



# Kirby Hsu

ASSOCIATE

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## Kirby's Biography

An experienced litigator, Kirby Hsu represents a wide range of clients—including those in Asia and Europe—in their most challenging legal matters. Kirby focuses his practice on complex commercial disputes, government investigations, and securities litigation.

Kirby counsels leading clients at every stage of litigation in both state and federal courts, as well as in arbitration. His in-depth experience includes developing trial strategy, handling depositions, and writing and arguing dispositive motions. For example, in representing an investor in a voidable-transfer action, Kirby briefed, argued against, and defeated a motion for summary judgment filed by the SEC-appointed receiver of entities that had operated a Ponzi scheme.

Kirby regularly advises and has successfully represented a variety of clients, from Fortune 100 companies to tech and healthcare startups, to directors and officers and other individuals. Recent examples include defending a China-based digital logistics company in a commercial lease dispute, prosecuting a breach of fiduciary duty lawsuit on behalf of a joint venturer, and representing an electronics manufacturer in an antitrust investigation by the Department of Justice.

Kirby also maintains an active pro bono practice, which has included representing clients in immigration proceedings.

Prior to joining Willenken, Kirby honed his practice at premier

## Education

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Harvard Law School, J.D., 2016

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Cornell University, B.S., Applied Economics and Management, *magna cum laude*, 2011

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## Bar Admissions

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Admitted to the State Bar of California

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U.S. District Court, Northern District of California

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U.S. District Court, Eastern District of California

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U.S. District Court, Central District of California

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international law firms. During law school, he first-chaired drunk-driving jury trials as a certified student prosecutor. Before law school, Kirby taught middle school math in Las Vegas as a Teach For America corps member. His interests include reading fiction, learning Brazilian jiu-jitsu, and spending time with his wife and dogs. He is conversant in Mandarin Chinese.

U.S. District Court, Southern District of California

U.S. Court of Appeals, Ninth Circuit

## Honors

- *SuperLawyers*’ “Southern California Rising Stars,” 2022-2023.

## Winning Matters

- [Willenken Secures Dismissals on the Pleadings in Two Recent Cases for Prominent Social Media Company](#)
- [Willenken Prevails in Section 230 Case for Prominent Social Media Company](#)
- [Willenken’s Trade Secrets Team Achieves Settlement and Stipulated Injunction on the Eve of Trial](#)

## Cases

The following is a representative sample of Kirby’s casework:

- *Commercial Landlord v. Digital Logistics Company*. As lead counsel, Kirby defended a digital logistics company in a lawsuit involving an alleged breach of a commercial lease agreement. Through diligent analysis and negotiation, the case settled on favorable terms.
- *Individual Users v. Social Media Company*. Aided in motion practice in trial court and on appeal on behalf of a social media company in Section 230 cases.
- *SEC v. Pharmaceutical Company*. Represented a pharmaceutical company in an investigation by the SEC into an allegedly deceptive scheme to sell publicly traded stock to investors.
- *Leading Manufacturer of Insulated Water Bottles v. Product Distributor*. Represented a manufacturer in a breach of contract and misappropriation of trade secrets action against former employees and their product distributor company.
- *Individual Consumers v. Solar Company*. Defended a solar power company in a number of consumer arbitrations.

## Practice Areas

Appellate Litigation

Class Action Defense

Complex Commercial Litigation

White Collar Defense and Government Investigations



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- *Famous Rapper v. Prominent Photographer*. Defended a photographer in a right-of-publicity lawsuit.

## Professional Affiliations

In 2022, Kirby was selected by the firm to the **Leadership Council on Legal Diversity (LCLD)** Pathfinders Program.

While in college, Kirby taught seventh-grade math at an under-served middle school in Las Vegas as a **Teach For America** corps member.

## Publications

- “**Short Squeeze’ Class Actions Face Uphill Battle**,” Law360, February 2021, co-author
- “**Could the SEC Use Dealer Registration Requirements to Target Investors in PIPE Transactions?**” Hedge Fund Law Report, November 5, 2020, co-author
- “**Defending Against COVID-19 Tuition Refund Class Actions**,” Law360, June 8, 2020, co-author
- “**9th Circ. Denials Sustain Consumer Arbitration Hurdles**,” Law360, April 27, 2020, co-author
- “**After Oral Argument in ‘Liu’ Case, SCOTUS Poised to Curtail SEC’s Broad Use of Disgorgement**,” The Recorder, March 5, 2020, co-author



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