



Timothy J. Fitzmaurice

Partner

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Related Services

Securities Litigation ■ M&A Litigation

Tim Fitzmaurice is a partner in Alston & Bird's Securities Litigation Group, where he concentrates his practice on defending public companies in securities class actions and M&A litigation. Tim also frequently defends individuals, private firms, and public companies in SEC investigations and enforcement proceedings.

During law school, Tim was an articles and notes editor for the *Fordham Law Review* and the recipient of the Fordham Law School Prize. He graduated magna cum laude and was elected to the Order of the Coif.

Tim received his B.A., summa cum laude, in philosophy from Boston College, where he was elected to Phi Beta Kappa.

Representative Experience

- Represented MiMedx Group, Inc. in a securities class action in Georgia federal court, where the client's motion to dismiss was granted, the court subsequently denied the plaintiff's post-judgment motions, and the Eleventh Circuit Court of Appeals affirmed the decisions granting the motion to dismiss and denying the plaintiff's post-judgment motions. The Eleventh Circuit affirmed the district court's decision that the plaintiff failed to plead the loss causation element of its claim, and the Eleventh Circuit further affirmed the district court's denial of the plaintiff's motion for leave to amend. *Carpenters Pension Fund of Ill. v. MiMedx Group, Inc.*, 2023 U.S. App. LEXIS 17370, ___ F.4th ___ (11th Cir. 2023); *In re MiMedx Group, Inc. Securities Litigation*, No. 1:18-cv-00830-WMR, 2021 U.S. Dist. LEXIS 254557 (N.D. Ga. Mar. 25, 2021).
- Represented First Connecticut Bancorp, Inc. and its former board members in a securities class action arising out of First Connecticut's merger with People's United, where the motion for summary judgment was granted and the Fourth Circuit Court of Appeals affirmed the decision granting the summary judgment motion. The Fourth Circuit affirmed the district court's decision that the plaintiff failed to prove the materiality or loss causation elements of his claim. *Karp v. First Connecticut Bancorp, Inc.*, 69 F.4th 223 (4th Cir. 2023); *Karp v. First Connecticut Bancorp, Inc.*, No. RDB-18-2496, 2021 U.S. Dist. LEXIS 77677 (D. Md. Apr. 9, 2021).
- Representing Grand Canyon Education, Inc. and two of its officers in a securities class action in Delaware federal court.
- Representing 3D Systems and several current and former officers in a securities class action in New York federal court. Also representing 3D Systems, its board, and certain current and former officers in related shareholder derivative actions in New York federal court and the South Carolina Court of Common Pleas (York County).

- Represented LHC Group in a putative securities class action filed in Kentucky federal court arising out of its merger with Almost Family. The court denied the plaintiff's motion for a preliminary injunction to enjoin the merger and subsequently granted the defendants' motion to dismiss. *Stein v. Almost Family, Inc.*, No. 3:18-cv-00129-TBR, 2018 U.S. Dist. LEXIS 46910 (W.D. Ky. Mar. 22, 2018); *In re Almost Family Secs. Litig.*, No. 3:18-cv-00040-RGJ, 2020 U.S. Dist. LEXIS 23456 (W.D. Ky. Feb. 11, 2020).
- Represented the former CFO of Synchronoss Technologies in a securities class action in New Jersey federal court.
- Represented public companies in the power generation, telecommunications, medical technology, healthcare, three-dimensional printing and other industries in securities class actions and derivative lawsuits.
- Represented companies and individuals in SEC investigations and enforcement actions.

Publications & Presentations

Publications

- "Early Securities Class Actions Highlight COVID Litigation Risk," *Law360*, April 9, 2020.

Presentations

- "Building the Young Litigator's Toolbox (Trial Practice)," 2024 CLE by the Hour, Atlanta Bar Association, webinar, February 15, 2024.
- "*Liu v. SEC*: Disgorgement Is Alive and ... Well? The Future of Disgorgement for the SEC and the FTC," Practising Law Institute, webinar, July 27, 2020.
- "*Liu v. SEC*: Will the Supreme Court Abolish SEC Disgorgement?" Practising Law Institute, webinar, March 9, 2020.
- "*Lorenzo v. SEC*: Supreme Court Decides When a Non-Speaker Can Be Liable Under Federal Securities Laws," Practising Law Institute, webinar, April 22, 2019.

Education

- Fordham University (J.D., 2013)
- Boston College (B.A., 2010)

Admitted to Practice

- Georgia
- New York