



EVAN R. HOEY

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FOCUS AREAS

Securities Fraud Litigation

EDUCATION

Arizona State University

B.A. 2014, summa cum laude

Temple University Beasley School of Law

J.D. 2017, cum laude

ADMISSIONS

Pennsylvania

USDC, Eastern District of Pennsylvania

Evan Hoey, an associate of the Firm, focuses his practice in securities litigation.

Ongoing Cases

- Perrigo: Institutional Investors Bring Shareholder Opt-Out Actions Against Drugmaker in Hostile Tender Offer Fraud

In early 2018, Kessler Topaz filed the first of seven opt-out securities fraud actions in New Jersey federal court on behalf of U.S., European, and Middle Eastern institutional investors against Perrigo and its former chief executive and chief financial officers. These actions stem from Perrigo's efforts to mislead investors to stave off a hostile takeover bid by pharmaceutical rival Mylan NV in 2015. The plaintiffs allege that Perrigo failed to disclose problems concerning the company's \$4.5 billion acquisition of Omega Pharma NV, an over-the-counter healthcare company based in Belgium, and misrepresented its ability to withstand pricing pressure from the influx of competing drugs in the generic drug markets.

On July 30, 2019, Judge Madeline Cox Arleo of the U.S. District Court of New Jersey denied defendants' motions to dismiss the actions. Discovery is ongoing.

- Acuity: Securities Litigation Against LED Maker Gets Green Light by Georgia Federal Court

In August 2018, Kessler Topaz was appointed to represent a putative class of investors in consolidated actions pending in the

United States District Court for the Northern District of Georgia against Acuity Brands Inc., its former CEO, Vernon J. Nagel, and its former CFO, Richard K. Reece. Following an extensive investigation, in October 2018 Kessler Topaz filed a complaint alleging that Defendants failed to disclose to investors their knowledge of the adverse impact of increased competition in the LED market on Acuity's financial performance and also that Defendants falsely touted Acuity's business relationship with its largest customer, Home Depot, while failing to disclose that increased LED competition was eroding Acuity's sales to Home Depot. The complaint further alleged that Defendants sought to conceal the negative impact of competition through aggressive sales practices, including widespread quarter-end shipments.

On August 12, 2019, U.S. District Judge Mark H. Cohen sustained in part Plaintiff's claims, finding that the complaint adequately alleged that Defendants knowingly or recklessly issued false or misleading statements concerning the impact of increased competition on Acuity and with respect to the strength of Acuity's sales to Home Depot. Discovery is ongoing.