

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Individually and  
On Behalf of All Others Similarly  
Situating,

Plaintiff,

v.

QUIKSILVER, INC., ANDREW P.  
MOONEY, and RICHARD SHIELDS,

Defendants.

Case No:

**CLASS ACTION COMPLAINT FOR  
VIOLATION OF THE FEDERAL  
SECURITIES LAWS**

**JURY TRIAL DEMANDED**

Plaintiff [REDACTED] ("Plaintiff"), individually and on behalf of all other persons similarly situated, by the undersigned attorneys, for the complaint against defendants, alleges the following based upon personal knowledge as to himself and his own acts, and information and belief as to all other matters, based upon, *inter alia*, the investigation conducted by and through his attorneys, which included, among other things, a review of the defendants' public documents, conference calls and

1 announcements made by defendants, United States Securities and Exchange  
2 Commission (“SEC”) filings, wire and press releases published by and regarding  
3 Quiksilver Inc. (“Quiksilver” or the “Company”), analysts’ reports and advisories  
4 about the Company, and information readily obtainable on the Internet. Plaintiff  
5 believes that substantial evidentiary support will exist for the allegations set forth  
6 herein after a reasonable opportunity for discovery.  
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### 9 10 **NATURE OF THE ACTION**

11 1. This is a federal securities class action on behalf of a class consisting of  
12 all persons other than Defendants (defined below) who purchased or otherwise  
13 acquired Quiksilver securities between June 6, 2014 and March 26, 2015, both dates  
14 inclusive (the “Class Period”). Plaintiff seeks to recover compensable damages  
15 caused by Defendants’ violations of the federal securities laws and to pursue  
16 remedies under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the  
17 “Exchange Act”) and Rule 10b-5 promulgated thereunder, against the Company and  
18 certain of its top officials.  
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22 2. Quiksilver designs, develops, and distributes branded apparel, footwear,  
23 accessories, and related products primarily for men, women, and children. Its  
24 products are for various activities, including casual and outdoor lifestyle associated  
25 with surfing, skateboarding, snowboarding, BMX and motocross, and rally car.  
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1           3. Throughout the Class Period, Defendants made materially false and  
2 misleading statements regarding the Company's business, operational and  
3 compliance policies. Specifically, Defendants made false and/or misleading  
4 statements and/or failed to disclose that: (1) the Company lacked adequate internal  
5 controls over financial reporting; and (2) as a result of the foregoing, the Company's  
6 financial statements were materially false and misleading at all relevant times.  
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9           4. On March 4, 2015, the Company announced that it would delay its first  
10 quarter earnings report due to its audit committee's investigation of a "revenue cut-  
11 off issue."  
12

13           5. On this news, shares of Quiksilver fell \$0.09 per share or approximately  
14 5% from its previous closing price to close at \$1.90 per share on March 4, 2015.  
15

16           6. On March 26, 2015, the Company filed an amended Form 10-K for the  
17 fiscal year ended October 31, 2014 (the "Amended 2014 10-K"), which revealed that  
18 its internal control over financial reporting was not effective as of October 31, 2014.  
19

20           7. On this news, shares of Quiksilver fell \$0.35 per share or over 15% from  
21 its previous closing price to close at \$1.90 per share on March 27, 2015.  
22

23           8. On March 27, 2015, the Company announced the abrupt removal of  
24 Defendant Mooney, effective March 27, 2015 and sudden resignation of Defendant  
25 Shields, effective April 3, 2015.  
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1 with the SEC, which provided the Company's quarterly financial results position and  
2 stated that the Company's internal control over financial reporting was effective as of  
3 April 30, 2014. The 2<sup>nd</sup> Q 2014 10-Q was signed by Defendant Shields. The 2<sup>nd</sup> Q  
4 2014 10-Q contained signed certifications pursuant to the Sarbanes-Oxley Act of  
5 2002 ("SOX") by Defendant Mooney and Shields, which stated that the financial  
6 information contained in the 2<sup>nd</sup> Q 2014 10-Q was accurate and disclosed any  
7 material changes to the Company's internal control over financial reporting.  
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11 22. On September 8, 2014, the Company filed a Form 10-Q for the quarterly  
12 period ended July 31, 2014 (the "3<sup>rd</sup> Q 2014 10-Q") with the SEC, which provided  
13 the Company's quarterly financial results position and stated that the Company's  
14 internal control over financial reporting was effective as of July 31, 2014. The 3<sup>rd</sup> Q  
15 2014 10-Q was signed by Defendant Shields. The 3<sup>rd</sup> Q 2014 10-Q contained signed  
16 SOX certifications by Defendant Mooney and Shields, which stated that the financial  
17 information contained in the 3<sup>rd</sup> Q 2014 10-Q was accurate and disclosed any material  
18 changes to the Company's internal control over financial reporting.  
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22 23. On December 23, 2014, the Company filed a Form 10-K for the fiscal  
23 year ended October 31, 2014 (the "2014 10-K") with the SEC, which provided the  
24 Company's year end financial results and position and stated that the Company's  
25 internal control over financial reporting was effective as of October 31, 2014. The  
26 2014 10-K was signed by Defendants Mooney and Shields. The 2014 10-K contained  
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1 signed SOX certifications by Defendant Mooney and Shields, which stated that the  
2 financial information contained in the 2014 10-K was accurate and disclosed any  
3 material changes to the Company's internal control over financial reporting.  
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5 24. The statements referenced in ¶¶ 21-23 above were materially false  
6 and/or misleading because they misrepresented and failed to disclose the following  
7 adverse facts pertaining to the Company's business, operational and compliance  
8 policies, which were known to Defendants or recklessly disregarded by them.  
9 Specifically, Defendants made false and/or misleading statements and/or failed to  
10 disclose that: (1) the Company lacked adequate internal controls over financial  
11 reporting; and (2) as a result of the foregoing, the Company's financial statements  
12 were materially false and misleading at all relevant times.  
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### 16 The Truth Emerges

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18 25. On March 4, 2015, the Company issued a press release announcing the  
19 delay in the release of its financial results for the first quarter of 2015 due to  
20 management's identification of a revenue cut-off issue. The press release states in  
21 part:  
22

23 *Quiksilver, Inc. (ZQK) today announced that it has postponed the*  
24 *distribution of its 2015 first quarter earnings release, as well as the*  
25 *related conference call and webcast previously scheduled to take place*  
26 *on March 5th, as a result of a revenue cut-off issue identified by*  
27 *management and brought to the attention of the Audit Committee.*  
28

1 The Audit Committee promptly commenced an investigation last week  
2 and has not yet reached any conclusions. Based on currently available  
3 information, the Company believes that the completion of the Audit  
4 Committee's investigation will have no material impact on its previously  
5 issued financial statements, its 2015 first quarter financial results, or its  
6 current guidance.

7 The Audit Committee plans to review progress regarding its  
8 investigation at a previously scheduled regular meeting of the Board of  
9 Directors on March 16th, after which the Company anticipates  
10 announcing a date for distribution of its first quarter 2015 financial  
11 results during March.

12 (Emphasis added).

13 26. On this news, shares of Quiksilver fell \$0.09 per share or approximately  
14 5% from its previous closing price to close at \$1.90 per share on March 4, 2015.

15 27. On March 26, 2015, the Company filed an amended Form 10-K for the  
16 fiscal year ended October 31, 2014 (the "Amended 2014 10-K") with the SEC. The  
17 Amended 2014 10-K revealed that its internal control over financial reporting was  
18 not effective as of October 31, 2014—contrary to what was previously reported in the  
19 2014 10-K. The Amended 2014 10-K states in part:

20  
21 **Item 9A. Controls and Procedures**

22 (a) Evaluation of Disclosure Controls and Procedures

23 We maintain disclosure controls and procedures (as defined in Rules  
24 13a-15(e) and 15d-15(e) under the Exchange Act that are designed to  
25 ensure that information required to be disclosed in our reports filed  
26 under the Exchange Act, is recorded, processed, summarized and  
27 reported within the time periods specified in the SEC's rules and forms,  
28 and that such information is accumulated and communicated to our  
management, including our Chief Executive Officer and Chief Financial



1 Officer, as appropriate, to allow timely decisions regarding required  
2 disclosure. In designing and evaluating the disclosure controls and  
3 procedures, management recognized that any controls and procedures,  
4 no matter how well designed and operated, can provide only reasonable  
5 assurance of achieving the desired control objectives, and management  
6 necessarily was required to apply its judgment in evaluating the cost-  
7 benefit relationship of possible controls and procedures. Our disclosure  
8 controls and procedures are designed to provide a reasonable level of  
9 assurance of reaching our desired disclosure control objectives.

10 We carried out an evaluation under the supervision and with the  
11 participation of management, including our Chief Executive Officer and  
12 Chief Financial Officer, of the effectiveness of the design and operation  
13 of our disclosure controls and procedures as of October 31, 2014, the  
14 end of the period covered by this report. *Previously, based on that  
15 evaluation, our Chief Executive Officer and Chief Financial Officer  
16 concluded that our disclosure controls and procedures were effective  
17 as of October 31, 2014. However, due to the material weakness in  
18 internal control over financial reporting described below, our Chief  
19 Executive Officer and Chief Financial Officer have concluded that  
20 our disclosure procedures were not effective, and were not operating at  
21 the reasonable assurance level as of October 31, 2014.*

22 (b) Management's Annual Report on Internal Control Over Financial  
23 Reporting (Revised)

24 Internal control over financial reporting refers to the process designed  
25 by, or under the supervision of, our Chief Executive Officer and Chief  
26 Financial Officer, and effected by our Board of Directors, management  
27 and other personnel, to provide reasonable assurance regarding the  
28 reliability of financial reporting and the preparation of financial  
statements for external purposes in accordance with generally accepted  
accounting principles, and includes those policies and procedures that:

- pertain to the maintenance of records that, in reasonable detail,  
accurately and fairly reflect the transactions and dispositions of  
our assets;

- 1 • provide reasonable assurance that transactions are recorded as  
2 necessary to permit preparation of financial statements in  
3 accordance with generally accepted accounting principles, and  
4 that our receipts and expenditures are being made only in  
5 accordance with authorizations of our management and directors;  
6 and
- 7 • provide reasonable assurance regarding prevention or timely  
8 detection of unauthorized acquisition, use or disposition of our  
9 assets that could have a material effect on the consolidated  
10 financial statements.

11 Internal control over financial reporting cannot provide absolute  
12 assurance of achieving financial reporting objectives because of its  
13 inherent limitations. Internal control over financial reporting is a process  
14 that involves human diligence and compliance and is subject to lapses in  
15 judgment and breakdowns resulting from human failures. Internal  
16 control over financial reporting also can be circumvented by collusion or  
17 improper management override. Because of such limitations, there is a  
18 risk that material misstatements may not be prevented or detected on a  
19 timely basis by internal control over financial reporting. However, these  
20 inherent limitations are known features of the financial reporting  
21 process. Therefore, it is possible to design into the process safeguards to  
22 reduce, though not eliminate, this risk. Management is responsible for  
23 establishing and maintaining adequate internal control over our financial  
24 reporting.

25 Management has used the framework set forth in the report entitled  
26 “Internal Control—Integrated Framework” published by the Committee  
27 of Sponsoring Organizations (“COSO”) of the Treadway Commission  
28 (1992 Framework) to evaluate the effectiveness of its internal control  
over financial reporting.

***Management had previously reported that its internal control over financial reporting was effective as of October 31, 2014; however, in February 2015, management identified and brought to the attention of the Audit Committee a revenue cut-off issue.*** The Audit Committee promptly commenced an investigation, with the assistance of independent legal counsel and outside forensic accountants, engaged by the Audit Committee (the “Independent Investigation”), into the scope

1 and causes of this revenue cut-off issue and reported the results of the  
2 Independent Investigation to the full Board of Directors and  
3 management.

4 ***Based on the results of the Independent Investigation and our***  
5 ***reassessment of the deficiencies in the operating effectiveness of***  
6 ***certain of our internal controls, we have determined that a material***  
7 ***weakness existed in our internal control over financial reporting as of***  
8 ***October 31, 2014.*** A material weakness is a deficiency, or a combination  
9 of deficiencies, in internal control over financial reporting, such that  
10 there is a reasonable possibility that a material misstatement of a  
11 company's annual or interim consolidated financial statements will not  
12 be prevented or detected on a timely basis. ***Management has identified***  
13 ***deficiencies in operating effectiveness that, in combination, represent***  
14 ***a material weakness in internal control over financial reporting as***  
15 ***follows:***

16 ***In our North America wholesale operations, accurate***  
17 ***information regarding actual shipment routing and***  
18 ***customer delivery was not consistently maintained in our***  
19 ***ERP system in accordance with our procedures. As a***  
20 ***result, certain net revenues recorded in the prior period***  
21 ***did not meet the criteria for revenue recognition at that***  
22 ***time but instead should have been recognized in the***  
23 ***following quarter. In addition, certain of our employees***  
24 ***took actions inconsistent with our Code of Business***  
25 ***Conduct and Ethics. These deficiencies in combination***  
26 ***represented a material weakness in our internal control***  
27 ***over financial reporting.***

28 ***Because of the material weakness identified, management has***  
***concluded that its internal control over financial reporting was not***  
***effective as of October 31, 2014.***

We analyzed the impact of the revenue cut-off misstatements from the  
identified material weakness and concluded that it did not have a  
material impact on our previously issued consolidated financial  
statements. Notwithstanding the material weakness in our internal  
control over financial reporting, we have concluded that the consolidated

1 financial statements and other financial information included in the  
2 Original Filing, fairly present in all material respects our financial  
3 condition, results of operations and cash flows as of, and for, the periods  
presented.

4 The foregoing has been approved by our management, including our  
5 Chief Executive Officer and Chief Financial Officer, who have been  
6 involved with the reassessment and analysis of our internal control over  
7 financial reporting.

8 Deloitte & Touche LLP has issued an attestation report (see below) on  
9 our internal control over financial reporting.

10 (Emphasis added).

11 28. On this news, shares of Quiksilver fell \$0.35 per share or over 15% from  
12  
13 its previous closing price to close at \$1.90 per share on March 27, 2015.

14 29. On March 27, 2015, the Company announced the abrupt removal of  
15  
16 Defendant Mooney, effective March 27, 2015 and sudden resignation of Defendant  
17 Shields, effective April 3, 2015..

18 30. As a result of Defendants' wrongful acts and omissions, and the  
19  
20 precipitous decline in the market value of the Company's securities, Plaintiff and  
21  
22 other Class members have suffered significant losses and damages.

### 23 **PLAINTIFF'S CLASS ACTION ALLEGATIONS**

24 31. Plaintiff brings this action as a class action pursuant to Federal Rule of  
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26 Civil Procedure 23(a) and (b)(3) on behalf of a Class, consisting of all those who  
27  
28 purchased or otherwise acquired Quiksilver securities during the Class Period (the

1 “Class”); and were damaged upon the revelation of the alleged corrective disclosures.  
2 Excluded from the Class are Defendants herein, the officers and directors of the  
3 Company, at all relevant times, members of their immediate families and their legal  
4 representatives, heirs, successors or assigns and any entity in which Defendants have  
5 or had a controlling interest.  
6

7  
8 32. The members of the Class are so numerous that joinder of all members is  
9 impracticable. Throughout the Class Period, Quiksilver securities were actively  
10 traded on the NYSE. While the exact number of Class members is unknown to  
11 Plaintiff at this time and can be ascertained only through appropriate discovery,  
12 Plaintiff believes that there are hundreds or thousands of members in the proposed  
13 Class. Record owners and other members of the Class may be identified from records  
14 maintained by Quiksilver or its transfer agent and may be notified of the pendency of  
15 this action by mail, using the form of notice similar to that customarily used in  
16 securities class actions.  
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19 33. Plaintiff’s claims are typical of the claims of the members of the Class as  
20 all members of the Class are similarly affected by Defendants’ wrongful conduct in  
21 violation of federal law that is complained of herein.  
22

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24 34. Plaintiff will fairly and adequately protect the interests of the members  
25 of the Class and has retained counsel competent and experienced in class and  
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1 securities litigation. Plaintiff has no interests antagonistic to or in conflict with those  
2 of the Class.

3  
4 35. Common questions of law and fact exist as to all members of the Class  
5 and predominate over any questions solely affecting individual members of the Class.

6 Among the questions of law and fact common to the Class are:

- 7
- 8 • whether the federal securities laws were violated by Defendants' acts as  
9 alleged herein;
  - 10 • whether statements made by Defendants to the investing public during  
11 the
  - 12 • Class Period misrepresented material facts about the business, operations  
13 and management of Quiksilver;
  - 14 • whether the Individual Defendants caused Quiksilver to issue false and  
15 misleading financial statements during the Class Period;
  - 16 • whether Defendants acted knowingly or recklessly in issuing false and  
17 misleading financial statements;
  - 18 • whether the prices of Quiksilver securities during the Class Period were  
19 artificially inflated because of the Defendants' conduct complained of  
20 herein; and,
  - 21 • whether the members of the Class have sustained damages and, if so,  
22 what is the proper measure of damages.

23 36. A class action is superior to all other available methods for the fair and  
24 efficient adjudication of this controversy since joinder of all members is  
25 impracticable. Furthermore, as the damages suffered by individual Class members  
26 may be relatively small, the expense and burden of individual litigation make it  
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1 impossible for members of the Class to individually redress the wrongs done to them.

2 There will be no difficulty in the management of this action as a class action.

3  
4 37. Plaintiff will rely, in part, upon the presumption of reliance established  
5 by the fraud-on-the-market doctrine in that:

- 6
- 7 • Defendants made public misrepresentations or failed to disclose material  
8 facts during the Class Period;
  - 9 • the omissions and misrepresentations were material;
  - 10 • securities are traded in efficient markets;
  - 11 • the Company's shares were liquid and traded with moderate to heavy  
12 volume during the Class Period;
  - 13 • the Company traded on the NYSE, and was covered by multiple  
14 analysts;
  - 15 • the misrepresentations and omissions alleged would tend to induce a  
16 reasonable investor to misjudge the value of the Company's securities;  
17 and
  - 18 • Plaintiff and members of the Class purchased and/or sold Quiksilver  
19 securities between the time the Defendants failed to disclose or  
20 misrepresented material facts and the time the true facts were disclosed,  
21 without knowledge of the omitted or misrepresented facts.

22 38. Based upon the foregoing, Plaintiff and the members of the Class are  
23 entitled to a presumption of reliance upon the integrity of the market.

24 39. Alternatively, Plaintiffs and the members of the Class are entitled to the  
25 presumption of reliance established by the Supreme Court in *Affiliated Ute Citizens of*  
26 *the State of Utah v. United States*, 406 U.S. 128, 92 S. Ct. 2430 (1972), as Defendants  
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1 omitted material information in their Class Period statements in violation of a duty to  
2 disclose such information, as detailed above.

3  
4 **COUNT I**

5 **Violation of Section 10(b) of The Exchange Act and Rule 10b-5**  
6 **Against All Defendants**

7 40. Plaintiff repeats and realleges each and every allegation contained  
8 above as if fully set forth herein.  
9

10 41. This Count is asserted against Defendants and is based upon Section  
11 10(b) of the Exchange Act, 15 U.S.C. §78j(b), and Rule 10b-5 promulgated  
12 thereunder by the SEC.  
13

14 42. During the Class Period, Defendants engaged in a plan, scheme,  
15 conspiracy and course of conduct, pursuant to which they knowingly or recklessly  
16 engaged in acts, transactions, practices and courses of business which operated as a  
17 fraud and deceit upon Plaintiff and the other members of the Class; made various  
18 untrue statements of material facts and omitted to state material facts necessary in  
19 order to make the statements made, in light of the circumstances under which they  
20 were made, not misleading; and employed devices, schemes and artifices to defraud  
21 in connection with the purchase and sale of securities. Such scheme was intended to,  
22 and, throughout the Class Period, did: (i) deceive the investing public, including  
23 Plaintiff and other Class members, as alleged herein; (ii) artificially inflate and  
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1 maintain the market price of Quiksilver securities; and (iii) cause Plaintiff and other  
2 members of the Class to purchase or otherwise acquire Quiksilver securities and  
3 options at artificially inflated prices. In furtherance of this unlawful scheme, plan and  
4 course of conduct, Defendants, and each of them, took the actions set forth herein.  
5

6       43. Pursuant to the above plan, scheme, conspiracy and course of conduct,  
7 each of the Defendants participated directly or indirectly in the preparation and/or  
8 issuance of the quarterly and annual reports, SEC filings, press releases and other  
9 statements and documents described above, including statements made to securities  
10 analysts and the media that were designed to influence the market for Quiksilver  
11 securities. Such reports, filings, releases and statements were materially false and  
12 misleading in that they failed to disclose material adverse information and  
13 misrepresented the truth about Quiksilver's finances and business prospects.  
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16       44. By virtue of their positions at Quiksilver, Defendants had actual  
17 knowledge of the materially false and misleading statements and material omissions  
18 alleged herein and intended thereby to deceive Plaintiff and the other members of the  
19 Class, or, in the alternative, Defendants acted with reckless disregard for the truth in  
20 that they failed or refused to ascertain and disclose such facts as would reveal the  
21 materially false and misleading nature of the statements made, although such facts  
22 were readily available to Defendants. Said acts and omissions of Defendants were  
23 committed willfully or with reckless disregard for the truth. In addition, each  
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1 defendant knew or recklessly disregarded that material facts were being  
2 misrepresented or omitted as described above.

3  
4 45. Defendants were personally motivated to make false statements and omit  
5 material information necessary to make the statements not misleading in order to  
6 personally benefit from the sale of Quiksilver securities from their personal  
7 portfolios.  
8

9 46. Information showing that Defendants acted knowingly or with reckless  
10 disregard for the truth is peculiarly within Defendants' knowledge and control. As the  
11 senior managers and/or directors of Quiksilver, the Individual Defendants had  
12 knowledge of the details of Quiksilver's internal affairs.  
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15 47. The Individual Defendants are liable both directly and indirectly for the  
16 wrongs complained of herein. Because of their positions of control and authority, the  
17 Individual Defendants were able to and did, directly or indirectly, control the content  
18 of the statements of Quiksilver. As officers and/or directors of a publicly-held  
19 company, the Individual Defendants had a duty to disseminate timely, accurate, and  
20 truthful information with respect to Quiksilver's businesses, operations, future  
21 financial condition and future prospects. As a result of the dissemination of the  
22 aforementioned false and misleading reports, releases and public statements, the  
23 market price for Quiksilver's securities was artificially inflated throughout the Class  
24 Period. In ignorance of the adverse facts concerning Quiksilver's business and  
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1 financial condition which were concealed by Defendants, Plaintiff and the other  
2 members of the Class purchased or otherwise acquired Quiksilver securities at  
3 artificially inflated prices and relied upon the price of the securities, the integrity of  
4 the market for the securities and/or upon statements disseminated by Defendants, and  
5 were damaged upon the revelation of the alleged corrective disclosures.  
6

7  
8 48. During the Class Period, Quiksilver's securities were traded on an active  
9 and efficient market. Plaintiff and the other members of the Class, relying on the  
10 materially false and misleading statements described herein, which the Defendants  
11 made, issued or caused to be disseminated, or relying upon the integrity of the  
12 market, purchased or otherwise acquired shares of Quiksilver securities at prices  
13 artificially inflated by Defendants' wrongful conduct. Had Plaintiff and the other  
14 members of the Class known the truth, they would not have purchased or otherwise  
15 acquired said securities, or would not have purchased or otherwise acquired them at  
16 the inflated prices that were paid. At the time of the purchases and/or acquisitions by  
17 Plaintiff and the Class, the true value of Quiksilver securities was substantially lower  
18 than the prices paid by Plaintiff and the other members of the Class. The market price  
19 of Quiksilver's securities declined sharply upon public disclosure of the facts alleged  
20 herein to the injury of Plaintiff and Class members.  
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1 to Quiksilver's financial condition and results of operations, and to correct promptly  
2 any public statements issued by Quiksilver which had become materially false or  
3 misleading.  
4

5 54. Because of their positions of control and authority as senior officers, the  
6 Individual Defendants were able to, and did, control the contents of the various  
7 reports, press releases and public filings which Quiksilver disseminated in the  
8 marketplace during the Class Period. Throughout the Class Period, the Individual  
9 Defendants exercised their power and authority to cause Quiksilver to engage in the  
10 wrongful acts complained of herein. The Individual Defendants therefore, were  
11 "controlling persons" of Quiksilver within the meaning of Section 20(a) of the  
12 Exchange Act. In this capacity, they participated in the unlawful conduct alleged  
13 which artificially inflated the market price of Quiksilver securities.  
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18 55. Each of the Individual Defendants, therefore, acted as a controlling  
19 person of Quiksilver. By reason of their senior management positions and/or being  
20 directors of Quiksilver, each of the Individual Defendants had the power to direct the  
21 actions of, and exercised the same to cause, Quiksilver to engage in the unlawful acts  
22 and conduct complained of herein. Each of the Individual Defendants exercised  
23 control over the general operations of Quiksilver and possessed the power to control  
24 the specific activities which comprise the primary violations about which Plaintiff  
25 and the other members of the Class complain.  
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## PRAAYER FOR RELIEF

8           A.     Determining that the instant action may be maintained as a class action  
9           under Rule 23 of the Federal Rules of Civil Procedure, and certifying Plaintiff as the  
10          Class representative;  
11

12 B. Requiring Defendants to pay damages sustained by Plaintiff and the  
13  
14 Class by reason of the acts and transactions alleged herein;

15 C. Awarding Plaintiff and the other members of the Class prejudgment and  
16 post- judgment interest, as well as their reasonable attorneys' fees, expert fees and  
17 other costs; and  
18

19 D. Awarding such other and further relief as this Court may deem just and  
20  
21 proper.

## DEMAND FOR TRIAL BY JURY

26 Dated: April 2, 2015

Respectfully submitted,