

MEDIA MENTIONS

SRZ Partner Michael Swartz Quoted in Reuters: “Masimo, After Ditching Dicey ‘Advance Notice’ Bylaw, Still Faces CEO Pay Trial”

February 13, 2023

In a recent Reuters article by Alison Frankel, Schulte Roth & Zabel partner Michael Swartz discussed the ongoing litigation between SRZ client Politan Capital and Masimo Corp. regarding Masimo’s adoption of its amended advance notice bylaws after learning of Politan’s desire to seek two board seats.

Michael said that, although he is gratified that Politan repealed its amended bylaws, he is disappointed that the case will not clarify the appropriate scope of advance notice bylaws. It’s telling that Masimo’s board retracted the bylaw after Vice Chancellor Nathan Cook of Delaware Chancery Court refused to toss CEO Joe Kiani’s employment contract claim.

“At the end of the day, Masimo abandoned the whole bylaw just to defend its CEO’s outrageous change-of-control provision,” said Michael.

[Read the article here.](#)

Related People



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Practices

LITIGATION