



Jacob Kirkham

Lawyer

DELAWARE

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Jacob Kirkham is an experienced trial litigator who focuses his practice on complex corporate and commercial disputes, deal litigation, “busted” mergers, expedited litigation and other corporate and commercial litigation in the Delaware Court of Chancery and the Delaware Supreme Court. He also has deep experience litigating statutory actions under the Delaware General Corporation Law, the LLC Act and the Partnership Act including appraisal, advancement and indemnification, books and records demands, and director election contests.

Mr. Kirkham has extensive expertise in advising both international and domestic boards, special committees and independent board members in investigations and litigation under Delaware law. He also has substantial experience representing private equity funds and investors in both defensive and offensive actions, with a strong track record in Delaware’s federal and state courts.

Before joining Kobre & Kim, Mr. Kirkham practiced at Potter Anderson & Corroon LLP, where he focused on complex corporate litigation, including statutory actions, mergers and acquisitions litigation and internal investigations.

Admissions

- Delaware
- Georgia (inactive)
- U.S. District Court for the District of Delaware
- Bankruptcy Court for the District of Delaware

Education

- Emory University School of Law, JD
- Brigham Young University, BS in Finance

Languages

- Tagalog

Accolades

Best Lawyers: Ones to Watch – Corporate law

Select Engagements

KOBRE & KIM

- Representation of Twitter, Inc. with respect to its high-profile, expedited litigation in the Delaware Court of Chancery against Elon Musk seeking to compel Musk to close the US \$44 billion transaction. Acting as conflicts counsel, Kobre & Kim, among other things, handled the offensive discovery against Musk's financial advisor, Morgan Stanley & Co., and the 12 banks that agreed to finance Musk's acquisition.
- Representation of Omni Logistics with respect to its expedited litigation in the Delaware Court of Chancery seeking to compel Forward Air to close its transaction with Omni following Forward Air's attempt to terminate the parties' merger agreement. Kobre & Kim handled various aspects of offensive third-party discovery against Forward Air's financial advisors and lenders, including Morgan Stanley and Citigroup.
- Representation of a Chinese investment company in defense of various ongoing and potential litigations in the United States, including defending against a stockholder derivative litigation and representation in the bankruptcy of the underlying company, arising from its investments in value of over US \$300 million in a United States based light-aircraft manufacturer.
- Representation of a South Korean cosmetics company relating to its joint venture partnership in the U.S., litigating simultaneously in New York State Court and Delaware Court of Chancery. Obtained multiple favorable opinions from the Delaware Court of Chancery concerning the judicial dissolution of the partnership.
- Representation of CEO and founder of alternative asset management firm in Delaware Court of Chancery to enforce advancement rights in favor of his defense against charges of alleged securities fraud from the U.S. DOJ and investigations by the U.S. SEC as well as state regulatory agencies, in addition to multiple investor civil actions.
- Representation in Delaware District Court of a former executive of a fintech startup in defense against allegations of fraud after the company's acquisition by a major U.S. financial institution. Obtained an order from the Delaware Court of Chancery enforcing advancement rights in favor of his defense against charges from the U.S. DOJ, the SEC and the related civil action.
- Representation of a co-founder of a large middle market private equity fund in litigation in the Delaware Court of Chancery concerning the control and management of the fund.
- Representation of an international pharmaceutical company in its efforts to terminate a US \$4.8 billion merger agreement, resulting in a landmark ruling by the Delaware Court of Chancery finding a material adverse effect justifying termination of the agreement. The decision was affirmed by the Delaware Supreme Court.

Professional & Community Involvement

KOBRE & KIM

- Emory University School of Law, Kessler-Eidson Program for Trial Techniques, Faculty Member
- American Bar Association, Member
- American Bar Association Litigation, Section Trial Practice Committee Leadership Group, Former Member
- Delaware State Bar Association, Member
- Richard S. Rodney Inn of Court, Member
- J. Reuben Clark Law Society, Member

Publications & Presentations

- Speaker, "Preparing for Direct Examination" (*American Bar Association*, Webinar, May 2018)
- Speaker, J. Reuben Clark Law Society 2024 East Coast Conference (May 2024)