleblower's allegations and related shareholder demands.
- Represented the board of directors of Ebix in a class and derivative action pending in Delaware Chancery Court related to certain corporate governance actions.
- Represented numerous distressed financial institution directors and officers in investigations, enforcement actions, and lawsuits involving the FDIC, OCC, and Federal Reserve Bank.
- Represented individuals and companies in SEC investigations involving insider trading, misstatements in public filings, and related issues.

## **Publications & Presentations**

### **Publications**

- "What to Expect from Securities Litigation in 2021," *Law360*, January 11, 2021.
- "Early Securities Class Actions Highlight COVID Litigation Risk," *Law360*, April 9, 2020.
- "Trend Sharply Up for Securities Litigation," *Today's General Counsel*, Fall 2018.
- "Insight: Emerging Trends in Securities Class Actions Based on Merger Objections," *Bloomberg Law*, October 11, 2018.
- "Bank Director and Officer Liability in FDIC Cases: Implications of the Loudermilk Trial," *Corporate Disputes*, January-March 2017.

### **Education**

- The University of North Carolina (J.D., 2009)

- Cornell University (B.S., 2002)

### *Admitted to Practice*

- Georgia
- New York
- Massachusetts

### *Related Services*

Securities Litigation | Litigation