

THEODORE J. BOUTROUS, JR.

Representative Appellate Cases

- ▶ Persuading the Tenth Circuit Court of Appeals to affirm The Williams Companies, Inc.'s request for summary judgment in a securities class action seeking \$3 billion in damages relating to Williams' former telecommunications subsidiary Williams Communications Group. In a published and precedential opinion, the court also agreed that Plaintiffs' proposed evidence of loss causation--a critical requirement in securities cases--was inadmissible on account of numerous reliability flaws. The decision brought an end to an extensive seven-year legal battle and upheld the district court's costs award.
- Serving as national strategic and appellate counsel for Dole Food Company, Inc. in a series of toxic tort claims brought by plaintiffs from Central American countries alleging sterility due to exposure to the pesticide DBCP; recently persuaded Los Angeles Superior Court Judge Victoria Chaney to dismiss two cases brought by Nicaraguan plaintiffs on grounds of "fraud on the court."
- ▶ Persuading the U.S. Supreme Court to grant Ford Motor Company's certiorari petition and vacate a \$55 million punitive damage award on due process grounds, and remand this product liability case to the California courts for reconsideration in light of the Court's recent decision in *Philip Morris USA v. Williams*; obtained earlier reductions of nearly \$260 million off of original verdict.
- ▶ Representing six major automakers in the "public nuisance" lawsuit brought by the California Attorney General in federal district court in San Francisco seeking alleged damages suffered by the State as a result of global warming. The district court granted the automakers' motion to dismiss the suit.
- ▶ Persuading the United States Supreme Court to vacate a \$290 million punitive damage award against Ford Motor Company, which had been the largest personal injury award ever affirmed on appeal in United States history. On remand the California Court of Appeal cut the award by over 90%.
- ▶ Persuading the United States Court of Appeals for the Fourth Circuit to reverse a \$262 million damage award – at the time, the third largest verdict ever against an auto manufacturer – against DaimlerChrysler Corp. in a product liability case.
- ▶ Persuading a federal district court, on behalf of *The Wall Street Journal*, to overturn the largest libel verdict in history (\$222 million) based on lack of evidence and "serious misconduct" of the plaintiff during discovery and

- trial, and devising a strategy that caused the plaintiff to dismiss its case entirely.
- ▶ Persuading the California Supreme Court to reject the "aggregate profit disgorgement approach" to punitive damages, and thereby hold that a \$10 million punitive damage award was excessive and unconstitutional, in a consumer Song-Beverly "Lemon Law" case.
 - ▶ Persuading U.S. Court of Appeals for the Ninth Circuit to reverse in published decision a District Court judgment that some Farmers Insurance Group claims adjusters were subject to federal overtime laws and to throw out a \$52.5 million judgment in the collective action.
 - ▶ Persuading the Michigan Supreme Court to overturn the largest sexual harassment verdict in U.S. history (\$21 million).
 - ▶ Serving as lead counsel for one of the world's largest retailers in a pending en banc appeal to the U.S. Court of Appeals for the Ninth Circuit challenging an order certifying the largest employment class action in American history.
 - ▶ Representing major media organizations (including NBC, CBS, ABC, CNN, Fox, *The New York Times*, *Los Angeles Times*, *USA Today*, the Associated Press, and *The Washington Post*) in seeking public access to secret judicial proceedings and records in the California criminal trial against Michael Jackson.
 - ▶ Representing the prevailing parties in numerous cases before the Supreme Court of the United States, including *Gasperini v. Center for Humanities* (1996) (Seventh Amendment right to a jury trial does not preclude federal appellate courts from overturning excessive jury verdicts); *Lampf, Pleva, Lipkind, Prupis & Petigrow v. Gilbertson* (1991) (strict uniform statute of limitations governs in federal securities fraud cases); and *Plaut v. Spendthrift Farm, Inc.* (1995) (constitutional separation of powers doctrine bars Congress from overturning final judgments of federal courts), and representing parties or *amicus curiae* in numerous cases in the Supreme Court attacking the constitutionality of punitive damages, including *BMW v. Gore*, *State Farm v. Campbell* and *Philip Morris USA v. Williams*.