

Law360's Weekly Verdict: Legal Lions & Lambs

By **Aebra Coe**

Law360 (April 25, 2019, 4:00 PM EDT) -- Lewis Brisbois and Mayer Brown were this week's top legal lions with a win at the U.S. Supreme Court for a client fighting a data breach class action, while Drinker Biddle ended up on the legal lambs list after a jury slammed client J&J with \$120 million in damages.

Legal Lions

In a big victory for Lewis Brisbois Bisgaard & Smith LLP and Mayer Brown LLP, the U.S. Supreme Court on Wednesday ruled that arbitration agreements must explicitly call for class arbitration for that process to be invoked, handing client Lamps Plus Inc. a win in its challenge of a Ninth Circuit ruling that allowed a worker's data breach class arbitration to move forward. Lamps Plus is represented by Andrew Pincus, Archis Parasharami, Daniel Jones and Donald Falk of Mayer Brown LLP and Jeffrey Miller, Eric Kizirian, Michael Grimaldi and Brittany Sutton of Lewis Brisbois Bisgaard & Smith LLP.

Next up on the legal lions list are Altshuler Berzon LLP and Todd & Weld LLP. A Massachusetts appeals court on Wednesday handed a win to the law firms' clients, the Winklevoss twins, upholding the dismissal of a suit by a fellow social media software developer who said he was owed half of their \$65 million Facebook settlement consisting of company stock and \$20 million in cash. The Winklevosses are represented by Michael Rubin and Matthew Murray of Altshuler Berzon LLP and Max D. Stern of Todd & Weld LLP.

Winston & Strawn LLP scored a lion-sized win April 19 when a New York federal judge dismissed a \$5 million proposed class action against its client, Rachael Ray's dog food company, that claimed the food's "natural" label was misleading because it contains the weed killer glyphosate. Rachael Ray Nutrish is represented by Ronald Y. Rothstein, Christopher Hynes and Adrienne K. Rosenbluth of Winston & Strawn LLP.

A Los Angeles judge on Monday sided with arguments made by Browne George Ross LLP and ordered Michael Avenatti to pay his former legal partner Jason Frank's \$60,000 in attorney fees after the lawyer won an order requiring Avenatti to pay him \$4.85 million for work he did at their former firm Eagan Avenatti LLP. Frank is represented by Eric George, Jacob Sarabian, Ira Bibbero and Benjamin D. Scheibe of Browne George Ross LLP.

Legal Lambs

Beck Redden LLP, Butler Snow LLP and Drinker Biddle & Reath LLP all ended up on the legal lambs list after a Philadelphia jury hammered their client, Johnson & Johnson unit Ethicon, with \$120 million in damages Wednesday after agreeing that a negligently designed pelvic mesh implant left a woman all but incontinent and suffering from chronic pain that prevented her from having sex. Ethicon is represented by Kate Skagerberg of Beck Redden LLP, Adam Spicer, Paul Rosenblatt and Jordan Walker of Butler Snow LLP, and D. Alicia Hickok, Kenneth Murphy and Melissa Merk of Drinker Biddle & Reath LLP.

Honeywell was smacked with a \$4.4 million verdict April 19 after a jury found that asbestos supplied by the company as filler for bowling balls caused a former bowling alley owner's mesothelioma and death, landing the company's attorneys at McDermott Will & Emery LLP a spot among the legal lambs. Honeywell is represented by Jennifer Filippazzo and Steve Hoeft of McDermott Will & Emery LLP.

Next up on the lambs list is the Smith Law Firm. A Fifth Circuit panel said April 19 that federal workplace discrimination law does not block employers from firing straight workers because of their sexuality, ruling against the law firm's client Bonnie O'Daniel and refusing to budge from its stance that Title VII of the Civil Rights Act does not cover sexual orientation. O'Daniel is represented by J. Arthur Smith of the Smith Law Firm.

The Eleventh Circuit on April 19 threw out a class action accusing Geico of under-reimbursing health care providers for their services, holding that the lead plaintiff — represented by Zebersky Payne Shaw Lewenz LLP — lacked standing to bring the suit in the first place. Gerber is represented by Edward Zebersky and Mark S. Fistos of Zebersky Payne Shaw Lewenz LLP.

A California federal judge on Tuesday barred non-class attorney James B. Feinman from pursuing a \$1.5 million lien against Volkswagen AG in Virginia state court to recover unpaid attorney fees, saying his claims are encompassed in the automaker's \$10 billion deal that resolved multidistrict litigation over its emissions cheating. During a hearing in San Francisco, U.S. District Judge Charles R. Breyer said Volkswagen's 2016 settlement releases the company of state claims brought by Feinman against Volkswagen for attorney fees.

--Additional reporting by Matt Fair, Mike Curley, Braden Campbell, Jeff Sistrunk, Dorothy Atkins, Vin Gurrieri, Chris Villani and Lauren Berg. Editing by Kelly Duncan.