

Law360's Weekly Verdict: Legal Lions & Lambs

By **Aebra Coe**

Law360, Grand Rapids (June 15, 2017, 4:52 PM EDT) -- Hogan Lovells LLP reigned supreme as this week's top legal lion, winning a Ninth Circuit decision blocking President Donald Trump's revised travel ban, while Chadbourne & Parke LLP ended up a legal lamb after the law firm lost its early bid for dismissal of a \$100 million proposed gender bias suit brought by several female attorneys.

Legal Lions

The Ninth Circuit on Monday sided with arguments made by attorneys at Hogan Lovells LLP and kept in place a block on President Donald Trump's revised travel ban, as well as provisions suspending the refugee program and limiting the number of refugees to 50,000 for this fiscal year. Plaintiff Ismail Elshikh and Hawaii are represented by Neal Katyal, Colleen Sinzduk, Thomas P. Schmidt, Sara A. Solow and Mitchell P. Reich of Hogan Lovells LLP and Hawaii Attorney General Doug S. Chin, Solicitor General Clyde J. Wadsworth, Robert Tadao Nakatsuji, Kimberly Tsumoto Guidry, Donna H. Kalama and Deirdre Marie-Iha of the Office of the Hawaii Attorney General.

Next up on the legal lions list is Morrison & Foerster LLP, which on Monday clinched a California federal jury verdict clearing client VMware Inc. of all claims that it had infringed Phoenix Technologies Ltd.'s software copyright and breached their licensing agreement. The jury took just four hours to end Phoenix's \$110 million suit following a nearly two-week trial. VMware is represented by Michael Jacobs, Arturo Gonzalez, Alexis Amezcua, Diana Kruze, Christopher Robinson and Christopher Weiner of Morrison & Foerster LLP.

In a second big victory this week, Morrison & Foerster secured a ruling from the U.S. Supreme Court on Monday finding that biosimilar makers, such as the law firm's client Sandoz Inc., can give 180-day notice of sales before their products win approval, a major decision that will speed up access to the lower-cost medicines. Sandoz is represented by Deanne E. Maynard of Morrison & Foerster. The Morrison & Foerster team was led by Maynard and Appellate and Supreme Court practice co-chair Joseph Palmore, and also included partners Rachel Krevans, Marc Hearn, and Julie Park.

The U.S. Supreme Court on Monday ruled that a federal debt collection law does not extend to banks and other consumer finance firms that purchase and service defaulted debt. The unanimous decision from the high court upheld a March 2016 Fourth Circuit ruling in favor of Santander Consumer USA Inc., represented by McGuireWoods LLP and Williams & Connolly LLP, in finding that the Fair Debt Collection Practices Act only applies to more traditional debt collection firms and not to consumer finance firms that purchase debt and then collect on it. Santander is represented by Matthew A.

Fitzgerald and Katherine Mims Crocker of McGuireWoods LLP and Kannon K. Shanmugam, Allison Jones Rushing, Masha G. Hansford, Barrett J. Anderson and Meng Jia Yang of Williams & Connolly LLP.

Rounding out this week's legal lions list are Drinker Biddle & Reath LLP and Wilkinson Walsh & Eskovitz. The firms won over a New Orleans federal jury, which on Monday awarded a defense verdict to Janssen and Bayer in the second bellwether trial in multidistrict litigation over unstoppable bleeding allegedly caused by their blood thinner Xarelto. The drugmakers are represented by Beth Wilkinson of Wilkinson Walsh & Eskovitz, Jim Irwin of Irwin Fritchie Urquhart & Moore LLC, and Susan Sharko of Drinker Biddle & Reath LLP.

Legal Lambs

Chadbourne & Parke LLP on Wednesday lost its bid for a quick dismissal of a \$100 million proposed gender bias suit brought by several female attorneys, with a New York federal judge saying that the title of "partner" isn't enough to automatically deem that the women are shareholders in the firm not entitled to protection under anti-discrimination law. As part of a multilayered ruling, U.S. District Judge Paul Oaken denied Chadbourne's motion for summary judgment in a suit brought by recently expelled Chadbourne partner Kerrie Campbell and two other female Chadbourne lawyers who added their names to the proceeding.

Morgan Lewis & Bockius LLP and Kline & Specter PC landed on the legal lambs list Wednesday when a Pennsylvania appeals court upheld Philadelphia's controversial tax on sweetened beverages after rejecting arguments made by the firms on behalf of the American Beverage Association and other challengers that the levy was a legally impermissible duplication of the state's sales tax. The plaintiffs are represented by Shanin Specter and Charles Becker of Kline & Specter PC and Marc J. Sonnenfeld, John P. Lavelle Jr. and Thomas J. Sullivan of Morgan Lewis & Bockius LLP.

Also among the legal lambs this week was Littler Mendelson PC, which on Tuesday was dealt a blow when a National Labor Relations Board judge ordered the firm's client, Uber Technologies Inc., to either revoke or revise a dispute resolution agreement signed by its software engineers, saying the agreement doesn't clearly inform employees of their rights to file unfair labor charges with the labor board. The agreement is an example of "legal jargon that is too clever by half," according to NLRB Administrative Law Judge Mara-Louise Anzalone. Uber is represented by Alan I. Model of Littler Mendelson PC.

An Illinois federal jury found that Abbott Laboratories had failed to properly warn doctors about the risk of a severe birth defect in the babies of women taking its blockbuster drug Depakote on Friday, awarding \$15 million to a 10-year-old boy born with the defect. The jury declined to levy punitive damages against Abbott in a separate proceeding that immediately followed their verdict. Abbott is represented by Joel Smith of Bowman and Brooke LLP and Dan Ball of Bryan Cave LLP.

Last up on this week's legal lambs list is Gardere Wynne Sewell LLP, which faced defeat Friday when the Texas Supreme Court upheld a lower court ruling that stripped a \$95 million judgment from its client, Longview Energy Corp. Longview had claimed two of its directors — appointed by a private equity investor — usurped an Eagle Ford Shale drilling opportunity it had developed. Longview is represented by Craig Florence, Randy D. Gordon and Stacy Obenhaus of Gardere Wynne Sewell LLP and William Dorsaneo of Southern Methodist University.

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Update: This story has been updated to add counsel information.

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