

Kristin Linsley Myles

Experience

KRISTIN LINSLEY MYLES is a litigation partner in the San Francisco office of the firm.

Ms. Myles served as law clerk for Supreme Court Justice Antonin Scalia in 1989-90 and for Judge Douglas H. Ginsburg of the D.C. Circuit in 1988-89. She graduated *magna cum laude* from Harvard Law School in 1988. She received an A.B. *magna cum laude* in 1982 from Harvard University, where she was captain of the women's cross-country team and a member of the All-East and All-Ivy Teams for track & field and cross-country.

In January 2008, Ms. Myles was appointed by the Supreme Court of the United States to serve as a Special Master in an original case before the Court, *South Carolina v. North Carolina*, Original No. 138. The proceedings in the case can be viewed at <http://www.mto.com/sm>. Ms. Myles's service as a Special Master is in addition to her legal work for clients of the Firm.

Ms. Myles joined the firm in 1990 and was made a partner in 1994. Her practice has focused upon complex business litigation in a wide spectrum of matters affecting the firm's corporate clients:

Appellate

Ms. Myles has represented clients in appellate matters before the Ninth Circuit Court of Appeals, the California Supreme Court, the California appellate courts, and the Supreme Court of the United States. She led the briefing team in defense of Verizon Communications in an appeal in the California Court of Appeal from dismissal of a class action lawsuit arising from Verizon's termination of a merger agreement with Northpoint Communications. Ms. Myles argued the case and secured an affirmance of the dismissal. She has briefed and argued several other appeals to the California Court of Appeal. Ms. Myles also argued and won a Ninth Circuit appeal from the dismissal of all claims against all defendants in the Crown Paper litigation. She was part of a team representing Silicon Valley-based Rambus, Inc. in a successful appeal to the Federal Circuit from a major fraud verdict. She also successfully represented Koch Industries on an appeal from a \$29 million default judgment in favor of Koch.

Complex Transactions and Claims

Ms. Myles has litigated many cases involving complex transactions and claims of corporate fraud. Ms. Myles led an MTO team that won dismissal of all but two claims brought by a bankruptcy trustee arising from the 1995 spin-off of Crown Paper Company by James River Corporation, including all claims against the accounting and valuation firms, the former officers and directors, and the financial advisors involved in the spin-off. Ms. Myles argued the case for all defendants on appeal in the Ninth Circuit, and secured an affirmance of the district court's dismissal. In 2002, Ms. Myles was part of the MTO team that represented the companies of California gubernatorial candidate Bill Simon after a jury returned a \$78 million fraud verdict against them arising from a failed joint venture. Together with MTO colleague Brad Brian, Ms. Myles persuaded the trial judge to vacate the verdict and enter judgment in favor of the Simon companies.

Bankruptcy-Related Matters

Ms. Myles has litigated numerous cases either arising directly from bankruptcy proceedings, or significantly relating to such proceedings. The Crown case, discussed above, involved significant bankruptcy issues and a related bankruptcy litigation, all of which were integral to the successful resolution of the matter. Ms. Myles was the lead lawyer representing Dornier Luftfahrt GmbH, a German affiliate of San Antonio-based Fairchild Aerospace, in litigation in federal bankruptcy court in Denver over leases for aircraft operated by Mountain Air Express. Ms. Myles also represented U.S. Airways in a significant dispute with Bank of America in bankruptcy court in Alexandria, Virginia. Numerous other matters handled by Ms. Myles, including the Enron matter, discussed below, and the Verizon/Northpoint matter, discussed above, have involved

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Practice Area

- Litigation



significant bankruptcy elements or issues.

International

Ms. Myles's international law practice advises United States corporations doing business abroad, including claims brought under the Alien Tort Statute ("ATS"). She represented Unocal Corporation in a highly-publicized ATS action arising from the construction of a gas pipeline in Myanmar. Significant results included (1) successful motions under the act of state doctrine to dismiss all property-related claims, as well as a claim filed by a member of the Myanmar military; (2) denial of plaintiffs' motion for preliminary injunction; and (3) dismissal of all of plaintiffs' remaining claims through summary judgment. She also represented Occidental Petroleum Corporation in an ATS action in Los Angeles arising from events in Colombia, South America. The MTO team secured dismissal of all of the claims against Occidental, and that decision currently is on appeal to the Ninth Circuit. Currently, Ms. Myles is representing corporate clients in two other pending ATS matters involving corporate activities abroad.

Ms. Myles is a Vice-Chair of the ABA Section on International Law and Practice. She has given numerous presentations on ATS litigation at the invitation of the ABA, the International Law Society, the American Society for International Law, and other organizations.

Securities

Ms. Myles has a national securities practice representing corporations as well as individual officers and directors. Important results include the dismissal of all claims against Kirkland & Ellis LLP in the Enron securities class actions consolidated in Houston. Kirkland was one of only two "secondary actor" defendants dismissed. Ms. Myles represented Gemstar-TV Guide International, Inc. in its successful motion to dismiss a federal securities class action in Los Angeles. Ms. Myles represented the former CEO and CFO of Bank of America in a major multidistrict securities action in St. Louis arising from the merger of Bank of America and Nationsbank. She secured a dismissal with prejudice of a class action against Merrill Lynch in San Francisco brought by issuers of securities included in Merrill's HOLDRS product. She was the lead lawyer representing a Beverly Hills brokerage firm in a "raiding" case brought by one of the nation's leading discount brokers. She also won a \$3.8 million judgment for another brokerage firm against a former executive.

Aerospace

Ms. Myles has represented defense and aerospace companies in a variety of matters. In 2003, she secured a plaintiff's verdict for Northrop in a federal court bench trial in Virginia on a claim against the United States Air Force for out-of-scope work on an aircraft contract. She was an integral member of the MTO team representing The Boeing Corporation in a trade secrets action filed by Lockheed-Martin, and secured a dismissal with prejudice of all Lockheed-Martin's RICO counts. Ms. Myles was the lead lawyer representing Dornier Luftfahrt GmbH, a German affiliate of San Antonio-based Fairchild Aerospace, in litigation in federal court in Denver over leases for aircraft operated by Mountain Air Express. She also led Dornier's defense of an arbitration over leases with Horizon Air Industries, a subsidiary of Alaska Air. Ms. Myles also was one of a team representing Northrop as plaintiff in a federal court case against the Canadian government and a Canadian defense contractor arising from a technology license for Northrop's F-5 fighter aircraft.

Ms. Myles is admitted to practice in the Supreme Court of the United States, the Ninth Circuit, the Federal Circuit, and the federal and state courts in California and New York. She is a Vice-Chair of the ABA Section of International Law and Practice, and a member of the ABA Litigation Section.

Education

- Harvard Law School (J.D., *magna cum laude*, 1988); Harvard Journal on Legislation, 1987-1988
- Harvard University (A.B., *magna cum laude*, 1982)



Clerkships

- Clerk to Judge Douglas H. Ginsburg, U.S. Court of Appeals, District of Columbia Circuit, 1988-1989
- Clerk to Justice Antonin Scalia, U.S. Supreme Court, 1989-1990