

**Eric A. Plourde** , Attorney

Practice Areas Litigation, Corporate and Commercial
Capital Markets and Securities
Class Actions
Appellate Law Services

Admissions California
New York
Texas

Languages German

Address 525 B Street, Suite 2200
San Diego, CA 92101

Direct Phone 619.906.5641

Direct Fax 619.788.5526

Email eric.plourde@procopio.com

Professional Summary

Eric Plourde has significant experience representing clients in all aspects of complex litigation in federal and state courts nationwide as well as private arbitration. His practice focuses on commercial disputes, including securities litigation and arbitration, breach of fiduciary duty, breach of contract, employment disputes, trade secret and unfair competition claims, and class actions. He has also represented clients in appeals, bankruptcy and restructuring matters, healthcare disputes, insurance and bad faith litigation, white collar criminal defense, and governmental and internal investigations.

Eric's clients have operated in a broad array of industries, including financial services, venture capital and private equity, consulting, technology, startups, energy, construction, real estate (including REITs), government, medical, and biotechnology.

Eric is admitted to practice in all state courts in California, New York, and Texas, as well as the United States District Courts for the Northern, Central, and Southern Districts of California, the Southern and Eastern Districts of New York, and the Southern and Western Districts of Texas. He has also represented numerous clients in private arbitration, including those pending before the American Arbitration



Association (AAA), JAMS, and FINRA.

Representative Matters

- Lead counsel in representation of former corporate director seeking indemnification of legal fees incurred in defense of securities fraud enforcement action brought by the Securities and Exchange Commission (SEC). Obtained multi-million dollar settlement, including payment of substantially all damages sought.
- Lead associate in representation of Governor of New Jersey against criminal charge of official misconduct, responsible for preparation of all briefing before trial and appellate courts. Obtained dismissal, affirmed on appeal by the New Jersey Superior Court, Appellate Division, see *State v. Christie*, No. A-3549-16T4, 2018 WL 5780475 (N.J. Super. Ct. App. Div. Nov. 5, 2018).
- Second-chaired arbitration hearing before AAA representing former executives seeking payment of earned compensation withheld by former employer.
- Represented plaintiffs asserting securities fraud claims under Rule 10b-5 against foreign bank and sovereign wealth fund. Prepared briefing and obtained denial on clients' behalf of motion to reconsider denial of motion to dismiss under the Foreign Sovereign Immunities Act (FSIA), see *Atlantica Holdings, Inc. v. Sovereign Wealth Fund Samruk-Kazyna JSC*, No. 12-CV-8852 (JMF), 2018 WL 922191 (S.D.N.Y. Feb. 15, 2018).
- Represented investor and sole member of LLC in dispute related to termination of LLC's management company, including claims of breach of fiduciary duty and securities fraud under Nevada's "blue sky" law (the Nevada Uniform Securities Act). Favorable settlement reached pre-trial.
- Represented county-owned hospital against qui tam action alleging violations of the False Claims Act (FCA). Prepared briefing and obtained denial on client's behalf of relators' motion to dismiss affirmative defenses, see *U.S. ex rel. Parikh v. Citizens Med. Ctr.*, 302 F.R.D. 416, 418 (S.D. Tex. 2014).
- Represented former executives against claims by former employer of breach of non-competition and non-solicitation covenants, breach of fiduciary duty, misappropriation of trade secrets, and unfair trade practices.
- Represented numerous clients in responding to governmental and regulatory inquiries, investigations, and/or subpoenas.



Recognitions

- *The Best Lawyers in America® Ones To Watch 2021* (Commercial Litigation)

Community

- Association of Business Trial Lawyers
- San Diego County Bar Association

Education

- JD, University of Michigan Law School, *cum laude*
- BA, University of Michigan, with distinction

Seminars

- Presenter. "Introduction to Securities Litigation: Preparing For Increased Securities Claims Amid the COVID-19 Pandemic," June 3, 2020.