



John Schreiber

Partner
Chair, Los Angeles Litigation Practice

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Chair of Winston & Strawn's Los Angeles Litigation Practice, John is consistently recognized by legal directories—including *Chambers USA*, *Legal 500 US*, and *Benchmark Litigation US*—as “a wonderfully talented advocate” (*Chambers USA*) with “excellent courtroom judgment” (*The Legal 500 US*) and “credibility with judges” (*Law360*). Clients describe him as “a brilliant lawyer with a wonderful personality” who “is pragmatic,” “commercially savvy,” and “has a great ability to communicate with public board members.” (*Chambers USA*).

Having started his career in New York, John focuses his bi-coastal practice on federal securities class actions, SEC investigations and enforcement actions, pre- and post-closing M&A litigation, shareholder derivative suits, board-level investigations, and other corporate governance matters. In his over 20-year career, John has successfully represented clients in a variety of industries, including technology, financial services, pharmaceutical, medical device, private equity, infrastructure, retail and consumer products, food and beverage, and sports and entertainment.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

John's current and recent representative experience includes the following:

- Leading a team that recently secured a unanimous victory before the U.S. Supreme Court in a federal securities class action against Macquarie Infrastructure Corporation (MIC) and its former officers and directors. In resolving a circuit split, the Supreme Court ruled that a corporation's failure to disclose certain information purportedly required by SEC regulations, absent any affirmative statement that would make such silence misleading, cannot itself be the basis of a private securities fraud claim under Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder.
- Led a team that secured the dismissal with prejudice of a consolidated federal securities class action against Semiconductor Manufacturing International Corporation (SMIC) – China's largest chipmaker. The case — which was filed in the Central District of California — arose out of the Trump administration's so-called "blacklisting" of SMIC in late 2020. The dismissal of the case in its entirety was recently affirmed by the U.S. Court of Appeals for the Ninth Circuit, following oral argument.
- Led the defense of Omnicare, Inc. and certain of its former officers and directors in a federal securities class action and related shareholder derivative litigation arising out of alleged violations of the federal False Claims Act (FCA). The shareholder derivative litigation was dismissed with prejudice by the district court at the pleading stage, while in the securities class action (i) plaintiffs' claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 were likewise dismissed with prejudice, with the dismissal affirmed by the U.S. Court of Appeals for the Sixth Circuit, and (ii) the U.S. Supreme Court, in one of the most significant decisions under the Securities Act of 1933 in decades, unanimously reversed and vacated a decision by the Sixth Circuit holding that the plaintiffs had adequately stated a claim under Section 11 based on certain expressions of opinion and belief concerning Omnicare's compliance with applicable laws.
- Successfully defended Medtronic and certain of its current and former officers and directors in a putative shareholder class action arising from the largest transaction in the history of medical technology, in which class certification was denied and the case was subsequently resolved.
- Currently representing former officers of Alta Mesa Resources, Inc. (AMR) — which was created via a de-SPAC merger valued at \$3.8 billion — in connection with a federal securities class action asserting claims under Sections 10(b) and 14(a) of the Securities Exchange Act of 1934, as well as related fiduciary duty litigation. The claims are based on alleged misstatements and omissions relating to AMR's prospects as an oil and gas exploration and production company in the eastern portion of the Anadarko Basin referred to as the STACK.
- Successfully defended China Automotive Systems, Inc. and its officers and directors in a federal securities fraud class action relating to alleged accounting improprieties, in which, following an evidentiary hearing — at which John conducted direct and cross examinations of the parties' respective experts — the U.S. District Court for the Southern District of New York denied class certification on the ground, *inter alia*, that plaintiffs were not entitled to a classwide presumption of reliance based on the "fraud on the market" theory because they failed to demonstrate that China Automotive stock, albeit listed on the NASDAQ, traded in an efficient market.
- First-chaired the successful trial of a federal post-closing M&A dispute on behalf of Beam Suntory, Inc. (fka Jim Beam Brands Co.). The case arose out of Beam's sale of certain beverage alcohol brands and associated intellectual property to Luxco, Inc. Following a three-day trial, the U.S. District Court for the Northern District of Illinois found in Beam's favor on all counts, rejecting Luxco's claims that Beam breached certain representations and warranties in the parties' purchase agreement and awarding Beam counterclaim damages.
- Represented private equity firm Sycamore Partners and affiliates in multi-forum shareholder class action litigation challenging Sycamore's \$600 million acquisition of specialty retailer Hot Topic, Inc., in which plaintiffs' pre-vote state court motion for expedited discovery was denied and all claims against the Sycamore defendants, including claims for violation of Rule 14a-9 of the federal proxy rules and aiding and abetting breach of fiduciary duty, were

dismissed with prejudice by the U.S. District Court for the Central District of California on defendants' post-closing motion.

- As outside counsel to the court-appointed Examiner in the bankruptcy of Caesars Entertainment Operating Co, John took a lead role in the investigation of, *inter alia*, alleged breaches of fiduciary duty under Delaware law in connection with multiple pre-bankruptcy transactions giving rise to billions of dollars in claims by creditors.
- First-chaired successful five-day arbitration in post-closing dispute arising under a financial advisor engagement agreement following the completion of a multi-billion dollar public company acquisition.
- Secured a \$221 million arbitration award for Macquarie Infrastructure Company in corporate governance dispute with a fellow 50% shareholder that was arbitrated before the International Centre for Dispute Resolution of the American Arbitration Association.
- Successfully represented Panasonic Corporation of North America in a putative class action in California state court challenging the marketing and sale of consumer electronics products, in which Mr. Schreiber argued a successful motion for summary judgment leading to the dismissal of all claims asserted against Panasonic.

Recent Experience

Winston Wins Unanimous Supreme Court Case Clarifying Securities Fraud Liability

Crowe LLP's Carveout Sale of its Health Care Consulting Business

Allscripts Healthcare Solutions's Sale of its Hospital and Large Physician Practice Business

LAACO, Ltd.'s Sale to CubeSmart

Allscripts' Sale of EPSi to Strata Decision Technology

Won Rare Denial of Class Certification for Medtronic in Securities Fraud Litigation

Prevailed before Supreme Court for Omnicare in Landmark Securities Act Case

Recognitions

- Recognized—*Los Angeles Times* Studios, “2025 Law Firm Visionaries” (2025)
 - Securities Practice Group of the Year—Law360 (2024)
 - Ranked—Chambers *USA*, California: Securities Litigation (2023–2024)
 - Recommended—*The Legal 500 US*, Securities Litigation “Rising Star” (2015) and Securities Litigation—Defense (2018–2024)
 - Recommended—*The Legal 500 US*, M&A Litigation (2018; 2020–2023) and M&A Litigation “Key Lawyer” (2024)
 - Recognized—*Benchmark Litigation US*, “Future Star” (2019–2025)
 - Recognized—Law360, Securities Litigation “Rising Star” (2014) and “Legal Lions of the Week” (April 19, 2024)
 - Highly Recommended—*Leaders League*, Securities Litigation (2020)
 - Recognized—*Pasadena Magazine*, “Top Lawyer” (2020)
 - Received the New York County Lawyers Association’s Conspicuous Service Award (2020)
 - Recognized—Justice & Diversity Center of the Bar Association of San Francisco, “Outstanding Volunteer” (2018)
 - Recognized—Legal Services NYC, “Top 30 Pro Bono Attorneys” (2014)
 - Received “The Boris Kostelant’s President’s Medal” for dedication and service to the New York County Lawyers’ Association and legal profession (2013)
 - Received Legal Aid Society Pro Bono Award (2007)
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Activities

In addition to serving as chair of the firm’s Los Angeles Litigation Practice, John is also a member of the firm’s Pro Bono Committee and has been and remains actively involved in numerous pro bono matters on behalf of, *inter alia*, gun control groups, victims of sex trafficking, and veterans.

John is a former member of Law360’s Securities Editorial Advisory Board and of the Association of the Bar of the City of New York’s Special Committee on Mergers, Acquisitions and Corporate Control Contests.

“John is a brilliant lawyer with a wonderful personality and a great sense of what a client needs.”

Chambers USA

Credentials

EDUCATION

John received a J.D., *cum laude*, from the University of Wisconsin Law School in 2000, where he was an articles editor for the *Wisconsin Law Review*. He received a B.A. from the University of Kansas in 1996.

ADMISSIONS

- California
- New York

Related Insights & News

Speeches, Panel Presentations, & Other Appearances:

- “Crypto Regulatory Update,” 2022 Web3Summit, San Diego, May 18–20, 2022
- “Stock Price Nosedives: Securities Litigation and Enforcement in COVID-Churned Markets,” client webinar, June 22, 2020
- “Managing Through the Next Normal,” webinar in conjunction with the Association of Corporate Counsel of Southern California, May 21, 2020
- “The Current M&A Environment: Transactional and Litigation Perspectives,” Forum for Financial Institution Directors webinar series, May 19, 2017
- “Emerging Trends and Issues in M&A,” Los Angeles Speaker Series, moderated panel discussion featuring former Chief Justice Myron Steele of the Supreme Court of Delaware, February 1, 2017
- “How Do Directors Prepare for the Worst?,” Forum for Financial Institution Directors webinar series, April 8, 2016
- “Structuring Take-Private Transactions Involving Controlling Stockholders in Light of Recent Delaware Precedent,” The Real Deal Webinar Series, July 21, 2015
- “Fraud-on-the-Market Theory: Significant Issues and Updates for 2014 and Beyond,” Knowledge Congress LIVE Webcast, August 7, 2014
- “Recent Supreme Court Developments in the Securities Context,” The Real Deal Webinar Series, July 22, 2014
- “Securities Litigation in 2012 and Beyond: New Targets, New Solutions,” panel presentation for the Association of Corporate Counsel–Southern California Chapter, November 13, 2012
- PLI Securities Litigation and Enforcement Institute 2010: “Corporate Governance Litigation,” panel member along with former Vice-Chancellor Stephen Lamb of the Delaware Court of Chancery, September 21, 2010
- Regular speaker at client and in-house CLE-certified programs on issues relating to securities, M&A, and corporate governance litigation

Publications:

- “Market Rebound May Curb Securities Class Actions, Damages,” Law360, July 31, 2020
- “Suing or Representing Foreign Corporations in New York State Courts,” co-author, Chapter 19 of *Commercial Litigation in New York State Courts*, Fifth Edition, September 2020
- “New Chancery Guidance on Books and Records Law,” co-author, Law360, April 19, 2019
- “Eight Key Differences: Public vs. Private Company Acquisitions in the U.S.,” co-author, *Transaction Advisors*, January 15, 2017
- Editor and member of the Advisory Board of the “Delaware Quarterly: Recent Developments in Delaware Business and Securities Law,” a quarterly roundup of major decisions in the Delaware Supreme Court and Court of Chancery published in both the *Bank and Corporate Governance Law Reporter* and the *Securities Reform Act Litigation Reporter*, 2008-2015
- “2014 Year in Review: Delaware Courts Provide Clearer Roadmap for Take-Private Transactions Involving Controlling Stockholders,” co-author, *Transaction Advisors*, February 24, 2015

- “[Directors and Officers Prevail in Securities Fraud, Derivative Challenges to China Automotive’s Accounting Practices](#),” co-author, published in *Westlaw Journal Delaware Corporate*, October 14, 2013, and *Westlaw Journal Corporate Officers and Directors Liability*, October 21, 2013
 - “[The Piggyback Strike Suit](#),” co-author, *Daily Journal*, July, 25 2012
 - “SEC Struggles with Controversial Issue of Shareholder Proxy Access in Response to U.S. Court Decision,” co-author, *International Corporate Governance Review*, *Euromoney Yearbook* 2007
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RECOGNITIONS

Winston Team Featured in Litigator of the Week Column

APRIL 25, 2025

RECOGNITIONS

John Schreiber Named to *Los Angeles Times*’ 2025 Law Firm Visionaries List

APRIL 21, 2025

BLOG

Winston Musicians Win Judges’ Choice Award & Raise \$37,000 for the LAFD Foundation at Law Rocks Battle of the Bands

MARCH 20, 2025

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MARCH 20, 2025

RECOGNITIONS

Winston & Strawn Wins Three 2024 Law360 Practice Group of the Year Awards

JANUARY 20, 2025

PRO BONO IN ACTION

Husband and Wife Who Fled Political Persecution in Angola Receive Asylum After 10-Year Legal Battle

DECEMBER 17, 2024

WEBINAR

How Will the U.S. Election Results Impact Your Financial Services Businesses and Clients?

NOVEMBER 15, 2024

RECOGNITIONS

Winston & Strawn Recognized in 2025 *Benchmark Litigation*

OCTOBER 3, 2024

BLOG

Second Circuit Cites *Macquarie* in Affirming Dismissal of Putative Securities Class Action
JUNE 25, 2024

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2024
JUNE 12, 2024

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2024
JUNE 6, 2024

NEWS

Winston Team Wipes Out Pure Omission Liability With Unanimous Supreme Court Ruling
APRIL 15, 2024

Capabilities

Securities, M&A & Corporate Governance Litigation

Mergers & Acquisitions

Corporate Governance

Class Actions & Group Litigation

Commercial Litigation & Disputes

Government Program Fraud, False Claims Act & Qui Tam Litigation

Technology, Media & Telecommunications

Financial Services

Medical Devices

Energy

Media & Entertainment