

THE AMERICAN LAWYER

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LITIGATION Department of the Year

RUNNER-UP

FROM LEFT Dan Petrocelli, Rich Goetz, Sabrina Strong, Leah Godesky and Randy Oppenheimer



BY JENNA GREENE

IN THE SPOTLIGHT

O'Melveny's litigators have excelled in cases 'ripped from the headlines.'

O'Melveny

FROM DEFENDING THE \$85 BILLION merger of AT&T and Time Warner to serving as lead counsel for Johnson & Johnson in the opioid litigation to representing key players in the \$100 billion Puerto Rico debt restructuring, O'Melveny & Myers litigators have been front and center in massive, high-profile matters.

"We've had one case after another ripped from the headlines," says litigation department co-chair Richard Goetz. "We're comfortable in that public spotlight."

The glare was most intense during the AT&T trial, where partner Daniel Petrocelli was lead counsel, successfully defending the union against a Justice Department challenge in what some onlookers called "the antitrust trial of the century."

Petrocelli wasn't an obvious choice. He's not an antitrust specialist, and he'd never tried a merger case before. But he embodies O'Melveny's focus on cultivating the skills to litigate and try any case.

"It's a lot easier to learn the subject matter than to learn to cross-examine a witness or make a closing argument," Petrocelli says.

Moreover, he had ample backing from 140 O'Melveny lawyers and staff—some of whom relocated to Washington, D.C., for the trial in the spring of 2018 before Senior U.S. District Judge Richard Leon of the District of Columbia. Petrocelli also worked with co-counsel from firms including Cravath, Swaine & Moore and Gibson, Dunn & Crutcher, plus appellate counsel Sidley Austin.

AT&T general counsel David McAtee II praises O'Melveny's "seasoned, strategic and highly skilled" trial lawyers, calling them "second to none."

"The truest measure of a world-class law firm is the level of trust that it earns from its clients," McAtee says. "With the trial lawyers of O'Melveny & Myers, our trust runs as deep as it gets."

Litigation is at O'Melveny's core. More than two-thirds of the firm's lawyers are members of the litigation department. They

approach each case by working backward from trial, they say, visualizing at the outset what it would take to win before a judge or jury and structuring the matter accordingly.

Opponents know they're not bluffing—O'Melveny lawyers have repeatedly been tapped when clients are willing to go the distance in court.

Consider Johnson & Johnson, the only opioid maker to go to trial in Oklahoma after its co-defendant drugmakers all settled. The state sought \$17.7 billion from J&J. The verdict—rendered in August 2019 by an elected state court judge after an eight-week trial where Oklahoma Attorney General Mike Hunter was a ubiquitous presence in court—was \$465 million (after the judge fixed an arithmetic error). It was a loss—but the award was only 2.6% of what the state was seeking, and the market reacted favorably with a bump in J&J's share price. Both sides are appealing.

O'Melveny partners including Goetz, Petrocelli, Sabrina Strong, Charles Lifland, Steve Brody, Amy Lucas, Ross Galin, Amy Laurendeau and Houman Ehsan continue to serve as lead counsel for J&J as it faces more than 2,000 opioid-related lawsuits.

The firm's litigators are also neck-deep in the massive Puerto Rico debt restructuring, which far eclipses any prior bankruptcy proceeding in size and complexity. O'Melveny's Peter Friedman, John Rapisardi, Elizabeth McKeen, Walter Dellinger, Bill Sushon, Suzanne Uhland and Nancy Mitchell are leading the team representing the Puerto Rico Fiscal Agency and Financial Advisory Authority—the elected government of Puerto Rico and the agency responsible for restructuring more than \$100 billion in funded debt and pension liability.

One of the firm's biggest fights was getting its client a seat at the table.

"That was not a foregone conclusion at the outset of the process," says M. Randall Oppenheimer, who co-chairs the litigation department with Goetz. "There was a very real danger the people of Puerto Rico would be bystanders to their own reorganization."

Department
Size and
Revenue:
Partners 128
Associates
306
Other 42
Department
as Percentage
of Firm 68%
Percentage of
Firm Revenue,
2018 67%

From Left Dan Petrocelli, Leah Godesky, Sabrina Strong, Randy Oppenheimer and Rich Goetz



Since then, O'Melveny has won court approval of restructuring more than \$20 billion in debt.

Firm lawyers have scored wins on behalf of other government entities as well, winning summary judgment in the spring of 2019 for the Coachella Valley Water District. In arid California, water rights are hotly contested. O'Melveny's client faced a suit by the Agua Caliente Indian tribe, which accused the water agency of over-pumping and degrading groundwater from the Colorado River and sought to end storage of Colorado River water in underground basins.

Considering 40 million people in California and across the Southwest rely on Colorado River water, the potential implications were huge. O'Melveny's Matt Kline, Barton "Buzz" Thompson, Daniel Suvor and Anton Metlitsky convinced the court that the tribe

lacked standing because it could not prove injury.

O'Melveny lawyers delivered another clutch summary judgment win for Samsung Electronics, which faced allegations of conspiring with other manufacturers to fix the price of optical disk drives. Class members sought \$3 billion in treble damages, and almost all of the co-defendants settled. O'Melveny's Ian Simmons, James "Bo" Pearl and Ben Bradshaw led the charge on key summary judgment motions. After a nine-hour argument, U.S. District Judge Richard Seeborg of the Northern District of California sided with them almost across the board, rejecting allegations of an overarching conspiracy.

The case went on to settle on favorable terms in August 2018, and the Justice Department ended its investigation without any charges against Samsung or its former employees.


It's more than what you do: it's how you do it.

At O'Melveny, we measure our success by our ability to help our clients and communities succeed. And we aim to make the experience of working with us as satisfying as the outcomes we achieve. Across sectors and borders, in boardrooms and courtrooms, our team brings dedication, depth, and creativity to every endeavor.


O'Melveny's reputation as a litigation powerhouse is built on a long record of delivering successful—and often groundbreaking—results in high-impact cases. From Silicon Valley to Seoul, Hollywood to the Hill, Wall Street to the Web, we help our clients achieve favorable outcomes at every stage of litigation: winning trial verdicts, case-dispositive legal rulings, landmark appellate victories, and liability-erasing settlements.

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- Frequently chosen to replace original counsel in complex disputes
- Dozens of trials on the 2020 docket
- 100+ appeals over the past few years
- Dozens of former Assistant US Attorneys and Department of Justice lawyers
- Experience in over 100 state, federal, and international courts, arbitral forums, and administrative and regulatory bodies


No matter where the assignment is or what the substantive law may be, we draw on every available resource to assemble experienced teams of skilled and creative advocates. Through cross-practice and cross-border collaboration, our trial litigators can serve our clients' full range of needs, throughout the world.


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 Financial services litigation

 Insurance litigation


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