

Law360's Weekly Verdict: Legal Lions & Lambs

By **Aebra Coe**

Law360, Grand Rapids (December 14, 2017, 5:36 PM EST) -- Attorneys at Cravath Swaine & Moore topped this week's legal lions list after guiding Disney's newly inked \$52 billion deal to buy 21st Century Fox's film and television assets, while a team of DLA Piper attorneys landed on the legal lambs list after misconduct got them thrown out of Dish Network's trademark suit against a DirecTV retailer.

Legal Lions

Cravath Swaine & Moore LLP attorneys represented The Walt Disney Co. as it worked to reach a **\$52.4 billion agreement** announced Thursday to pick up 21st Century Fox Inc.'s film and television studios, along with cable and international TV assets. The stock deal, which follows weeks of speculation, sees 21st Century Fox shedding its entertainment and film assets and refocusing on news and sports. The Cravath team is led by partners **Faiza J. Saeed** and **Eric L. Schiele** on M&A matters, and includes partners **Stephen L. Gordon** and **Lauren Angelilli** on tax matters and **Jonathan J. Katz** on executive compensation and benefits matters.

In a victory obtained by attorneys at **Morrison & Foerster LLP**, the Federal Circuit on Thursday ruled that the federal biosimilars act prevents drugmakers from using state laws to punish rivals for withholding information about copycat products. The unanimous ruling **sided with** Sandoz Inc. over Amgen Inc. in a long-running and high-stakes battle that has laid out ground rules for the fledgling biosimilars industry. Sandoz is represented by **Deanne E. Maynard**, **Joseph R. Palmore**, **Marc A. Hearron** and **Erik J. Olson** of **Morrison & Foerster LLP**.

Next up on the legal lions list is a group of in-house attorneys at Hearst Corp. who secured a decision from the Second Circuit on Dec. 8 finding interns suing the company **can't revive their proposed class action** seeking minimum wages because they don't qualify as employees under the Fair Labor Standards Act. Hearst is represented by in-house counsel **Jonathan R. Donnellan**, **Eve Burton**, **Kristina E. Findikyan** and **Jennifer D. Bishop**.

McKool Smith PC scored a big win this week when a Texas federal jury on Thursday awarded its client, Ericsson Inc., **\$75 million in damages**. The jury found that Ericsson had proven that TCL Communication Technology Holdings had infringed on claims in a patent covering a system for controlling software in mobile devices. Ericsson is represented by **Theodore Stevenson III**, **Nicholas Mathews**, **Warren Lipschitz**, **Mitchell R. Sibley**, **Samuel L. Baxter** and **Laurie L. Fitzgerald** of **McKool Smith PC**.

Rounding out this week's legal lions list is a team of attorneys from **O'Melveny & Myers LLP**. On Dec. 8, the U.S. Supreme Court **granted certiorari to their client**, fertilizer manufacturer China Agritech Inc., in an appeal that will determine whether the American Pipe decision allows new named plaintiffs to borrow statute of limitations tolling from prior failed suits in which they were unnamed class members. China Agritech is represented by **Seth Aronson, William Pao, Brittany Rogers, Michelle Leu, Abby Rudzin** and **Anton Metlitsky** of **O'Melveny & Myers LLP**.

Legal Lambs

DLA Piper attorneys **were thrown out of** Dish Network LLC's trademark suit against a DirecTV retailer Tuesday after they asked to file one too many amended complaints, as an Ohio federal judge ruled that the company's latest attempt to rework its case was "blatant" bad faith conduct. In the order, U.S. District Judge Christopher A. Boyko denied Dish Network's motion to amend its allegations against Fun Dish Inc. for a fourth time by adding another defendant and granted Fun Dish's motion for sanctions, revoking the pro hac vice status of all DLA Piper attorneys who appeared in the case.

A Barnes & Thornburg LLP equity partner was **suspended from practicing law for two years** by the Georgia Supreme Court on Monday for submitting bogus bills to corporate clients while working at another firm, which was not named in the ruling. **John F. Meyers**, who came to Barnes & Thornburg from Seyfarth Shaw LLP in September 2012, dodged full disbarment after Georgia's high court took into account the fact that he made full restitution to the firm and that he's never been the subject of a disciplinary complaint in his three-decade legal career.

Next up on this week's legal lambs list are attorneys from **Dentons, Alston & Bird LLP** and **DeHay & Elliston LLP**. A California jury **awarded \$4.6 million in punitive damages** on Monday to the family of a man it found developed mesothelioma from asbestos, bringing to \$22.17 million the total verdict against Imerys Talc America Inc. and Vanderbilt Minerals LLC, the latter of which has now settled, according to counsel. Imerys is represented by **Samuel Jubelirer** and **Bradford DeJardin** of **Dentons** and **Joshua Becker** of **Alston & Bird LLP**. Vanderbilt is represented by **R. Thomas Radcliffe** and **Mahsa Kashani Tippins** of **DeHay & Elliston LLP**.

A California federal judge said Tuesday she doesn't have a lot of sympathy for Flextronics' failure to opt out of **Maxell, NEC, Panasonic and Toshiba's** Hitachi Maxell Ltd., NEC Corp., Panasonic Corp. and Toshiba Corp.'s \$49.85 million settlement with a class of direct purchasers of lithium-ion batteries, saying the electronics manufacturer "screwed up" by missing the opt-out deadline and it's now scrambling. During a hearing in Oakland, U.S. District Judge Yvonne Gonzalez Rogers appeared skeptical of Flextronics' arguments that it should be excluded from the settlement. The judge **told Flextronics' attorney, Charles Tompkins** of **Williams Montgomery & John Ltd.**, that the court has deadlines for a reason, and Flextronics missed it.

Last up on the legal lambs list are **AXS Law Group PLLC** and **Gunster Yoakley & Stewart PA**. The firms' client, former Norwegian Cruise Line CEO Colin Veitch, **lost his \$95 million defamation suit** against his former employer and his successor when a Miami jury returned a verdict Monday rejecting his claims that the company and its CEO killed his chances in the industry with defamatory statements and cut him out of profit-sharing revenue. Veitch is represented by **Jeffrey W. Gutchess** and **Daniel E. Tropin** of **AXS Law Group PLLC** and **Thomas R. Julin** of **Gunster Yoakley & Stewart PA**.

--Additional reporting by Carolina Bolado, Dorothy Atkins, Cara Salvatore, R.J. Vogt, Dave Simpson, Cara Bayles, Kelly Knaub, Jeff Overley, Benjamin Horney and Vin Gurrieri. Editing by Katherine Rautenberg.

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