



## JAMIE M. MCCALL

### PARTNER

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#### FOCUS AREAS

Securities Fraud

#### EDUCATION

Franklin & Marshall College  
B.A., 1997

University of Pittsburgh School of Law  
J.D., 2000

#### ADMISSIONS

Pennsylvania

USCA, Third Circuit

Jamie M. McCall is a partner in the Firm who concentrates on securities fraud litigation. Prior to joining the Firm, Jamie spent twelve years with the Department of Justice in the U.S. Attorney's Offices for Miami, Florida and Wilmington, Delaware, where he oversaw complex criminal investigations ranging from securities, tax, bank and wire frauds, to the theft of trade secrets and cybercrime.

Jamie has successfully tried numerous jury trials, including a seven-week securities fraud trial, which arose from financial conduct during the Great Recession, and resulted in trial verdicts against four bank executives and a \$60 million civil settlement to victim-shareholders; and a five-week multi-defendant stalking-murder case, which stemmed from the 2013-shootout at the New Castle County Courthouse in Delaware, and resulted in first-in-the-nation convictions for "cyberstalking resulting in death" under the Violence Against Women Act. For his work on both of these cases, Jamie was twice awarded the Director's Award for Superior Performance by the Department of Justice. Most recently, Jamie served as the section chief for the National Security and Cybercrime Division for the Delaware U.S. Attorney's office.

Jamie also spent several years practicing civil law at Morgan, Lewis & Bockius in Philadelphia, where he worked on major, high-stakes litigation matters involving Fortune 250 companies. Jamie began his legal career as a Judge Advocate in the Marine Corps, working primarily as a prosecutor and achieving the rank of Captain. In 2004, Jamie served for nearly five months as the principal legal advisor to 1st Battalion, 5th Marine Regiment in and around

Fallujah, Iraq, including during the First Battle of Fallujah.

Jamie maintains an active membership in the Federal Bar Association, District of Delaware chapter. He has presented on numerous issues involving corporate and securities fraud. He was also a featured interview on CBS's "60 Minutes" in a segment about theft of original correspondence by Christopher Columbus, most recently aired in August 2020.

Jamie has received numerous awards for his work in securities fraud and cybercrime, along with respective military service awards, including the Navy & Marine Corps Commendation Medal, Navy & Marine Corps Achievement Medal, Combat Action Ribbon, and Global War Against Terrorism Expeditionary Medal.

**Current Cases**

- Advance Auto Parts, Inc.

**CASE CAPTION**

*In re Advance Auto Parts, Inc. Securities Litigation*

**COURT**

United States District Court for the District of Delaware

**CASE NUMBER**

18-cv-00212-RGA

**JUDGE**

Honorable Richard G. Andrews

**PLAINTIFF**

Public Employees' Retirement System of Mississippi ("MPERS")

**DEFENDANTS**

Advance Auto Parts, Inc., Thomas R. Greco, and Thomas Okray

**CLASS PERIOD**

November 14, 2016 through August 15, 2017, inclusive

This securities fraud class action case arises out of Defendants' misrepresentations about their financial forecasts and guidance for fiscal year 2017. As alleged, prior to the Class Period, Defendant Advance Auto Parts struggled with lagging comparable store sales and operating margins. Under a new CEO and CFO (Defendants Thomas Greco and Thomas Okray, respectively), the Company announced an ambitious, optimistic transformation and told the market that it would achieve positive sales and margins in 2017—despite all internal projections continuing to point negative. During the Class Period, Defendants chose to double down and reaffirm

their false guidance when presented with opportunities to modify it. When they finally admitted publicly that their promised success would never come to fruition, Defendants caused the Company's stock price to plummet.

MPERS filed a 95-page Amended Complaint in January 2019 on behalf of a putative class of investors alleging that the Defendants violated Section 10(b) of the Securities and Exchange Act by making false and misleading statements about the Company's fiscal year 2017 financial forecasts. In February 2020, Judge Andrews denied the vast majority of Defendants' motion to dismiss. In November 2020, Judge Andrews certified the class. Defendants sought interlocutory review of the class certification order, but the 3d Circuit Court of Appeals denied review. On December 23, 2021, the parties announced a settlement of \$49.25 million. On January 11, 2022, the Court granted MPERS's motion for preliminary approval and scheduled a final approval hearing for June 13, 2022.

[Read Amended Class Action Complaint Here](#)

[Read Opinion Denying in Part Motion to Dismiss Here](#)

[Read Opinion Granting Class Certification Here](#)

[Read Order Granting Motion for Preliminary Approval Here](#)

- Goldman Sachs Group, Inc.

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| <b>CASE CAPTION</b> | <i>Sjunde AP-Fonden v. The Goldman Sachs Group, Inc. et al.</i>  |
| <b>COURT</b>        | United States District Court for the Southern District of New York   |
| <b>CASE NUMBER</b>  | 1:18-cv-12084-VSB  |
| <b>JUDGE</b>        | Honorable Vernon S. Broderick  |
| <b>PLAINTIFF</b>    | Sjunde AP-Fonden ("AP7")   |
| <b>DEFENDANTS</b>   | The Goldman Sachs Group ("Goldman Sachs" or the "Company"), Lloyd C. Blankfein, Gary D. Cohn, and Harvey M. Schwartz |
| <b>CLASS PERIOD</b> | February 28, 2014 to December 20, 2018, inclusive  |

This securities fraud class action case arises out of Goldman Sachs' role in the 1Malaysia Development Berhad ("1MDB") money laundering scandal, one of the largest financial frauds in recent

memory.

In 2012 and 2013, Goldman served as the underwriter for 1MDB, the Malaysia state investment fund masterminded by financier Jho Low, in connection with three state-guaranteed bond offerings that raised over \$6.5 billion. Goldman netted \$600 million in fees for the three bond offerings—over 100 times the customary fee for comparable deals.

In concert with Goldman, Low and other conspirators including government officials from Malaysia, Saudi Arabia, and the United Arab Emirates ran an expansive bribery ring, siphoning \$4.5 billion from the bond deals that Goldman peddled as investments for Malaysian state energy projects. In actuality, the deals were shell transactions used to facilitate the historic money laundering scheme. Nearly \$700 million of the diverted funds ended up in the private bank account of Najib Razak, Malaysia's now-disgraced prime minister who was convicted for abuse of power in 2020. Other funds were funneled to Low and his associates and were used to buy luxury real estate in New York and Paris, super yachts, and even help finance the 2013 film "The Wolf of Wall Street." AP7 filed a 200-page complaint in October 2019 on behalf of a putative class of investors alleging that Goldman and its former executives, including former CEO Lloyd Blankfein and former President Gary Cohn, violated Section 10(b) of the Securities Exchange Act by making false and misleading statements about Goldman's role in the 1MDB fraud. As alleged, when media reports began to surface about the collapse of 1MDB, Goldman denied any involvement in the criminal scheme. Simultaneously, Goldman misrepresented its risk controls and continued to falsely tout the robustness of its compliance measures. Following a series of revelations about investigations into allegations of money laundering and corruption at 1MDB, Goldman's stock price fell precipitously, causing significant losses and damages to the Company's investors.

In October 2020, the U.S. Department of Justice announced that Goldman's Malaysia subsidiary had pled guilty to violating the Foreign Corrupt Practices Act ("FCPA") which criminalizes the payment of bribes to foreign officials, and that Goldman had agreed to pay \$2.9 billion pursuant to a deferred prosecution agreement. This amount includes the largest ever penalty under the FCPA.

On June 28, 2021, The Honorable Vernon S. Broderick of the U.S. District Court for the Southern District of New York sustained Plaintiffs' complaint in a 44-page published opinion. Plaintiffs moved for class certification in November 2021. That motion is fully briefed and pending before the Court. The case is in fact discovery.

[Read Second Amended Class Action Complaint Here](#)

[Read Opinion and Order Granting and Denying in Part Motion](#)

[to Dismiss Here](#)

[Read Motion for Class Certification Here](#)

### News

- September 15, 2020 - Former Federal Prosecutor Jamie M. McCall Joins Kessler Topaz Meltzer & Check Securities Litigation Group

### Speaking Engagements

- Featured Interview, "Who's Stealing Christopher Columbus Letters from Libraries Around the World?", 60 MINUTES, CBS News, October 20, 2019
- Panel Instructor, "Prosecuting Lies to the Federal Reserve: A Case Study of Delaware's Wilmington Trust Investigation and Prosecution," Federal Reserve Bank of Philadelphia, Conference of Counsel, April 2019
- Panel Instructor, "Corporate Investigations and Individual Accountability," National Advocacy Center for the Department of Justice, Advanced Fraud and Economic Crimes Seminar, November 2018
- Panel Moderator, "Case Study: *United States v. Matusiewicz, et al.*," District of Delaware Federal Bar Association, Bench and Bar Conference, May 2018
- Panel Moderator, "Cyberstalking and Lethal Consequences," Beau Biden Foundation, Technology & Child Protection Conference, October 2017
- Panel Moderator, "*United States v. Matusiewicz*. A Case Study in Cyberstalking," Conference on the Investigation & Prosecution of Crimes of Stalking, Dover, Delaware, October 2016

### Publications

Co-Author: "A Mother Vindicated: Landmark Cyberstalking Case," Domestic Violence Report, Vol. 22, No. 6, Aug./Sept. 2017

Co-Author: "*United States v. Matusiewicz: Lessons Learned From the First Federal Prosecution of Cyberstalking Resulting in Death*," The United States Attorneys' Bulletin, May 2016, Vol. 64

### Awards/Rankings

- Executive Office for United States Attorneys, Department of Justice, Director's Award for Superior Performance by a Litigative Team, *United States v. Wilmington Trust Corp., et al.*, September 2020
- Chief of Internal Revenue Service-Criminal Investigation Division's Excellence Award for Tax/Financial Investigation into Wilmington Trust Corp., August 2019

- Executive Office for United States Attorneys, Department of Justice, Director's Award for Superior Performance by a Litigative Team, *United States v. Matusiewicz, et al.*, May 2019
- Delaware Valley Chapter, International Association of Financial Crimes Investigators Task Force of the Year Award, May 2019
- Federal Bureau of Investigation, Special Recognition Award for *United States v. Wilmington Trust Corp., et al.*, May 2018
- Federal Bureau of Investigation, Special Recognition Award for *United States v. Matusiewicz, et al.*, February 2016
- Cybersecurity Trailblazer Award, The National Law Journal, December 2015
- Younger Federal Lawyer of the Year Award, Federal Bar Association, 2004
- Navy & Marine Corps Commendation Medal, Navy & Marine Corps Achievement Medal, Combat Action Ribbon, Global War Against Terrorism Expeditionary Medal

### Memberships

- Federal Bar Association, Delaware Chapter