

## Raymond O. Aghaian

### Partner

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### Services

Complex Commercial Litigation  
Cybersecurity, Privacy & Data  
Governance  
Litigation  
White Collar Crime & Internal  
Investigations

### Industries

Retail & Consumer Goods

Ray Aghaian focuses his practice on high-stakes litigation, internal investigations, cybersecurity, and data privacy. Ray is an experienced trial lawyer and a former federal prosecutor and serves as co-chair of the Cybersecurity, Privacy and Data Governance Practice at Kilpatrick Townsend. Ray is a recipient of the prestigious CLAY Award (California Lawyer Attorney of the Year) and his experience in the area of cybersecurity has been recognized by the National Law Journal, where he was selected as one of the nation's "Trailblazers." On two occasions, the *Los Angeles Business Journal* recognized Ray as one of the "Most Influential Minority Lawyers" and one of the "Most Influential Lawyers in White Collar & Cyber Crimes Law." Ray has been recognized as a Top Southern California "Super Lawyer" for White Collar Criminal Defense by *Super Lawyers* magazine every year for the past 10 years and has been prominently ranked by *US Legal 500* in the area of trade secrets and other surveys in the area of white collar criminal defense. Ray has also appeared before senior officials at the White House on behalf of a client. One of Ray's data privacy battles with the Justice Department was featured in hundreds of news outlets, including the editorial section of the *New York Times*.

As a federal prosecutor with the Cyber & Intellectual Property Crimes Section of the U.S. Attorney's Office, Ray helped lead the U.S. Justice Department's efforts in investigating and prosecuting an array of white collar crimes, including cyber intrusions and DDoS attacks, copyright and trademark infringement, healthcare fraud, theft of trade secrets, bribery, mail, wire and bank fraud, money laundering, tax evasion, and mortgage fraud. Ray has also briefed and argued a number of cases before the U.S. Court of Appeals for the Ninth Circuit. Ray was nominated for the prestigious Attorney General's Award, the highest award in the Department of Justice, and has received numerous accolades from various federal law enforcement agencies, including:

Special Recognition by FBI Director, Robert S. Mueller III

Immigration & Customs Enforcement (ICE) Director's Award for Excellence

Housing & Urban Development Inspector General's Award for Excellence

ICE Assistant Director's Award for Excellence

FBI Los Angeles Special Agent in Charge Award for Outstanding Service

IRS-Criminal Investigations Los Angeles Special Agent in Charge Award for Outstanding Service

Department of Labor Los Angeles Special Agent in Charge Award for Outstanding Service

**Cybersecurity & Privacy**

Ray advises clients on cybersecurity issues, including investigating and responding to cyber-attacks and data breaches, assessing and securing computer networks before any breach, mitigating the risk of liability, and ensuring compliance with cybersecurity standards. Ray also advises electronic communication service providers and other entities on privacy issues relating to the CLOUD Act, the Electronic Communications Privacy Act, including the Stored Communication Act ("SCA"), the Wiretap Act, the PROTECT Act, and FISA and assists clients in responding to National Security Letters and subpoenas requesting customer data while ensuring compliance with EU-US Privacy Shield mandates. Ray's notable cybersecurity engagements include leading the representation of:

Advising MailChimp on host of privacy and SCA issues.

Advising Facebook on SCA related issues.

DreamHost, an electronic communications service provider, in successful litigation against the U.S. Department of Justice (DOJ) in a highly-publicized privacy battle, wherein the Court ultimately precluded the DOJ from obtaining information about individuals visiting and communicating with the political advocacy website DisruptJ20 in relation to the Inauguration Day protests.

Department of Defense contractor in a post data breach matter involving access and acquisition of Personally Identifiable Information and sensitive U.S. State Department data which led to the disclosure of the breach within the U.S. and other countries worldwide.

One of the world's largest ride-sharing services on data collection and cybersecurity standards in relation to operation of vehicles in the United States.

One of the nation's largest property management companies in consulting and assessing their cybersecurity infrastructure.

*Am Law 100* law firm in a post data breach matter which led to the disclosure of the breach.

Healthcare technology company in midst of an active request for ransom under a threat of repeated DDoS attacks.

Avionics firm involving the unauthorized access of data and exfiltration of \$70 million worth of trade secrets where the trade secrets were disclosed to competitors.

National retailer wherein the merchant bank and card brands identified the client as a Common Point of Purchase in purported point of sale theft of credit card data requiring an audit and analysis of the client's systems wherein the card brands and merchant bank reversed the CPP designation.

International organization of professionals in a post breach matter involving the potential acquisition and access of Personally Identifiable Information for more than 350,000 members worldwide.

Department of Defense contractor involving the acquisition of sensitive military data by a nation state actor and limiting NCIS access and scope of review of the client's database.

National fast-food retailer involving the theft of credit card data.

Web and cloud hosting company in assessing and securing their computer networks.

National claims management company in threatened litigation involving multiple plaintiffs in a post data breach matter involving Personal Health Information and successfully resolved the matter before the public filing of the complaint.

Reviewed, prepared and assessed incident response and breach response plans for various companies.

#### **Government Enforcement & Corporate Investigations**

Ray has represented numerous companies and corporate executives in a variety of internal investigations and white collar defense matters, involving: bribery, the Foreign Corrupt Practices Act (FCPA), procurement fraud relating to government contractors, the False Claims Act, ITAR and other export control violations, the Lacey Act, misbranded and adulterated drugs in violation of FDA regulations, embezzlement and fraud under the federal mail and wire fraud statutes. Ray has also developed an expertise in the area of trade sanctions imposed by the United States and advises companies accordingly. Ray's notable engagements in the area of government enforcement and corporate investigations include:

Representing the payor of the largest purported bribe payment of \$6,500,000 in the Varsity Blues college admissions scandal.

Representing the CTO of one of the largest international cryptocurrency exchange platforms involving a multinational investigation relating to inaccessible or missing cryptocurrency of 115,000 customers.

Defending against a FINRA Department of Enforcement action of a broker wherein FINRA

dismissed entirely the enforcement action without any penalties or disciplinary action.

Representing one of the national laboratories in an internal investigation relating to one of the greatest environmental disasters in U.S. history.

Counseling multinational companies on various sanctions related issues and assisting a company with relocation of offices from Russia in light of OFAC sanctions.

Representing an international management and construction firm with more than \$2 billion dollars of annual revenues in relation to an investigation of pending corruption charges against local officials.

Represented the in-house counsel of a publicly held company in relation to the over \$10 billion dollar acquisition of a foreign company pertaining to allegations of accounting improprieties and overt misrepresentations. No charges were filed against the client.

Obtaining a deferred prosecution agreement for the president of a government contractor in relation to an alleged multimillion dollar criminal False Claims Act and obstruction of justice violations after criminal charges were brought forth by the government.

Representing a *Fortune* 200 company in a government investigation involving allegations of export control violations.

Representation of a Native American tribe in relation to a government investigation relating to allegations of fraud, embezzlement, misuse of federal proceeds, and accounting improprieties.

Obtaining dismissal of criminal proceedings after uncovering evidence of public corruption in relation to the arrest and initiation of criminal charges brought against the client.

Representing a publicly traded aerospace company relating to an FBI international investigation involving alleged ITAR violations.

Representing a subject of a government investigation involving the \$19 billion judgment against Chevron in the Lago Agrio litigation.

Representing the “tippee” of a publicized insider trading prosecution wherein the tippee traded on the information, but was ultimately not charged and testified as a witness at tippee's trial.

Representing one of the largest aircraft ground handling companies in an internal investigation involving the arrest of employees in the dry-ice bombings in LAX.

Obtaining dismissal of all criminal proceedings against a corporate officer involving allegations of embezzlement and accounting fraud amounting to approximately \$800,000 after the arrest and execution of a search warrant.

Representing an international insurance company with more than 1,800 employees and more than 1,000 independent brokers in an internal investigation involving fraud and breach of contract by vendors.

Representing a defendant post-conviction in a federal jury trial and obtaining a sentence of only three months incarceration after defendant was convicted on multiple counts of obstruction of justice and where co-defendant was sentenced to 24 months on the same counts of conviction. Thereafter, obtained a stay of the sentence pending conclusion of appeal.

Obtained a sentence of home detention in representing a manufacturer of health food, nutritional supplements, and cosmetic products against allegations for violations of the Lacey Act, false labeling, money laundering, and U.S. Customs violations.

Representing a city council member in an FBI public corruption investigation (no charges filed).

Representing a former corporate officer in relation to violations of the FCPA.

Representing the prime target in the highly publicized Moreno Valley City Council federal corruption investigation and convinced the government to not pursue charges against the client.

Defending a principal of a medical provider in relation to allegations of Medicare fraud and kickbacks involving the highest amount of false Medicare billings in a single healthcare fraud takedown in United States strike force history.

Representing a former Los Angeles County public official in relation to potential charges of corruption and conflicts of interest violations (no charges filed).

Representing a medical doctor involving allegations of obtaining misbranded and adulterated drugs in violation of FDA regulations.

Represented a multinational entity in relation to an investigation by the FAA for violations in transporting hazardous material.

#### **Civil Litigation & Disputes**

Some of Ray's engagements where he has served as lead trial counsel in complex civil litigation and disputes include:

Representing a *Fortune* 10 telecommunications company in prosecuting multiple lawsuits filed in federal courts across the country against various unauthorized dealers relating to unauthorized access and unlocking of cell phones, fraud, and trademark infringement.

Representing the assignee in an ABC litigation relating to the assignment of the infamous \$165 million-dollar vertically integrated cannabis operation, the Genius Fund, upon the death of the

owner.

Defending one of the most prolific NFL players in a litigation involving allegations of fraud, breach of fiduciary duty and money laundering relating to a cannabis startup.

Represented the purchasers of securities in obtaining an \$8 million-dollar federal securities fraud judgment involving violations of Rule 10b-5.

Representing investors in a federal securities fraud lawsuit involving a \$7 million media investment contract.

Defending a property management company in a lawsuit, both as defendant and cross complainant, involving allegations of fraud and theft of trade secrets.

Representing a director and shareholder of a government contractor in a \$32 million dollar lawsuit by the former CEO and Chairman of the company.

Defending a professional fiduciary services provider in a lawsuit involving allegations of fraud and foreclosing media coverage of the alleged conduct.

Representing a property management company in a lawsuit involving a breach of a lease agreement by a law firm.

Representing a cable television network in a lawsuit involving breach of contract and injunctive relief against one of the largest cable operators in the United States.

#### **Government Experience**

Examples of some of Ray's prosecutions and investigations as a federal prosecutor, include:

Leading the highly publicized multi-agency public corruption prosecution of an Assistant Chief Counsel at ICE on charges of bribery, obstruction of justice and tax evasion. As a result of securing a guilty verdict on every count at trial, Ray obtained one of the longest federal corruption sentences of a public official in United States history.

Leading the prosecution of co-conspirators involved in one of the largest Medicare fraud schemes ever perpetrated by a single criminal enterprise amounting to approximately \$160 million of Medicare fraud proceeds.

Leading the prosecution of a multi-million dollar and multi-agency international cyber-crime scheme perpetrated by an international criminal enterprise resulting in the first ever arrest and prosecution of a defendant designated as a "Top International Criminal Organization Target."

Leading the prosecution of cyber-attacks launched against a celebrity rock and roll legend by members of an international cyber hacking group.

Leading the prosecution of a corporate CEO/accountant for filing false corporate tax returns resulting in a \$700,000 tax loss to the United States.

Prosecuting a \$29 million multi-agency mortgage fraud and bank fraud conspiracy orchestrated by a 100-employee brokerage firm.

Prosecution of the importation and attempted sale of counterfeit designer apparel and jewelry from China exceeding a retail value of \$20 million.

Leading the prosecution of a defendant for making death threats against a federal judge.

Appointed commissioner pursuant to Mutual Legal Assistance Treaties and assisted foreign law enforcement officials in international corruption prosecutions in the United States.

### **Education**

University of California, Hastings College of the Law J.D. (2001) *Hastings International & Comparative Law Review*, Member

University of California, Santa Barbara B.A. (1997)

### **Admissions**

California (2001)

District of Columbia (2002)

### **Court Admissions**

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Central District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

### **Clerkships**

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### **Insights**

#### [Alert](#)

U.S. Expands Russia Export Restrictions and Sanctions Targeting Additional Services to Russia

May 16, 2022

#### [Alert](#)



Reference Sheet: Russia/Ukraine-Related U.S. Sanctions

March 29, 2022

### [Alert](#)

Recent Court Decision Carries Lessons for Retaining and Using Cybersecurity Consultants to Investigate a Breach

July 17, 2020

### [News Releases](#)

Kilpatrick Townsend Attorneys Recognized by 2020 Southern California Super Lawyers

March 6, 2020

### [News Releases](#)

Seven Kilpatrick Townsend Attorneys Recognized by Southern California Super Lawyers

June 10, 2019