

BFA Files Amicus Brief in Significant U.S. Supreme Court Case

On October 2, 2024, BFA filed a Supreme Court *amicus* brief in *NVIDIA Corp. v. E. Ohman J:or Fonder AB* as counsel for Professor Brian T. Fitzpatrick of Vanderbilt Law School. In *NVIDIA*, the Supreme Court is set to address the fundamental requirements for pleading securities fraud claims under the Private Securities Litigation Reform Act of 1995 (“PSLRA”). Based on the text of the PSLRA of 1995 and the original meanings of its key terms, Professor Fitzpatrick argues that securities fraud plaintiffs are neither required to detail the “contents” of internal company documents nor prohibited from using expert analyses at the pleading stage. Further, in response to *NVIDIA*’s policy arguments, Professor Fitzpatrick presents compelling empirical evidence that the current PSLRA pleading standard is too high—not too low—because “the vast majority of corporate fraud is never remedied.” Professor Fitzpatrick thus concludes that courts should encourage, rather than prevent, private securities class actions.

An October 30, 2024 article published on Law360 highlighted Professor Fitzpatrick’s “[n]otable” amicus brief, stating: “Fitzpatrick concludes that the ‘questions presented are easily answered by textualism’ in the plaintiffs’ favor, and that ‘policy considerations counsel in favor of lower pleading burdens, not higher ones,’ as large amounts of securities fraud go unpunished and private actors such as plaintiffs and their attorneys are much more effective at policing fraud than the government.” The article is available with a Law360 subscription at the following link: [**Nvidia Case's Potential Impact On Securities Class Actions - Law360**](#)

A copy of the brief and of the client alert sent out by BFA can be found on the right.