

# Daily Journal

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## TOP WHITE COLLAR LAWYERS 2021

The emergency calls can come at any time for Demsky, a Munger Tolles litigation partner with deep experience in crisis management, investigations and white collar matters. Her recent defense work for Pacific Gas & Electric Co. over a years-long sequence of wildfire investigations has kept her busy since 2017.

"When something unexpected or tragic has happened, everyone has my cell phone number," she said.

Demsky has been at the firm since 1998, after she clerked for Judge Cynthia Holcomb Hall of the 9th U.S. Circuit Court of Appeals in Pasadena and spent a year teaching legal writing at the University of Chicago Law School. "Clerking is a really good way to develop writing skills and a practical sense of how the legal system works," she said. "Judge Hall was a good person and a great mentor." Hall died in 2011.

A chief Munger Tolles mentor and law partner has been Brad D. Brian, a prominent litigator and currently the firm's chair. With Barry F. McNeil of Haynes and Boone LLP, Demsky and Brian co-edited the most recent edition of *Internal Corporate Investigations*, published by the American Bar Association. Demsky and Brian also partnered in achieving a top defense verdict in 2016 for Fortress Investment Group LLC at a bench trial on claims the company reneged on a promise to extend a \$64 million credit facility to a hedge fund plaintiff.

That case is back on Demsky's docket following an appellate reversal over a jury waiver issue; a date for the retrial before a jury will be set in December. "We expect the same result," Demsky said. *Himelsein Mandel Fund Management LLC et al. v. Fortress Investment Group LLC*, BC429385 (L.A. Super. Ct., filed Nov. 13, 2012).

Meanwhile, there are the PG&E fire cases. Demsky serves as counsel for the big utility in the investigations and defenses arising from the 2021 Dixie Fire in Butte, Plumas, Lassen and Tehama counties; the 2020 Zogg Fire in Shasta and Tehama counties; and the 2018 Camp Fire that destroyed the town of Paradise in Butte County; and several wildfires in 2017.

PG&E, stating that it faced as much as \$30 billion in claims from the 2017 and 2018 fires, including criminal fines and penalties, declared Chapter 11 bankruptcy in 2019. Demsky and Brian persuaded district attorneys in multiple counties not to pursue criminal claims for the 2017 fires and negotiated the plea agreement in 2020 over the Camp Fire that helped the company emerge from bankruptcy.

"This has taken a significant amount of my time since 2017," Demsky said. Speaking generally about crisis management and investigations, she stressed the critical need to quickly establish the facts. "You want to analyze and develop legal defenses even before there is prosecutorial involve-



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ment. When something tragic happens, clients want to address it—but that doesn't mean there was a crime or criminal intent."

— John Roemer