



## Danny S. Ashby

Partner

Dallas

D: +1-972-360-1904

dashby@omm.com

Danny Ashby advises clients in federal white-collar criminal matters, class action securities litigation, securities enforcement, and corporate internal investigations. He represents numerous public and closely held companies and trade associations in federal courts throughout the United States. Danny has tried more than 25 cases and has argued more than a dozen matters before federal appeals courts across the country. He routinely defends issuers, officers, and directors in class action and other private securities litigation brought under the 1933 Securities Act and the 1934 Securities Exchange Act. He also represents corporations and individuals in SEC investigations, False Claims Act matters, and parallel civil/criminal investigations and proceedings.

Ranked among *The Best Lawyers in America* for white collar criminal defense and commercial litigation, Danny's criminal experience includes pre-indictment counseling and grand jury practice, as well as full-fledged jury trials of lengthy and complex criminal cases. Danny also devotes a substantial part of his litigation practice to federal appellate work, handling both civil and criminal appeals throughout the country. Past federal appeals have included federal securities fraud, intellectual property, and federal taxation matters, and issues involving the First, Fourth, Fifth, and Sixth Amendments.

Prior to joining O'Melveny, Danny was a Partner at another international law firm. Before entering private practice, he served under Attorney General William Barr as a trial attorney (Honors Program) in the criminal division of the US Department of Justice. He also served as a special assistant US Attorney in the Alexandria Division of the United States Attorney's Office for the

### Admissions

#### *Bar Admissions*

Texas

#### *Court Admissions*

United States Supreme Court

United States Courts of Appeals for the Federal, Second, Fifth, Eighth, Ninth, Tenth, and Eleventh Circuits

### Education

Baylor University Law School, J.D.,  
*with highest honors*

University of South Carolina, B.A.,  
*magna cum laude*

Eastern District of Virginia. Danny also served as a law clerk to Judge Edith Jones of the US Court of Appeals for the Fifth Circuit.

## Experience

### White Collar, Government Enforcement, and Private Securities Litigation

- Large government contractor in US\$1.2 billion False Claims Act case in the Eastern District of Virginia
- Major telecommunications provider in US\$850 million False Claims Act case in the Southern District of New York
- Large corporate conglomerate in a federal criminal tax matter involving the alleged failure to report and pay income taxes on more than US\$60 million in revenues
- Senior Enron executive in connection with federal civil and criminal charges of insider trading and securities fraud
- Former executive in a United States Senate Subcommittee and federal grand jury investigation involving alleged offshore tax shelter abuses
- The world's second largest pipe manufacturer against charges of criminal OSHA violations
- Major pharmaceutical company in a US\$400 million securities fraud and antitrust case
- Wells Fargo Bank, N.A. and Wells Fargo Capital Finance in multiple class action securities fraud cases alleging damages in excess of US\$2 billion.

### Corporate Internal Investigations

- Advanced Neuromodulation Systems, now a wholly owned division of St Jude Medical, in connection with a Federal healthcare fraud and anti-kickback investigation.
- Former director of Michaels Stores in connection with an SEC investigation of Michaels' executive stock option backdating practices.
- Executive and non-executive employees in an SEC and federal grand jury investigation involving i2 Technologies.
- ReadyOne Industries, the world's largest manufacturer of chemical warfare suits for the US military, in a federal grand jury investigation of ReadyOne's former officers and directors

## Corporate & Government Experience

- Trial Attorney, US Department of Justice, Criminal Division (Honors Program)
- Special Assistant US Attorney, United States Attorney's Office for the Eastern District of Virginia

## Professional Activities

### Clerkships

- Honorable Edith Jones, US Court of Appeals, Fifth Circuit

### Memberships

- American Bar Association
- Fifth Circuit Bar Association

- Dallas Bar Foundation

#### **Publications**

- "2 FCA Settlements Highlight Gov't Cyber Liability Focus," *Law360* (May 31, 2022)
- "Investigations and the Independent Auditor," *Bloomberg BNA* (June 22, 2015)

#### **Speaking Engagements**

- Moderator, "Government Investigations and the External Auditor," Government Enforcement Institute (GEI) presented by the University of Texas School of Law (May 14, 2015)

#### **Honors & Awards**

- Ranked by *Chambers USA* for Litigation: White-Collar Crime & Government Investigations (2022)
- Client Service All-Star, BTI Consulting Group (2019)
- Recognized by *The Best Lawyers in America*, Commercial Litigation, Dallas; Criminal Defense: White-Collar, Dallas (2013–2023)
- BTI Consulting Group Client Service All-Star (2014, 2016)
- Named a "Texas Super Lawyer" by *Texas Monthly* (2006–2012)
- Recognized by Best Lawyers in Dallas, *D Magazine* (2006–2012)