

Simpson Thacher Secures Motion to Dismiss in Fiduciary Duty Litigation Against DigitalBridge and IFM

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Simpson Thacher successfully secured the dismissal of an aiding and abetting claim against DigitalBridge Group Inc., a global digital infrastructure firm (“DigitalBridge”), and IFM Investors Pty Ltd, a global investment management firm (“IFM”), in connection with DigitalBridge and IFM’s acquisition of data center company, Switch, Inc. (“Switch”).

On July 18, 2023, the Eighth Judicial District Court of Nevada dismissed a fiduciary duty claim against Switch’s former directors and an aiding and abetting claim against Simpson Thacher clients DigitalBridge and IFM. Plaintiff alleged in a December 28, 2022 amended complaint that Switch’s former directors breached their fiduciary duties in connection with DigitalBridge and IFM’s acquisition of Switch, and that DigitalBridge and IFM aided and abetted such breaches. Following oral argument, the Court granted Simpson Thacher’s February 27, 2023 Motion to Dismiss the aiding and abetting claim, in its entirety with prejudice, finding that Plaintiff had failed to allege any non-conclusory facts showing aiding and abetting.

The team received a “Shout Out” in *The American Lawyer*’s [“Litigator of the Week”](#) coverage.

The Simpson Thacher team included Steve Blake and Sareen Armani.

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