



News

Many of our engagements involve matters in which our clients face significant public attention. The following is a list of news stories about the firm, our clients, cases and the results we have achieved.

Kobre & Kim Succeeds in Trimming Suit Against Better Mortgage Executives

October 5, 2023

Publication: *Law360*

In a win for the CEO and general counsel of Better Mortgage represented by Kobre & Kim, a New York federal judge significantly reduced the scope of a lawsuit against them brought by a former executive, as reported by *Law360*.

The former executive alleged the defendants retaliated against her for accusing them of violating securities and employment laws in the run-up of the company going public. U.S. District Judge Analisa Torres dismissed much of the plaintiff's claims, fully granting a motion to dismiss as to the general counsel. The judge granted the motion to dismiss all but one claim as to the CEO, but even on that claim the judge accepted the CEO's arguments on five of the six statements at issue.

Judge Torres ruled that the plaintiff's breach of fiduciary duty claim against the CEO and general counsel failed because plaintiff did not show that the demand requirement was excused. The order states the plaintiff "has not included allegations on a director-by-director basis, and instead pleads in a conclusory fashion that the board as an entity was compromised by a lack of independence and a risk of liability. These broad statements are insufficient to demonstrate demand futility." The judge also dismissed claims of tortious interference with contract and intentional infliction of emotional distress.

The team representing the clients includes Daniah Warde, Julia Langan, Michael Bahn, Rachel Barkin, Steven Perlstein and Steven Kobre.

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