

Law360's Weekly Verdict: Legal Lions & Lambs

By **Sam Reisman**

Law360, New York (September 28, 2017, 6:53 PM EDT) -- Legal lions this week were led by a coalition of attorneys who helped biotech giant Amgen secure a jury verdict for \$70 million in damages, while the legal lambs were headed by an unnamed WilmerHale attorney who accidentally sent privileged documents to a reporter.

Legal Lions

A team of attorneys notched a victory late last Friday when a Delaware federal jury awarded Amgen Inc. \$70 million in damages after finding that Hospira Inc. infringed a patent for the anemia treatment Epogen. Amgen is represented by Robert W. Whetzel and Jason Rawnsley of Richards Layton & Finger PA, Kevin M. Flowers, Matthew C. Nielsen, Mark H. Izraelewicz, John R. Labbé, Julianne M. Hartzell, Benjamin Horton, Tiffany D. Gehrke, Douglas G. Bolesch and Yun Weis of Marshall Gerstein & Borun LLP, and in-house counsel Wendy A. Whiteford and Thomas F. Lavery IV. Hospira is represented by Dominick T. Gattuso of Heyman Enerio Gattuso & Hirzel LLP, and Thomas J. Meloro, Michael W. Johnson, Heather M. Schneider, Tara Thieme and Philip F. DiSanto of Willkie Farr & Gallagher LLP.

Gordon & Rees LLP attorneys helped secure a favorable verdict Wednesday from a California federal jury for their client Raytheon Co. in a wrongful termination suit. Former employee Joo Lee had sought \$3.56 million in damages, claiming that his firing from Raytheon was retaliation for blowing the whistle on "timecard fraud" and violated public policy. Raytheon is represented by Stephen Ronk and Erika L. Shao of Gordon & Rees LLP. Lee is represented by Sang Park and Jacob George of Mathew & George.

Goodwin Procter LLP and Skadden Arps Slate Meagher & Flom LLP successfully saw a \$50 million suit against their clients tossed in New York federal court on Monday. The suit alleged that a group of law schools colluded with bar exam preparation company Barbri Inc. to stifle competition for classes targeting foreign Master of Laws graduates. Barbri is represented by Brian Timothy Burgess, Christopher T. Holding and R. Todd Cronan of Goodwin Procter LLP. The New York schools are represented by James A. Keyte, Luke Taeschler and Peter S. Julian of Skadden Arps Slate Meagher & Flom LLP. The plaintiff, LLM Bar Exam, is represented by Rocco Lamura of Tosolini Lamura Rasile & Toniutti LLP.

A power team from over a dozen firms helped get a potential price-fixing class action against a group of drugmakers, including Novartis, Endo, Teva and many others, dismissed in Pennsylvania federal court on Monday. Novartis is represented by Lavin O'Neil Cedrone & DiSipio and White & Case LLP. Endo is represented by Drinker Biddle & Reath LLP and O'Melveny & Myers LLP. West-Ward is represented

by Pepper Hamilton LLP. Heritage is represented by Blank Rome LLP and Gibson Dunn & Crutcher LLP. Mutual and Sun are represented by Stevens & Lee and Hyman Phelps & McNamara PC. Zydus and Teva are represented by Stevens & Lee and Kirkland & Ellis LLP. Impax is represented by Stevens & Lee and King & Spalding LLP. Apotex and Actavis are represented by Foley & Lardner LLP and Blank Rome LLP. Dr. Reddy's is represented by Fox Rothschild LLP and Kelley Drye & Warren LLP. Lannett is represented by Fox Rothschild LLP. Mylan is represented by Reed Smith LLP and Kelley Drye & Warren LLP. The plaintiffs are represented by Haviland Hughes and The Beasley Firm.

Foley & Lardner LLP and Williams & Connolly LLP helped their client, a CVS Health subsidiary, beat a proposed class action when a California federal judge found that the consumers who filed the suit spent more time talking about Hershey's chocolate than they did about actual harm from arthritis drugs that were allegedly stored improperly. The CVS subsidiary, CaremarkPCS Health LLC, is represented by Tami Smason of Foley & Lardner LLP and by F. Lane Heard III, Enu Mainigi, J. Andrew Keyes, Holly Conley and Benjamin Hazelwood of Williams & Connolly LLP. The plaintiffs are represented by Caleb Marker of Zimmerman Reed LLP.

Legal Lambs

An unidentified WilmerHale attorney tops the list of legal lambs this week for inadvertently emailing a Wall Street Journal reporter a memo revealing that the U.S. Securities and Exchange Commission is investigating client PepsiCo Inc. over its alleged retaliatory firing of a former general counsel. The email, intended for other lawyers working on the case, included a raft of documents loaded with internal details about whether the former general counsel's work supervising a Gibson Dunn investigation into the company ruffled feathers at Pepsi and led to her ouster, the Journal reported.

"We are disappointed that The Journal has decided to publish private information it knew was protected by our client's legal privilege," the firm said. "We are taking additional measures designed to ensure that emails are not misaddressed to unintended recipients."

It was a bad week for lawyers and email. Abbe Lowell of Norton Rose Fulbright was duped into communicating with a prankster he believed was his high-profile client, Jared Kushner, the president's son-in-law turned adviser. The Kushner impersonator, using a Kushner-ish email address, asked Lowell if he could delete some private emails featuring embarrassing adult content, such as "half naked women on a trampoline." After some back and forth, Lowell emailed the jokester: "Don't delete. Don't send to anyone. Let's chat in a bit." Later, Lowell accidentally sent a scolding letter from the Senate Intelligence Committee to the phony Kushner email account instead of his actual client.

Winston & Strawn LLP received an unwelcome no-thank-you note from a former client that, with the firm's help, won a \$42.5 million verdict in a joint venture dispute. The former client has sued the firm, alleging that it failed to protect its interests with insurers and undercut what could have been a bigger jury award.

A long-awaited payday is deferred for two firms after a Second Circuit panel ruled that Duane Reade Inc.'s former CEO, who was convicted of securities fraud in 2010, doesn't have to pay Paul Weiss Rifkind Wharton & Garrison LLP and Cooley LLP legal fees for monitoring his criminal trial. In its order cutting the firms' fees out of the final restitution award, the circuit panel noted a "distinction between actions that merely 'helped' ... the prosecution and actions deemed truly necessary. ... The latter are compensable, and the former are not."

Swedish telecommunications giant Telia Co. AB will pay out nearly \$1 billion after pleading guilty in a New York federal court to paying massive bribes to government officials in Uzbekistan to enter the market. Telia's general counsel, Jonas Bengtsson, entered a guilty plea on behalf of the company's Coscom LLC subsidiary to one count of conspiracy to violate the Foreign Corrupt Practices Act. The company is also represented by David M. Stuart and Rachel G. Skaistis of Cravath Swaine & Moore LLP and Angela T. Burgess of Davis Polk & Wardwell LLP.

--Additional reporting by Melissa Daniels, Vince Sullivan, Matthew Perlman, Dani Kass, John Kennedy, Kat Greene, Andrew Strickler, Kat Greene, Stewart Bishop and William Gorta. Editing by Mark Lebetkin.