



## JENNIFER L. ENCK

### PARTNER

D 610.822.0263

F 610.667.7056

[jenck@ktmc.com](mailto:jenck@ktmc.com)

#### FOCUS AREAS

Securities Fraud

#### EDUCATION

Pennsylvania State University  
B.A.-International Politics/Minor: German  
1999

Syracuse University's Maxwell School of  
Citizenship and Public Affairs  
M.A.-International Relations 2003

Syracuse University College of Law  
J.D. 2003, *cum laude*

#### ADMISSIONS

Pennsylvania

USDC, Eastern District of Pennsylvania

USDC, District of Connecticut

USCA, Third Circuit

USCA, Eleventh Circuit

Jennifer L. Enck, a Partner of the Firm, concentrates her practice in the area of securities litigation and settlement matters. Jennifer's practice includes negotiating and documenting complex class action settlements, obtaining the required court approval for settlements and developing and assisting with the administration of class notice programs.

#### Settled

- Countrywide Financial Corp.  
**Case Caption:** *In re W. Conf. of Teamsters Pension Tr. Fund v. Countrywide Fin. Corp.*, No. 2:12-cv-05122-MRP -MAN, and *Luther v. Countrywide Fin. Corp.*  
**Case Number:** 2:12-cv-05122-MRP-MAN, and 2:12-cv-05125-MRP-MAN  
**Court:** Central District of California  
**Judge:** Honorable Mariana R. Pfaelzer  
**Plaintiffs:** Vermont Pension Investment Committee, Mashreqbank, p.s.c., Pension Trust Fund for Operating Engineers, Operating Engineers Annuity Plan, Washington State Plumbing and Pipefitting Pension Trust, David H. Luther, Western Conference of Teamsters Pension Trust Fund  
**Defendants:** Countrywide Financial Corporation, Countrywide Home Loans, Inc., CWALT, Inc., CWMBBS, Inc., CWHEQ, Inc., CWABS, Inc., Countrywide Capital Markets, Countrywide Securities Corporation, Bank of America Corporation, NB Holdings Corporation, Stanford L. Kurland, David A. Spector, Eric P. Sieracki, David A. Sambol, Ranjit Kripalani, N. Joshua Adler, Jennifer S. Sandefur, Jeffrey P. Grogin, Thomas Boone,

Thomas K. McLaughlin, Banc of America Securities LLC, Barclays Capital Inc., Bear, Stearns & Co. Inc., BNP Paribas Securities Corp., Citigroup Global Markets Inc., Credit Suisse Securities (USA) LLC, Deutsche Bank Securities Inc., Edward D. Jones & Co., L.P. d/b/a Edward Jones, Goldman, Sachs & Co., Greenwich Capital Markets, Inc. a.k.a. RBS Greenwich Capital now known as RBS Securities Inc., HSBC Securities (USA) Inc., J.P. Morgan Securities Inc., Merrill, Lynch, Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, and UBS Securities LLC

**Overview:** As co-lead counsel representing the Maine Public Employees' Retirement System, secured a \$500 million settlement for a class of plaintiffs that purchased mortgage-backed securities (MBS) issued by Countrywide Financial Corporation (Countrywide). Plaintiffs alleged that Countrywide and various of its subsidiaries, officers and investment banks made false and misleading statements in more than 450 prospectus supplements relating to the issuance of subprime and Alt-A MBS—in particular, the quality of the underlying loans. When information about the loans became public, the plaintiffs' investments declined in value. The ensuing six-year litigation raised several issues of first impression in the Ninth Circuit.

- Luckin Coffee Inc.  
**Case Caption:** *In re Luckin Coffee Inc. Sec. Litig.*  
**Case Number:** 1:20-cv-01293-JPC-JLC  
**Court:** Southern District of New York  
**Judge:** Honorable John P. Cronan  
**Plaintiffs:** Sjunde AP Fonden and Louisiana Sheriffs' Pension & Relief Fund  
**Defendants:** Luckin Coffee Inc.

**Overview:** This securities fraud class action arose out of Defendants' misrepresentations and omissions concerning the financial status of the Chinese coffee company Luckin Coffee, Inc. During the class period, Luckin promoted a sales model wherein it would operate at a loss for several years for the purpose of gaining market share by opening thousands of app-based quick-serve coffee kiosks throughout China. Between 2017 and 2018, Luckin claimed its number of stores increased from just nine to 2,073 stores. It also claimed that its total net revenues grew from \$35,302 to \$118.7 million in that same period.

On May 17, 2019 Luckin, through an initial public offering (IPO) offered 33 million ADSs to investors at a price of \$17.00 per ADS, and reaped over \$650 million in gross proceeds. On January 10, 2020 Luckin conducted an SPO of 13.8 million ADSs priced at \$42.00 each, netting another \$643 million for the company. Unbeknownst to investors, however, Luckin's reported sales, profits, and other key operating metrics were vastly inflated by fraudulent receipt numbering schemes, fake related party transactions, and

fraudulent inflation of reported costs, among other methods of obfuscating the truth. Following a market analyst's report wherein the sustainability of Luckin's business model and the accuracy of its reported earnings were challenged, after conducting an internal investigation, Luckin ultimately admitted to the fraud. Plaintiffs filed a 256 page complaint alleging violations of Section 10(b) of the Securities Exchange Act against the Exchange Act Defendants, violations of Section 20(a) of the Exchange Act against the Executive Defendants, violations against Section 11 of the Securities Act against all Defendants, violations of Section 15 of the Securities Act against the Executive Defendants and the Director Defendants, and violations of Section 12(a)(2) of the Securities Act against the Underwriter Defendants. As alleged, following a series of admissions from Luckin and Defendant Lu admitting the existence and scope of the fraud, Luckin's share price dropped from \$26.20 to \$1.38 per share, before ultimately being delisted. With Luckin undergoing liquidation proceedings in the Cayman Islands and in the midst of Chapter 15 bankruptcy in the Southern District of New York, Plaintiffs reached a \$175 million settlement with Luckin to resolve all claims against all Defendants.

#### **Awards/Rankings**

- Pennsylvania Rising Star by Super Lawyers (2013)

#### **Memberships**

- Penn State Alumni Association

#### **Community Involvement**

- Race for Hope Philadelphia, National Brain Tumor Society
- Special Olympics Pennsylvania Fall Festival