

LITIGATION DEPARTMENTS OF THE YEAR

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Litigation Department of the Year, Finalist: Munger, Tolles & Olson LLP

In Minnesota, the plaintiffs had God and firemen on their side. Down in New Orleans, a judge was assigning blame for the country's worst environmental catastrophe. In San Diego, the Marlboro Man was under fire for how

he hawked his "lighter" cigarettes.

Defendants in these complex cases were facing crippling damages and stinging headlines. But in each case, clients represented by Munger, Tolles & Olson came out on top.

The firm beat back a securities suit against Wells Fargo & Co. brought by

pension funds for nuns, firefighters and other sympathetic groups. It avoided billions in damages in the 2010 Gulf of Mexico oil spill case by getting a judge to pin most of the blame on BP PLC, instead of on client Transocean Ltd. And it snuffed out a 16-year-old class action against Philip Morris Interna-

tional Inc. over claims that Marlboro Lights were deceptively advertised as less harmful than other cigarettes.

The three cases, tried by different partners, showcased litigation chops across practice areas at the 200-lawyer Los Angeles firm.

"We have a number of people now



Left to right: Bart Williams; Kristin Linsley Myles; Malcolm Heinicke; Rosemarie Ring; Jerome Roth and Manuel Cachán

JASON DOY

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who have demonstrated the ability to try major high-stakes trials,” said Brad Brian, who led a team of 60 lawyers from seven firms in the Gulf Coast oil-spill case. “It’s how you stand up to the pressure. We have a number of people now who have demonstrated the ability to do that.”

The 2010 Gulf Coast oil rig explosion that killed 11 workers and pumped millions of barrels of oil into the gulf, causing extensive environmental damage, presented Brian with a case of a lifetime.

With so much money on the line, U.S. District Judge Carl Barbier’s New Orleans courtroom could have been a blast furnace. But Brian said trying the case was one of his best professional experiences.

“It was a very different experience in that while everybody was competitive and the sides were advocating their positions, the judge did a tremendous job of making sure everyone was professional, civil and cordial,” Brian said.

His job was to make sure BP, which leased Transocean’s rig to drill the ill-fated well, was held to an indemnification agreement that shielded Transocean from a significant portion of damages.

After a lengthy trial, Barbier in September 2014 found BP was grossly negligent and sided with Transocean on key points, which saved potentially billions for the Swiss drilling company.

Partner Bart Williams earned bragging rights when his team got a complete defense verdict for Wells Fargo in a securities case that mirrored a previous suit that had ended badly for the San Francisco bank—when handled by different counsel.

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Plaintiffs claimed that Wells Fargo placed securities worth billions of dollars into risky ventures and failed to disclose deteriorating conditions. Wells Fargo argued the financial crisis was to blame for the losses.

After a seven-week trial in federal court in St. Paul, the jury unanimously agreed with Wells Fargo and awarded zero damages.

It was a bellwether case that was either going to throw cold water on a pending \$575 million class action or add fuel to the flames for plaintiffs. After the defense verdict, the class action settled in April 2014 for

\$62.5 million.

In one of California’s most significant—and sprawling—Unfair Competition Law cases, partner Greg Stone took a creative approach to finally end the 16-year-old class action against Philip Morris over claims that its Marlboro Lights were improperly marketed as less addictive than Marlboro Reds and other cigarettes.

Plaintiffs were seeking up to \$1 billion in damages, plus an injunction.

Stone’s strategy? Ask dozens of individual plaintiffs if they felt misled by the ads.

In an unusual move, the team deposed 156 class members with the goal of getting them to acknowledge they would have bought Marlboro Lights regardless of the ads. “These depositions showed us that many people were pleased with the product,” Stone, regarded as an expert on California’s Unfair Competition Law, told reporters after the three-month trial. “Many people who bought the cigarettes said they were aware of plaintiffs’ theory. And for the people who weren’t aware of plaintiffs’ theory, once we explained it to them, many of them told us they still would have bought Marlboro Lights.”

— Ginny LaRoe