MAYER BROWN





Gratitude

It is my pleasure to share with you Mayer Brown's Litigation Year in Review, an overview of the successes we achieved by partnering with our clients in 2016. We believe that these shared accomplishments serve as a testament to the core values we cultivate among our lawyers at every level:

LEADERSHIP— Clients look to us to provide guidance and insight on the legal challenges they face—and to anticipate those they will face in the future.

INNOVATION— Clients count on us for tailored, creative solutions that require a deep understanding of their businesses and markets.

ACCOUNTABILITY— Clients rely on us to put their interests first and to provide excellent service while committing to their commercial and social values.

We hope you enjoy this brief review, which not only features some of our more significant work over the last 12 months, but also celebrates the arrival of new colleagues and the promotion of young partners who are committed to advancing the strategic aims of our clients.

We look forward to demonstrating continued leadership, innovation and accountability as we partner with you in 2017 and beyond.

Thank you for allowing us to be part of your success.

Partner and Member of the Management Committee

GLOBAL PRACTICE LEADERS



Mike Lackey Partner | Washington DC



John Hickin Partner | Hong Kong



Matt Ingber Partner | New York



Andy Marovitz Partner | Chicago



Ian McDonald Partner | London



John Nadolenco Partner | Los Angeles

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Our Global Litigation & Dispute Resolution Practice At a Glance

Our Litigation & Dispute Resolution practice has the intellectual depth, creativity and geographic scope to successfully resolve virtually any type of legal dispute in the Americas, Asia, Europe and the Middle East. In an era of globalization, in which major legal disputes often cross national borders, we offer access to more than 450 litigators worldwide. By combining intellectual firepower with world-class trial and appellate advocacy, Mayer Brown enjoys great success in handling complex, high-stakes litigation for a broad array of clients around the world.

LEADERSHIP | INNOVATION | ACCOUNTABILITY







KEY STATS

4/4
US SUPREME
COURT WINS

LAW360 PRACTICE GROUP OF THE YEAR AWARDS

TRAILBLAZERS
RECOGNIZED BY
NATIONAL LAW
JOURNAL

YEARS LISTED
AS TOP NORTH
AMERICAN
INNOVATIVE
LAW FIRM BY
FINANCIAL TIMES

AMERICAS | ASIA | EUROPE | MIDDLE EAST

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CHAPTER

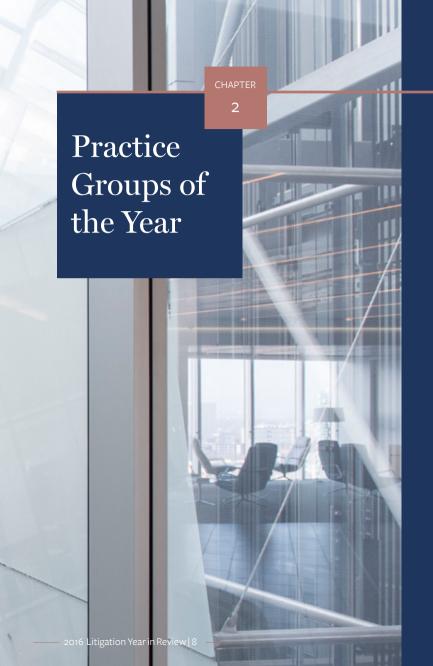
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Firm of the Year

Mayer Brown was recognized by Law360 as a 2016 Firm of the Year.
Our lawyers won more "Practice Group of the Year" awards than 78 competing law firms. As noted by Law360, this achievement recognizes Mayer Brown as a "global powerhouse" that delivers "excellence and consistency in client service." Law360 also noted, "They know their strengths, focus on constant improvement and don't shy away from high-stakes work, which in 2016 yielded some impressive achievements on behalf of their clients."

We are extremely proud of this recognition and remain committed to delivering superior legal services to our clients in 2017 and beyond.







"... went undefeated in the four cases it argued before the U.S. Supreme Court last term, including **a big win for businesses fighting statutory class action claims** with the high court's *Spokeo* ruling, cementing its spot as one of *Law360*'s Practice Groups of the Year."

"[Spokeo has] been cited in hundreds of court opinions, including several victories for Mayer Brown clients such as two October rulings dismissing class actions against ride-sharing service Lyft Inc. and CitiMortgage Inc., a unit of the financial services company, for failure to show any injury."

"...secured a rare Federal Circuit reversal of importance to biotechnology/ pharmaceutical industries, played a central role in defending UCB against 'innovator liability' claims, engineered a cutting-edge preemption victory for Medtronic in its Infuse litigation, **defended key blockbuster drugs** for the world's largest biopharmaceutical companies, filed the first 'lead compound' *inter* partes review (IPR), etc."

"...clients prevailed as defendants, scoring outright victories in some instances, and **paying far less than the potential exposure** in other cases. Several transportation clients also won cases in which they were the plaintiffs."

"...when we represent clients in RMBS cases, there is **incredible collaboration between the corporate group and the litigators**. We're sitting next to someone who designs these products. It is so effective in doing the job efficiently."

"The [Chobani] ruling led to a domino effect for another Mayer Brown client, snack bar maker Kind. In September, a court in the Southern District of New York presiding over In re: Kind Healthy and All Natural Multidistrict Litigation dismissed challenges to the 'healthy' labeling on its bars based on the Kane v. Chobani ruling and stayed the 'all natural' allegations pending the FDA's rulemaking process."

"...the firm is representing Impression Products Inc. in a case against Lexmark
International Inc. that the **Supreme Court has agreed to hear** after the Federal
Circuit held that foreign sales never exhaust U.S. patent rights and that post-sale
restrictions on patented items are permissible."

—■ APPELLATE

─■ BANKING

- CLASS ACTION

─ FOOD & BEVERAGE

- LIFE SCIENCES

─■ TECHNOLOGY

■ TRANSPORTATION



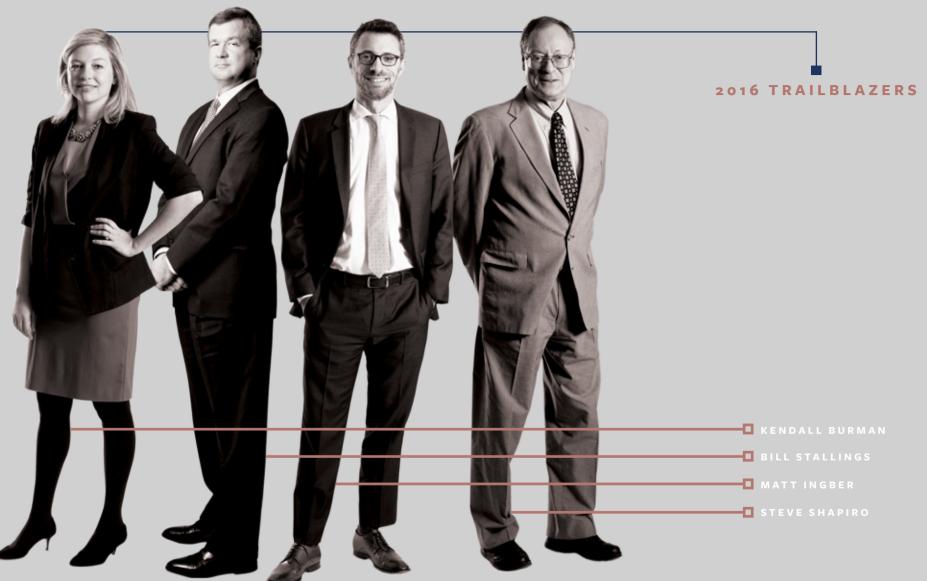
Trailblazers

CHAPTER

3

Since 2014, The *National Law Journal* has published an annual list of Trailblazers, recognizing lawyers who show a "deep passion and perseverance in pursuit of their mission, having achieved remarkable successes along the way." In 2014 and 2015, five Mayer Brown litigators were recognized as Trailblazers for moving the needle in the legal industry and exhibiting excellence in their respective practices.

We are very proud to report that an additional four Mayer Brown litigators were added to our growing team of Trailblazers in 2016. Their profiles, as printed by *The National Law Journal*, follow.





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TRAILBLAZER

Kendall Burman

COUNSEL, WASHINGTON DC

PIONEER SPIRIT

Kendall Burman knew she wanted to focus on cyber issues while serving as in-house counsel for Barack Obama's campaign in 2008. "The campaign had tremendous advances compared to other campaigns on the digital side. The issues we faced sound antiquated now. We did have one breach accusation, and it was very exciting to deal with those issues as we developed new tools. I knew that was an area to focus on."

TRAILS BLAZED

After Obama became president, Burman served in the White House Counsel's office, "I took every opportunity to work on those kinds of projects." After leaving the White House in 2010, she went to work for the Center for Democracy & Technology, a Washington DC think tank. While there. she joined the Department of Commerce as deputy general counsel for strategic initiatives. "While I was at Commerce, it was during the decline of the EU Safe Harbor Framework. The European Court of Justice decision last October killed Safe Harbor. Since August 1, there has been a new framework, the Privacy Shield. So I'm now in the private sector helping them understand how to use the Privacy Shield as an option."

FUTURE EXPLORATIONS

Working in a global environment is very challenging. "How do you define data's location? It's a hard question to answer. With data being such a valuable asset, it's critical to have a process to get access to that data, and companies and individuals need to know how to protect it."



Bill Stallings



PARTNER, WASHINGTON DC

PIONEER SPIRIT

In law school, Bill Stallings was required to write a note about a current US Supreme Court case. He almost randomly picked Kodak v. ITS, "I found the antitrust issues fascinating The firm I joined after law school had a similar matter. So I worked on that and have been hooked ever since." After three years in private practice, Bill decided to go all in on antitrust and to satisfy a desire for public service by joining the Antitrust Division of the Justice Department.

TRAILS BLAZED

Stallings spent 17 years at the DOJ, first on the Civil Task Force (now known as Litigation III), then managing the Transportation, Energy, and Agriculture Section where he became section chief. During his early years

at the DOJ, he was an integral member of the *U.S. v. Visa* trial team, "That case—one of the few major rule of reason cases to go to trial and appeal—was groundbreaking in many ways, including being one of the first to wrestle with two-sided markets." Under Stallings' leadership, the TEA Section established in both the New York Capacity and Tour Buses matters the foundation for disgorgement as a remedy under the antitru laws. At the end of his DOJ tenure, Bill received the prestigious Roberts Award, which recognizes excellence, leadership and dedication in the enforcement of the antitrust laws. Stallings returned to private practice in 2015. "I'm helping clients navigate complex antitrust issues, including challenges arising from increasing international merger review."

FUTURE EXPLORATIONS

Aggressive merger enforcement will continue. "I don't see it going away, no matter who wins the White House. The agencies recently have secured favorable court opinions on merger matters, providing a foundation for active enforcement." Stallings, who has experience handling consumer protection matters, also sees a potential for convergence of antitrust and consumer protection.



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TRAILBLAZER Matt Ingber

PARTNER, NEW YORK

PIONEER SPIRIT

Matthew Ingber wanted to be a litigator ever since he did a mock trial in junior high school. "I was one of the few who knew, very early on, that I wanted to be a lawyer and I wanted to be in the courtroom."

TRAILS BLAZED

Throughout his career, Ingber has been a generalist with a focus on financial services. Since 2010, he has helped advise BNY Mellon as securitization trustee. Of particular note was his work on the BNY Mellon-Bank of America global RMBS settlement, which was the largest private settlement in history-\$8.5 billion. "We filed a proceeding under Article 77 of the Civil Practice Law & Rules in New York. That proceeding lasted several years; there was a nine-week trial and then an appeal. Ultimately the appeals court found for the trustee across the board."

That result has led a number of **FUTURE** other trustees to use Article 77 **EXPLORATIONS** as the procedural mechanism for approval of global RMBS settlements, including with Citibank and JPMorgan Chase. Ingber has been representing securitization trustees in other matters, too. "Investors have led claims that trustees should have been protecting their interests. These cases boil down to the interpretation of unambiguous contracts that govern the securitization and limit the role of the securitization trustees in these deals."

Although many trustee cases are still active, the wave of new RMBS litigation may be nearing an end. "There will always be banking litigation, but I hope we never see a crisis like this one again."



Steve Shapiro

PARTNER, CHICAGO

PIONEER SPIRIT

Steve Shapiro left Mayer Brown in 1977 to join the solicitor general's office. While there, he realized that the OSG's organizational model might present advantages in private practice. After rejoining Mayer Brown in 1982, he started recruiting current and former lawyers from the OSG, as well as law professors and Supreme Court clerks. "These lawyers each focused on particular areas of the law, industry sectors and/or specific federal and state appellate courts."

TRAILS BLAZED

Shapiro recruited numerous lawyers to the firm. "As of today, Mayer Brown's team of appellate attorneys boasts seven alumni of the SG's office. In contrast, to our knowledge, no other firm currently has more than two, and none other than Mayer Brown ever has had more than three. As a result, Mayer Brown has created an impressive track record of consistency in the Supreme Court." From the October 1986 Term through the recently completed October 2015 Term, Mayer Brown lawyers argued at least one case in front of the Supreme Court in every term. "Including their time in the OSG, Mayer Brown's current team of appellate lawyers have argued more than 230 cases before the US Supreme Court and hundreds more before federal and state appeals courts nationwide." Shapiro has briefed more than 200 cases and argued 30 before the Supreme Court.

FUTURE **EXPLORATIONS**

Major litigation practices will continue to hire lawyers from the OSG. Supreme Court clerks and academics. "And they will use internal, subject matter specialization to enhance quality. The one-man band model cannot provide the critical mass of specialized talent needed."





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CHAPTER

4

Innovation

FOR THE SEVENTH CONSECUTIVE
YEAR, THE FINANCIAL TIMES RANKED
MAYER BROWN AS ONE OF THE
MOST INNOVATIVE LAW FIRMS
IN THE PUBLICATION'S ANNUAL
SPECIAL REPORT, "NORTH AMERICA
INNOVATIVE LAWYERS." MAYER
BROWN WAS LISTED AMONG THE TOP
10 LAW FIRMS THIS YEAR AND HAS
BEEN RECOGNIZED IN THE REPORT
EACH YEAR SINCE ITS INCEPTION.





NOTABLE CASE

We represented Las Vegas Sands Corp. (LVSC) in its April 2016 SEC FCPA settlement in connection with the high-profile investigation by the Securities and Exchange Commission and the Department of Justice, in which a former Sands executive alleged that the Company engaged in misconduct in the Chinese administrative region of Macau. The investigation, widely covered by Global Investigations Review, The Wall Street Journal, The New York Times, and others, was successfully settled via an administrative

proceeding under the internal controls and books and records provisions of the FCPA. The SEC made no finding of corrupt intent or bribery by Las Vegas Sands Corp., and Las Vegas Sands Corp. neither admitted nor denied any of the SEC's findings. The administrative order from the SEC includes a \$9 million civil monetary penalty and an agreement to retain an independent compliance consultant for a period of two years.

NOTABLE CASE

Mayer Brown was retained by **The Rezidor Hotel Group** during the commission of a terrorist attack at one of the hotels it manages in Bamako Mali. The terrorist attack was conducted by two terrorists associated with an offshoot of Al Qaeda wherein they attacked the hotel with automatic weapons, killing 20 guests and employees from numerous countries before themselves dying during the rescue attempt by Malian military forces.

Mayer Brown provided crisis management advice to Rezidor Hotel Group during the terrorist attack, and then coordinated multi-jurisdictional law enforcement and intelligence agency investigations, and later conducted an internal investigation and security assessment related to security changes and upgrades for Rezidor.

NOTABLE CASE

Representing a company as a result of an internal investigation following its self-reporting to the Securities and Exchange Commission and the Department of Justice in the United States, as well as to the Serious Fraud Office (SFO) in the United Kingdom. The SFO has commenced an investigation into this matter and we are advising the company in its cooperation with authorities.

Celebrating Success

Mayer Brown is honored to once again be named to *Global Investigations Review*'s "GIR 30," a published list of the most trusted firms in the world that handle cross-border investigations. Mayer Brown has been featured in this list since its inception.

In today's climate of aggressive government investigations, it is vital for companies to have legal advisers with the experience and judgment necessary to conduct internal investigations anywhere in the world. Clients trust our highly experienced global team of former prosecutors and regulators who are a cut above the competition when working with government agencies and executing investigations quickly and efficiently.

Global Investigations Review noted that our ranking signifies that we have "earned the trust of clients, of other law firms and, importantly, of the government agencies in the jurisdictions in which they operate." The publication notes that when assigning rankings, it places most value on experience and trust. As our team continues to expand each year with the hiring of additional former prosecutors and regulators, so too does the trust and confidence instilled by our clients. We are extremely proud of this honor.

MONITORSHIPS

Government agencies and courts are increasingly appointing monitors to ensure that companies are in full compliance with laws following major investigations. Due to Mayer Brown's long list of former government officials and prosecutors, a number of clients have relied on our lawyers to establish compliance programs, create guides to "best practices," provide training and oversee the implementation of internal controls and remedial measures. This work is the direct result of gaining trust and confidence from our clients who were subjected to a cross-border investigation or enforcement actions.

We are proud to serve in this role to the largest casino developer and operator in the world and one of the largest international banking and financial services providers. We also have the distinct honor of serving in this role to one of the largest airline holding companies in the world. We do not take these responsibilities lightly and truly appreciate the confidence our clients have instilled in us to serve as sole-counsel.



DAN STEIN
PARTNER,
GLOBAL LEADER OF THE REGULATO
& INVESTIGATIONS PRACTICE
NEW YORK

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"Accountability is key, whether personal or professional. We display a level of responsibility that few can match."

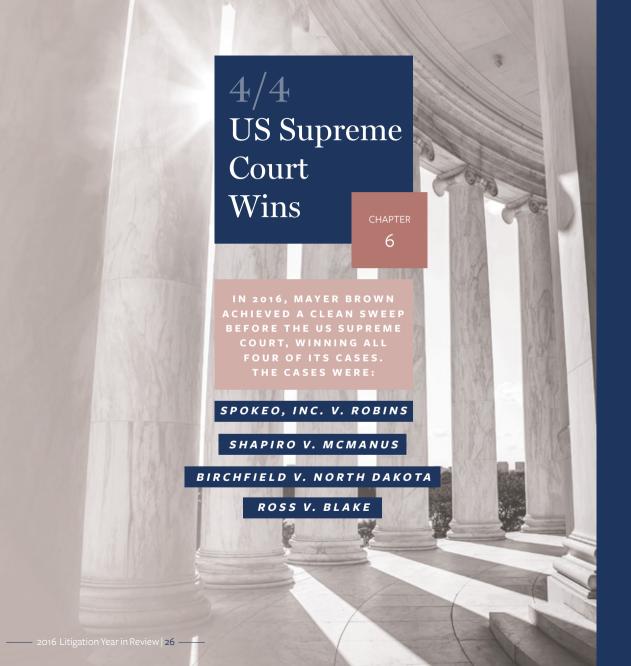


TIM BISHOP PARTNER - CHICAGO



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Mayer Brown's Supreme Court & Appellate practice had one of its most successful years on record. Our victories spanned Federal and State appellate courts across the United States, but our work before the US Supreme Court was most impressive. Four different Mayer Brown lawyers won major US Supreme Court victories, including the Term's only blockbuster win for business interests. Spokeo, Inc. v. Robins.

At Mayer Brown, we take our Supreme Court advocacy seriously, and the data reflect our sophistication. Last year, Reuters published a study looking at the previous 15 years of petitions for certiorari and found that partner and co-head of the practice Andy Pincus was among the three lawyers most adept at convincing the Supreme Court to grant review. Charles Rothfeld was also one of the top 10 lawyers in the study, making Mayer Brown the only firm with two lawyers in the top 10.

We are proud to share with you the following brief synopses of the cases that were argued and won before the US Supreme Court last Term.

With a successful 2016 in the bag, we are hard at work laying the groundwork for a successful 2017. Our lawyers are already slated to argue four cases this vear at the Supreme Court—and many others across the country. We are grateful for our clients, who entrust us to litigate their most important disputes before the highest courts of the United States. And we look forward to sharing the outcomes of our next blockbusters at the end of this year.



ANDY PINCUS PARTNER - WASHINGTON DC

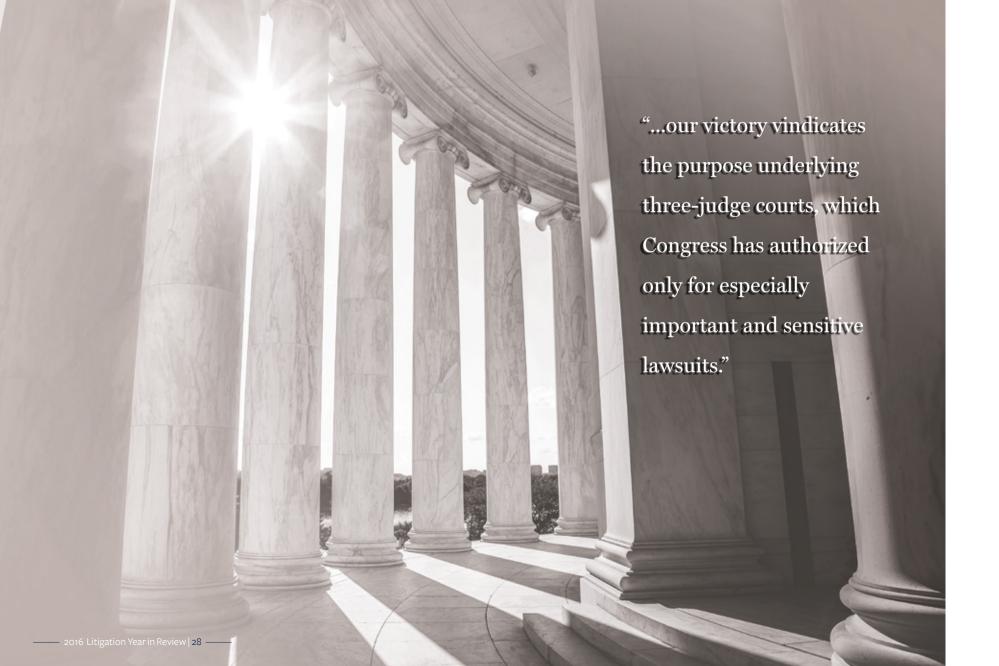
CASE 1: SPOKEO, INC. V. ROBINS

Under Article III of the US Constitution, a plaintiff must allege that he or she has suffered an "injury-in-fact" to establish standing to sue in federal court. The Ninth Circuit held in this case, however, that a putative class representative had standing to bring suit against our client, Spokeo, Inc., merely because of a bare, technical violation of the Fair Credit Reporting Act, even if the alleged violation caused no real-world harm. The US Supreme Court granted our petition for certiorari and, by a 6-2 vote. agreed with our position, vacating the ruling of the Ninth Circuit and remanding it for review under the proper standard.

The Court held that "the injury-in-fact requirement requires a plaintiff to allege an injury that is both 'concrete and particularized." The Ninth Circuit erred, the Court concluded, because it ignored the "concreteness" element, which requires that the plaintiff show that his or her alleged concrete harm "actually exist[s]" and that it is "real,' and not 'abstract." On this basis, the Court rejected the Ninth Circuit's rule that "the violation of a statutory right is usually a sufficient injury in fact to confer standing."

This case was last Term's most significant win for the defense bar and gave defendants a valuable tool to fight individual and class actions by unharmed plaintiffs. The May 2016 decision has already had a substantial impact in the lower courts, which have dismissed putative class actions alleging harmless, technical violations under a broad range of statutes, resulting in significant relief for banks, technology companies and other businesses.

Partner and co-head of Mayer Brown's Supreme Court & Appellate practice Andy Pincus argued the case on behalf of Spokeo, Inc.





MICHAEL KIMBERLY PARTNER - WASHINGTON DC

CASE 2: SHAPIRO V. MCMANUS

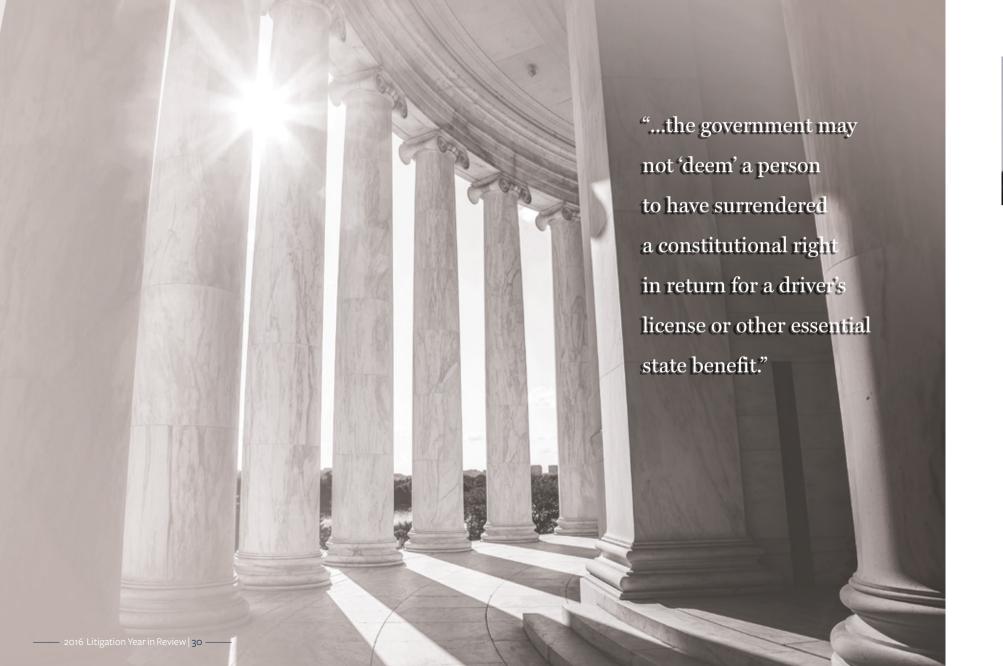
Our clients, a group of three Maryland residents, filed a complaint challenging Maryland's gerrymandered map of congressional districts under the First Amendment retaliation doctrine. Despite the Three-Judge Court Act, which requires redistricting challenges to be reviewed by a special three-judge court, our clients' complaint was dismissed by a single judge on the theory that the right to a three-judge court arises only after the plaintiff states a valid claim. After the Fourth Circuit affirmed that dismissal, we were retained to ask the Supreme Court to revive the suit. The Supreme Court granted our petition for certiorari and unanimously reversed the dismissal of our clients' case.

This case is important for procedural and substantive reasons. Procedurally, our victory vindicates the purpose underlying three-judge courts, which Congress has authorized only for especially important and sensitive lawsuits, including constitutional challenges to the apportionment of congressional districts. As a matter of substance, our victory paves the way for the Supreme Court to finally resolve whether the First Amendment permits the states to draw congressional district lines with an eye to citizens' party affiliations and voting histories.

Following Mayer Brown's unanimous victory for the plaintiffs before the Supreme Court, the case is now pending before a district court of three judges. The Mayer Brown team has since recruited new plaintiffs to the lawsuit, filed an amended complaint and successfully defended the amended complaint against the state's motion to dismiss; the court's opinion denying the motion to dismiss has been called one of the most promising partisan gerrymandering decisions by any court in decades. The team also recently defeated the state's broad assertion of state legislative privilege in a precedent-setting decision that will make future partisan gerrymandering cases easier to litigate. The case will be tried this summer, and because it is being heard before a threejudge district court, the losing party has the right to appeal directly to the Supreme Court.

Supreme Court & Appellate partner Michael Kimberly has argued and won all stages of this highly significant case.

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CHARLES ROTHFELD

SPECIAL COUNSEL - WASHINGTON DC

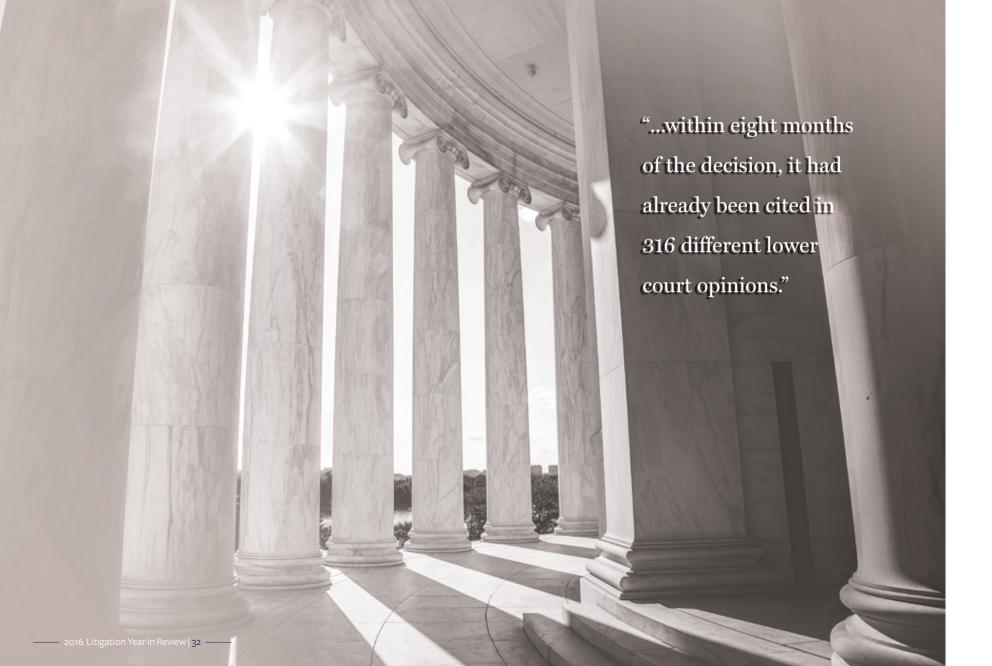
CASE 3: BIRCHFIELD V. NORTH DAKOTA

The laws of many states, including North Dakota and Minnesota, make it a criminal offense for a motorist who has been arrested on suspicion of driving under the influence to refuse to submit to a chemical test of the person's blood, breath or urine to detect the presence of alcohol. Although the US Supreme Court has held that such tests are "searches" within the meaning of the Fourth Amendment, the Supreme Courts of North Dakota and Minnesota ruled that states may criminalize refusal by a motorist to submit to such a test, even if a warrant has not been obtained.

We secured certiorari in three related cases on the question of whether, in the absence of a warrant, it is consistent with the Constitution for a state to make it a crime for a person to refuse to take a chemical test to detect the presence of alcohol in the person's blood. Mayer Brown argued for all three petitioners, and the Court accepted the central part of our argument, ruling that, although warrantless breath tests are permissible, the state may not require a person to take a blood test unless it has first obtained a warrant. The Court also held that persons may not be subjected to criminal penalties for asserting their constitutional right to resist a warrantless search.

This decision settled significant, unresolved issues of Fourth Amendment law. It ruled that compelled blood tests are substantial intrusions on personal privacy for which a warrant is required by the Fourth Amendment. And it established that the government may not "deem" a person to have surrendered a constitutional right in return for receipt of a driver's license or other essential state benefit. This was the only decision this Term in which defendants prevailed on a Fourth Amendment argument.

Charles Rothfeld, one of Mayer Brown's lead Supreme Court & Appellate lawyers, argued the case on behalf of plaintiffs.





PAUL HUGHES
PARTNER - WASHINGTON DC

CASE 4: ROSS V. BLAKE

The Prison Litigation Reform Act typically requires a prisoner to grieve his or her claim with the prison's administrative process prior to bringing suit in federal court. The Fourth Circuit, however, held "special circumstances" can render exhaustion unnecessary. The Supreme Court subsequently granted Maryland's petition for certiorari. On the merits, Mayer Brown successfully reframed the focus of the Supreme Court. Instead of defending the "special circumstances" exception, we made the strategic decision to argue instead that Maryland's prison grievance system was so confusing that it did not qualify as "available." The Supreme Court endorsed our argument, agreeing that the statutory term "available" limits the scope of the exhaustion requirement. The Court remanded to the Fourth Circuit for application of this standard to the facts of the case, including a highly favorable discussion of the likely outcome of that proceeding.

This decision is now one of the Supreme Court's most important Prison Litigation Reform Act's exhaustion precedents. As one measure of significance, within eight months of the decision, it had already been cited in 316 different lower court opinions. This decision will have major implications for prison litigation across the country.

Supreme Court & Appellate partner Paul Hughes successfully argued on behalf of the plaintiff, Shaidon Blake.



Notable Cases

CHAPTER **7**

- ----- IMPRESSION PRODUCTS
- ---- CHOBANI
- ST. JUDE MEDICAL
- VEOLIA S.A.
- ----- VIRGIN AMERICA
 - CONSORTIUM OF FINANCIAL INSTITUTIONS
 - TELEVISION
 BROADCASTS LIMITED
 - NESTLÉ PURINA PETCARE

IMPRESSION PRODUCTS

We are representing Impression Products before the US Supreme Court in a highly significant case that will decide whether patent holders can exercise post-sale control over their products. The doctrine of "patent exhaustion" holds that, after a patentee authorizes the first sale of a good embodying the patent, the patentee may not exert subsequent patent-based controls on that good.

Lexmark v. Impression Products addresses two putative exceptions to the exhaustion doctrine. At issue here, Lexmark sells its toner cartridges subject to a putative post-sale restriction; it asserts that the cartridges may not be resold by the purchaser and, further, that they may not be reused once the toner is expended. Additionally, Lexmark contends that the toner cartridges it sells outside the United States do not exhaust its US patent rights. Our client, Impression Products, purchased toner cartridges in the United States and abroad, repaired the cartridges and resold them. The Federal Circuit held that, regardless of the patent exhaustion doctrine, a patentee may impose patent-based post-sale restrictions on an article's use or resale, and further that foreign sales do not exhaust US patent rights.

We persuaded the US Supreme Court to grant certiorari, arguing that the Federal Circuit's decision is inconsistent with over 150 years of Supreme Court jurisprudence regarding patent exhaustion. We also argue that the decision permits patentees to quash competition in secondary markets simply by imposing restrictions on the sale or use of patented articles. The Federal Circuit's domestic-only approach to exhaustion also creates a serious burden on trade and international supply chains by requiring businesses to trace the patent rights embodied in every component or part that they purchase in other countries.

Mayer Brown will argue this case before the US Supreme Court in spring 2017. The Court's decision is expected by June.

CHOBANI

We helped Chobani, the leader in the fast-growing Greek yogurt market, defend itself in a false-advertising suit concerning labeling statements related to "natural" ingredients and "evaporated cane juice." A California judge held that plaintiffs failed to allege deception or reliance on the challenged labeling statements and the plaintiffs appealed to the Ninth Circuit. Mayer Brown defended the case on the merits and also on the ground that the FDA has "primary jurisdiction" over these cases. In March 2016, the Ninth Circuit agreed on the latter point and remanded the case to be stayed pending FDA's completion of its ongoing review of "natural" labeling and the ingredient name "evaporated cane juice." The result achieved in this matter has benefited many food companies in obtaining stays of their own "natural" cases.

ST. JUDE MEDICAL

We represent St. Jude Medical, one of the world's leading medical device companies, in a matter involving the first-known public effort by a short seller to partner with a cybersecurity research firm to short a stock based on claimed cybersecurity vulnerabilities. St. Jude alleges that Muddy Waters and MedSec ran a short-selling scheme by spreading false and misleading information about its devices in order to drive down stock prices and collect the ensuing profits. We filed a complaint on St. Jude's behalf claiming defamation, Lanham Act violations, deceptive trade practices and civil conspiracy. This matter has been covered extensively by *The Wall Street Journal*, *Bloomberg* and the *New York Post*.

VEOLIA S.A.

In one of the highest-profile group of cases in the United States, Veolia S.A.'s US subsidiary has been sued in federal and state courts in Michigan with numerous injury claims, including a number of putative class actions, as well as a suit seeking civil damages brought by the Michigan Attorney General, all concerning the "Flint Water Crisis." In 2014, to save money, the city of Flint, Michigan switched its water source from Detroit's municipal system to the Flint River. Due to concern about the potential for widespread lead poisoning, Flint switched back to Detroit's municipal system in October 2015. Veolia was hired by the city in February 2015 on a one-month, minimal fixed-fee contract to assist the city with issues other than lead. Even though governmental investigations into the cause of the problem have identified various governmental actors as the source of the problem, leading to criminal indictments against 12 current or former government employees, the plaintiffs in these injury actions have targeted Veolia as a "deep pocket" defendant. We are representing Veolia against these unwarranted allegations of wrongdoing amidst a volatile political environment. Indeed, the matter was highlighted at both the Republican and Democratic National Conventions in 2016.

VIRGIN AMERICA

Virgin America was successfully acquired by Alaska Airlines in December 2016, creating the fifth-largest airline in the United States. Mayer Brown played an integral role in the acquisition, advising Virgin America on the antitrust considerations relating to a sale, representing the company before the US DOJ Antitrust Division during the agency's in-depth review and quelling private litigation that threatened to derail this monumental \$2.6 billion deal.

CONSORTIUM OF FINANCIAL INSTITUTIONS

Mayer Brown lawyers in London were successful in convincing a panel comprising two Queen's Counsel and one retired Court of Appeal Judge convened by the International Swaps and Derivatives Association (ISDA) that credit default swaps referencing Portuguese bank Novo Banco were not triggered in December 2015 when the Bank of Portugal re-transferred five senior bonds from 'good bank' Novo Banco back to 'bad bank' Banco Espirito Santo. This was the first time that the so-called External Review process had been used in the seven-vear history of ISDA's EMEA Credit Derivatives Determinations Committee, a committee comprised of representatives from 15 leading dealers and buy-side institutions. The External Review procedure was invoked because the Committee failed to reach the required super majority, instead voting 11-4 that the re-transfer of the bonds did not constitute a "Governmental Intervention Credit Event." On behalf of the Committee's eleven "No' voters. Mayer Brown submitted a written brief and presented oral arguments to the panel.

The dispute was the first test of the new "Governmental Intervention Credit Event" that was added to the 2014 ISDA Credit Derivatives Definitions to address new regulations for resolving failing financial institutions. The panel agreed with the arguments advanced by Mayer Brown, resulting in the firm being shortlisted for "Litigation and Dispute Resolution Team of the Year" by The British Legal Awards.

TELEVISION BROADCASTS LIMITED

Mayer Brown lawyers secured a victory for Television Broadcasts Limited (TVB) against a suit brought by Hong Kong's Commissioner of Police. The Commissioner had earlier sought a court order for TVB and four other media organizations to hand over "full and unedited" video and sound recordings made of the alleged assault by police officers on Tsang Kin-chiu during the Occupy

Central protests in 2014. The Commissioner of Police also sought an order for TVB to reveal the identities of the journalists who captured the assault.

In rejecting the production order against TVB, the High Court judge noted that she was "not satisfied that it is in the public interest to grant a production order of the full and unedited footage," particularly because the recordings had already been uploaded and were available to the public. She also rejected the Commissioner of Police's application for the identities of the journalists, holding that they do not fall under the definition of "journalistic material" in section 82 of the Interpretation & General Clauses Ordinance. This victory for our client was a huge win for freedom, integrity and impartiality of the press in Hong Kong. As partner Jonathan Mok noted, "With few case precedents, the judgment may likely serve as a leading authority on the principle of press freedom and independence in Hong Kong in the future."

NESTLÉ PURINA PETCARE

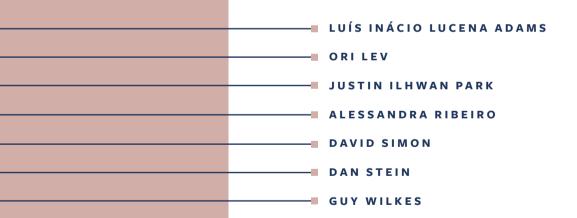
In the wake of the recent US Supreme Court decisions in POM v. Coca-Cola and Lexmark International v. Static Control Components, courts have seen a dramatic resurgence in competitor vs. competitor false advertising litigation under the federal Lanham Act. Indeed, client Nestlé Purina PetCare alleged that competitor Blue Buffalo made a series of false claims regarding its products, including that its products did not contain chicken by-product meal—a claim heavily emphasized in Blue Buffalo's advertising. Following the filing of Purina's complaint, multiple class action lawsuits were filed against Blue Buffalo based on similar false advertising claims grounded on state law. Those actions were consolidated into a major multi-district litigation.

On the one-year anniversary of the case, opposing counsel admitted in open court that Blue Buffalo engaged in false labeling which led to us securing a favorable settlement for Purina. This significant win for our client and consumers was covered extensively by major media outlets and even satirized in a popular Saturday Night Live sketch.

Lateral Hires

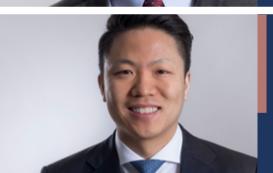
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CHAPTER











LUÍS INÁCIO **LUCENA ADAMS** PARTNER, BRASÍLIA

Luís is a litigation and compliance lawyer who joined Mayer Brown after serving as the Minister and Attorney General of Brazil. Prior to that role, he served as a National Treasury attorney for

eight years. He has extensive experience in governmental matters and will focus on cases in the Superior Court of Justice and the Supreme Federal Court.

🖊 / "After working for the State my whole career, I was delighted to have the opportunity to expand my horizons and join one of the most reputable law firms not only in Brazil, but also in Europe, Asia and the United States. The commitment to excellence, efficiency and teamwork is what drew me to this firm and I'm truly grateful to be part of such an expansive network of exceptional lawyers."

ORI LEV PARTNER, WASHINGTON DC Ori is leveraging his extensive experience representing clients in government enforcement matters, internal investigations and litigation, and providing regulatory counsel on federal consumer financial and economics sanctions law.

He has an extensive regulatory enforcement background, both at the Consumer Financial Protection Bureau (CFPB), where he served as a deputy enforcement director for litigation, and at the Office of Foreign Assets Control (OFAC), where he led the Office of Enforcement and served in other leadership positions.

and an extensive client platform, coupled with a collegial and welcoming work environment."

JUSTIN ILHWAN PARK COUNSEL. WASHINGTON DC

Justin has extensive experience handling litigation and arbitration Insurance Corporation. He is natively fluent in Korean, having for major Korean companies, including SK Hynix, Hyundai Mobis, attended law schools in both the United States and in Korea. Hyundai Corporation, LG Display, E-land and the Korean Deposit

"I am excited to join Mayer Brown's Litigation practice. The firm not only has a stellar reputation for its top-notch b lawyers, but also offers a collaborative global platform that allows us to best serve our clients' needs across the world."

ALESSANDRA RIBEIRO COUNSEL, BRASÍLIA

Alessandra has extensive experience acting in civil and labor litigation cases in superior courts. She previously served as Legal of Justice regarding private and criminal law.

Prior to her work with the State, she established and led a branch for a major law firm. Alessandra has advised some of the largest Advisor for the Brazilian Superior Labor Court and Superior Court companies in Brazil in complex labor, trademark and civil disputes.



"To be a part of Mayer Brown's Brasília office is an enormous pleasure, given the firm's reputation for excellence and a collaborative environment. I am excited to have the opportunity to contribute to the development of the Brazilian litigation practice."

DAVID SIMON PARTNER, WASHINGTON DC

David is a former special counsel at the US Department of Defense He also helps companies structure, negotiate and protect their who joined Mayer Brown's Global Cybersecurity & Data Privacy and National Security practices in late 2016. David has advised extensively on cutting-edge cybersecurity, defense, intelligence and regarding economic sanctions and transactions reviewed by the national security matters, with deep experience advising victims of Committee on Foreign Investment in the United States (CFIUS). state-sponsored cyber activity.

commercial and compliance relationships with key national security government agencies and counsels US and foreign clients



"I am excited to join Mayer Brown's exceptional global team of cybersecurity and national security lawyers. As our teams continue to grow, I think that our clients will truly benefit from the diverse experiences and capabilities of both practices. We expect that 2017 will be another banner year."

DAN STEIN PARTNER, NEW YORK

Dan leads Mayer Brown's global Regulatory & Investigations practice and is one of the co-leaders of the White Collar Defense & Compliance practice. He joined Mayer Brown after serving as Chief of the Criminal Division in the US Attorney's Office for the Southern District of New York (SDNY) where he served as

first-chair for more than a dozen criminal cases in both public and private practice. He has extensive experience representing major financial institutions and other clients in criminal and regulatory matters.



"I'm pleased to join Mayer Brown's extensive team of best-in-class litigators who have an exceedingly strong reputation for handling sophisticated, high stakes disputes. The firm's geographic scope, broad and deep client base with financial institutions, collegial atmosphere and commitment to growing its investigatory and regulatory practice will enable me to leverage my experience to benefit our global clients."



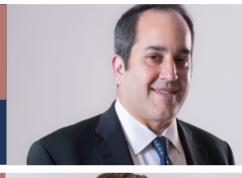
Guy joined Mayer Brown after previously heading a department within the Enforcement & Market Oversight Division at the Financial Conduct Authority (FCA). He has considerable experience with the financial services sector and front line knowledge of regulatory investigations and enforcement actions,

having led several high-profile FCA cases involving the UK's largest financial institutions. Guy's extensive litigation experience includes advising on financial and regulatory disputes before the Court of Appeal of England and Wales and the Supreme Court of the United Kingdom.



"Mayer Brown's strong cross-border regulatory and enforcement offering for global financial institutions provides a fantastic platform for me to develop my regulatory contentious and advisory practice in the London market."

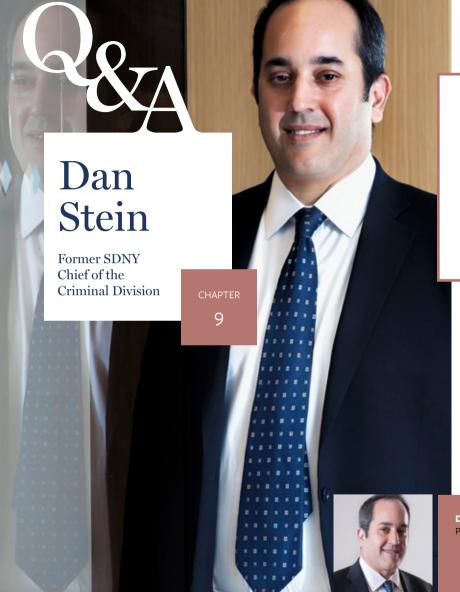












Partner Dan Stein recently joined
Mayer Brown after serving as Chief of
the Criminal Division in the Southern
District of New York (SDNY). He
leads the firm's global Regulatory &
Investigations practice and leverages
his wide-ranging trial and investigatory
background to enhance the firm's
global roster of talented trial lawyers.
Here he discusses his time with the
SDNY, his thoughts on investigatory
and enforcement trends under
President Trump and his eagerness to
return to the private sector.

Q: What was the most significant case you handled in your early years in the SDNY?

A: I handled the investigation that resulted in the resignation of then New York Governor Eliot Spitzer, which was a significant case for lots of reasons. One reason that often gets overlooked is that the investigation began with routine follow-up on AML reports filed by financial institutions, which goes to show

DAN STEIN PARTNER - NEW YORK just how impactful those reports can be. I'm also proud that our office successfully resisted efforts by members of the media to gain access to information about Governor Spitzer's role in the case that went beyond what they were entitled to. We litigated the media's First Amendment claims up to the Second Circuit, demonstrating our commitment to the law, including the privacy rights of subjects under investigation, rather than giving in to blatant attempts to publicly shame a public figure.

Beyond that matter, I spent most of my early years learning to become a trial lawyer. I tried more than a dozen cases to juries in the SDNY and handled many dozens more that resulted in guilty pleas. Those cases really ran the gamut, from narcotics trafficking and violent crime to fraud and corruption offenses. Though less publicized, those cases were highly significant.

Q: And then you served as Chief of the Office's Public Corruption Unit in 2009. What were some of the matters you worked on there?

A: We really tried to build out a comprehensive anti-corruption program, which ended up being quite successful. We investigated corruption at all levels of government in New York City, including numerous state and city elected officials, but also federal officials and foreign officials, including several associated

with the United Nations, Our program spanned the spectrum, from local politics to international corruption, and we prosecuted a number of state senators and members of the Assembly for taking bribes. We also exposed a massive fraud and kickback scheme involving an automated payroll system in New York City called CityTime, which led to the city recovering more than \$500 million from a corrupt vendor. Many of the cases also had a public safety component, including a case involving corrupt New York City officials responsible for administering public assistance programs for daycare providers, which led to the discovery of dozens of providers whose facilities and programs were endangering children.

Q: What led to you serving as Chief Counsel to the US Attorney? And then to Chief of the Criminal Division? What were your responsibilities in those roles?

A: The SDNY has a long tradition of having alums of the office, like myself, who have had substantial experience on the defense side, return to the office and serve in leadership roles in the Criminal Division. The idea—which I found to be borne out in practice—is that it's helpful to have someone in a supervisory role who is familiar with how the office's investigations affect companies and individuals. The SDNY is known as an office of aggressive prosecutors, and it certainly is. However, we always wanted

to make sure that our aggressive pursuit of justice was tempered by an informed understanding of the other side's point of view, and it was often my role to provide that perspective.

As Chief Counsel, I worked with the US Attorney on developing policy for the office and advising on major cases. As Chief of the Criminal Division, I was the supervisor ultimately responsible for all

"The SDNY is known as an office of aggressive prosecutors, and it certainly is."

of the criminal cases and investigations in the SDNY. One major component of that role involved allocating resources in a way that matched the office's needs and priorities. But I also spent a lot of time getting down into the weeds on individual cases, offering guidance and input to the AUSAs and supervisors. During my tenure, the SDNY had a very busy and diverse docket. For instance, we brought criminal charges against the Chelsea bomber, Ahmad Khan Rahimi; brought major corruption cases against

the leaders of the New York Senate and Assembly, as well as a high-ranking member of the Governor's team and high-ranking UN officials; and resolved major corporate fraud and corruption cases, including a \$900 million resolution with General Motors relating to a number of deaths tied to a faulty ignition switch, a \$1 billion resolution with Vimpelcom for FCPA violations and several tax cases involving banks participating in the Swiss Bank program.

Q: What investigatory and/or enforcement trends do you see occurring in 2017 and beyond? What do you think will be the impact of President Trump's administration on enforcement priorities?

A: I think we're going to see continued challenges stemming from the overlapping authority of regulators in multiple jurisdictions. While regulators and prosecutors are generally improving at cooperating with each other, there remains a great deal of competition between regulators and prosecutors, state and federal officials, and domestic and international officials. As domestic and international political environments become more fraught, one can see these tensions growing. This will present a major challenge to international businesses seeking to navigate the regulatory environment.

Notwithstanding some of the comments that President Trump and Attorney General Sessions have previously made, I don't expect there to be a dramatic change in enforcement priorities in the new administration, at least with respect to fraud, corruption and other business crimes. We may see significant regulatory changes, but I fully expect the new administration to continue to enforce the law in this area.

Q: What makes you most excited about reentering private practice?

A: I really missed my clients during my time in government service. I find it incredibly rewarding to develop close relationships with my clients and to help them navigate through challenging government investigations. The next few years will likely present a changing and dynamic environment for companies doing business internationally in dealing with regulators and enforcement officials in diverse jurisdictions. I look forward to working with the team here at Mayer Brown to help our clients face those challenges.

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Leadership CHAPTER 10

IN SUMMER 2016, BRITT MILLER,
CO-LEADER OF THE CHICAGO
LITIGATION PRACTICE AND A LEADER
OF MAYER BROWN'S GLOBAL
ANTITRUST & COMPETITION PRACTICE,
WAS NAMED TO THE 2017 FELLOWS
CLASS OF LEADERSHIP GREATER
CHICAGO (LGC), A PREMIER CIVIC
LEADERSHIP DEVELOPMENT PROGRAM.

Britt was selected by LGC from a pool of more than 100 qualified applicants who were nominated by prominent companies, nonprofit organizations and government agencies throughout the Chicago metropolitan area based on their demonstrated leadership potential, academic and professional achievements and community and philanthropic involvement. She is one of 37 individuals who will participate in an intensive 12-month leadership

development program to study challenges facing the greater Chicago area and to become part of a diverse network of leaders working to make a difference. Former LGC Fellows include Mayer Brown partners Doug Doetsch, Jon Van Gorp and Joanna Horsnail, several Mayer Brown alumni, many current and former members of the federal and state judiciary and numerous political and business leaders, including former First Lady Michelle Ohama.

Reflecting on her selection, Britt noted that "LGC is unique in terms of leadership programs because it brings together diverse groups of people from the non-profit, for-profit and governmental sectors to convene, connect and affirmatively work towards bettering Chicago. It is an amazing opportunity to interact with leaders from every corner of the city and work towards a common goal to address and think creatively about the significant political, economic and social problems facing the city of Chicago."

"It is an amazing opportunity to interact with leaders from every corner of the city and work towards a common goal to address and think creatively about the significant political, economic and social problems facing the city of Chicago."

Although Britt's community involvement and philanthropic activities extend far and wide, LGC chose Britt based on her stellar reputation in the business community, handling some of the nation's most significant and high-profile antitrust cases. This work includes her current representation of The Big Ten Conference in several putative class actions alleging that the NCAA conspired to cap the value of grant-in-aid awards to student-athletes. She also currently represents HSBC Bank and Temple-Inland in highly significant putative antitrust class actions.



BRITT MILLER
PARTNER - CHICAGO

CHICAGO





Leveraging Talent from Public Service

Many of our lawyers have firsthand experience in national security programs and policies at the most senior levels of the US government.

The complex and dynamic global security environment is putting corporations and governments alike on edge to keep pace with a rapidly evolving legal and policy landscape.

Mayer Brown's National Security practice advises clients on a wide spectrum of matters that involve national security issues. We have extensive experience working with the government, including the Departments of Defense, State, Treasury, Justice and Homeland Security, and with federal law enforcement and intelligence agencies including the Federal Bureau of Investigation, Central Intelligence Agency and National Security Agency; and with the increasing number of government entities that play a growing role in US national security on multiple issues.

Our team assists companies as they engage with US government agencies and officials, navigate the global security environment and grapple with laws, policies and regulations aimed at addressing evolving threats and technologies. We represent clients supporting a wide variety of programs and missions in defense, homeland security, space, energy, healthcare and cybersecurity, as well as in matters involving sanctions and export controls, anti-corruption, immigration and transactions subject to review by the Committee on Foreign Investment in the United States.

We are proud to strengthen our practice this year with the arrival of David Simon. David is known for handling cutting-edge national security and cybersecurity matters throughout his time at the Department of Defense, as well as in the private sector, and is a terrific addition to our expanding global team.

From left to right:

- 1. John Sullivan
- _ 2. Raj De
- 3. Marcia Madsen
- 4. David Simon
- 5. Kendall Burman



"We constantly strive to anticipate the

rapidly changing needs of our clients."







New Partners

CHAPTER 12

2016 was another banner year for growth and achievement within Mayer Brown's Litigation & Dispute Resolution practice. We are pleased to announce the promotion of these seven lawyers to partnership, all of whom have demonstrated their skill and acuity as lawyers, as well as a steadfast commitment to our core values of professional excellence, world-class client service and collegiality.

We are proud to introduce you to this outstanding group.



MATTHEW ALEXANDER PARTNER WASHINGTON DC LOS ANGELES



BORDERS PARTNER



PARTNER WASHINGTON DC



PARTNER HOUSTON



REYNOLDS PARTNER CHICAGO



PARTNER NEW YORK



JONATHAN PARTNER LONDON





Accolades & Client Feedback

GLOBAL

BTI LITIGATION OUTLOOK 2016

Recognized as one of six "Complex Commercial Litigation Powerhouses" in the BTI Litigation Outlook 2016 report.

BTI TOP FIRMS FOR CLIENT SERVICE 2016

Ranked in the top half of the 2016 "Client Service 30" in BTI's list of the 30 law firms who "outpace all of other firms in service."

BTI LAW FIRMS WITH THE BEST CLIENT RELATIONSHIPS 2016

Ranked in the top 10 of the 2016 "BTI Clientopia 24" in four different industries for having the strongest client relationships. BTI selected firms based solely on objective feedback from top legal decision makers.

2016 LAW360 GLOBAL 20

Listed for the sixth consecutive year on Law360's "Global 20" list of firms that have "the biggest global presence and handled the most significant and groundbreaking international and cross-border matters over the past year."

2016 GLOBAL ARBITRATION REVIEW GAR 100

Recognized for the third consecutive year by Global Arbitration Review in its 2016 GAR 100, a guide to the leading international arbitration firms.

AMERICAS

2016 NATIONAL LAW JOURNAL "APPELLATE HOT LIST"

Recognized for the ninth consecutive year in *The National Law Journal's* "Appellate Hot List" as a top firm representing "some of the most wellknown companies in the land"—winning big in state and federal appeals courts across the country. Mayer Brown has been selected to this list each year it has been published.

"This is a team that brings to the table an appellate practice that consistently delivers results at a good value with excellent customer service."

CHAMBERS & PARTNERS USA 2016

"Mayer Brown is noted for its 'excellent value for money,' as well as for the 'knowledge and understanding' of its lawyers."

LEGAL 500 2016

"Mayer Brown is an exceptional firm with unparalleled knowledge, experience and ability to partner with its business clients to achieve results."

CHAMBERS & PARTNERS USA 2016

"They are really excellent, very bright, thorough, careful lawyers."

CHAMBERS & PARTNERS USA 2016

"They are very customer-focused and very diligent in their preparation and execution of case strategy."

CHAMBERS & PARTNERS USA 2016

AMERICAS

BRASII IA* CHARLOTTE CHICAGO HOUSTON LOS ANGELES MEXICO CITY **NEW YORK** PALO ALTO **RIO DE JANEIRO*** SAO PAULO* WASHINGTON DC *Tauil & Chequer





ASIA

ALB HONG KONG LAW AWARDS

Mayer Brown was recognized as the 2016 "Litigation Law Firm of the Year" by *Asian Legal Business*.

FINANCIAL TIMES "INNOVATION IN THE BUSINESS OF LAW"

For our groundbreaking association with Jingtian & Gongcheng, the *Financial Times* recognized Mayer Brown with the "Innovation in the Business of Law (Internationally Headquartered Law Firms)" award at the publication's Innovative Lawyers Awards Asia-Pacific 2016.

"What impresses me most is their ability to meet urgent deadlines—this is not something you can expect from every international law firm. It is a great team which can deliver timely, high-quality and practical advice."

CHAMBERS & PARTNERS ASIA-PACIFIC 2016

"Very well known in Hong Kong, with a very good reputation."

CHAMBERS & PARTNERS ASIA-PACIFIC 2016

"The firm's work is to the point. They take the time to listen and really transfer that into the work product."

CHAMBERS & PARTNERS ASIA-PACIFIC 2016

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THE BRITISH LEGAL AWARDS 2016

Shortlisted for "Litigation and Dispute Resolution Team of the Year" by The British Legal Awards.

"I have found them to be responsive, practical and knowledgeable. They are able to keep a cool head when others are losing theirs. It's a good group to work with. They have a lot of experience with regulators and that helps give us an insight into how regulators will respond."

CHAMBERS & PARTNERS UK 2016

"A growing force in international arbitration."

LEGAL 500 UK 2016

"They're very hard-working. They're able to work effectively internationally as well."

CHAMBERS & PARTNERS UK 2016

"They are suitable for the most challenging cases as they have a particular skill in handling complex facts and digesting the most relevant points."

CHAMBERS & PARTNERS EUROPE 2016

"The quality of its work has exceeded my expectations. The team is thorough in its research and the written material is at exactly the correct level of detail."

CHAMBERS & PARTNERS EUROPE 2016

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MAYER•BROWN

Mayer Brown is a global legal services provider advising many of the world's largest companies, including a significant portion of Fortune 100, FTSE 100, CAC 40, DAX, Hang Seng and Nikkei index companies and more than half of the world's largest banks. Our legal services include banking and finance; corporate and securities; litigation and dispute resolution; antitrust and competition; US Supreme Court and appellate matters; employment and benefits; environmental; financial services regulatory and enforcement; government and global trade; intellectual property; real estate; tax; restructuring, bankruptcy and insolvency; and wealth management.

Please visit www.mayerbrown.com for comprehensive contact information for all Mayer Brown offices.

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