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Competition Group Of The Year: Gibson Dunn

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Kristen C. Limarzi

Joshua Lipton

Julian W. Kleinbrodt

Gibson Dunn & Crutcher LLP got Apple out of a $200 billion lawsuit that accused the tech behemoth of using an illegal monopoly to boot COVID-19 tracking and bitcoin applications from its App Store, earning the firm a spot as one of the 2024 *Law360* Competition Groups of the Year.

Competition is big business at Gibson Dunn. The firm has more than 150 attorneys across 10 offices who work primarily on competition, antitrust practice co-chair Kristen Limarzi told *Law360*. There are about 300 more attorneys in Gibson Dunn offices who touch on the antitrust field in one way or another, Limarzi said, which means that more than 20% of the firm's 2,000-plus attorneys deal with the practice.

It helps that attorneys at Gibson Dunn "tend not to work in silos," partner Josh Lipton said. "We're a decentralized practice" in that sense, Lipton said. "We tend to work across different types of practice areas, and we bring in folks from different offices and with different areas of expertise and specialties as needed for different cases."

But antitrust is a "marquee practice" for the firm, Limarzi said, in part because "antitrust issues can be really cross-cutting."

Gibson Dunn's antitrust practice stays right in the middle of the "cutting-edge" issues, Limarzi said, and that's certainly been true this past year. The firm has had its finger on the pulse of every issue, from the Federal Trade Commission's less welcoming stance toward pharmacy benefit managers, to public and private enforcement against pricing algorithms, the co-chair said.

"All the most complex issues arising in antitrust law this year — we have been at every single one of those on behalf of our clients," Limarzi said. "And we really feel like it's the talent of this team that has attracted that level of work."

One such case was the antitrust team's big win for Apple last year at the Ninth Circuit. The appeals court declined to revive claims that the tech giant kiboshed Coronavirus Reporter's hopes of widespread success by blocking it from the App Store because it didn't trust the app's self-reported model and didn't recognize it as a legitimate health company. The perhaps even bigger win came before that, when the team convinced a federal court to dismiss the claims with prejudice and bring the $200 billion litigation to an end.

Partner Julian Kleinbrodt called the case a "good example and one of many in which our team is able to secure decisive results at the inception for a client and then defend those results on appeal."

That wasn't the only time the Gibson Dunn team had billions on the line last year. They also helped walk Pioneer Natural Resources through their $60 billion sale to Exxon Mobil

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Corp., which closed in May.

The proposed deal sparked controversy and outcry right out of the gate, Lipton said, including opposition from Capitol Hill. The transaction drew the attention of then-Senate Majority Leader Chuck Schumer and many other Democrats, who said they "believed it would harm competition and raise gas prices," the attorney said.

But the firm was able to work through the "aggressive regulatory enforcement environment that posed quite a challenge to our deal" and ultimately earn federal regulators' blessing, Lipton said.

"We worked together with counsel for Exxon, we worked aggressively, and we responded to a massive second request in a short period of time and simultaneously put in advocacy to the FTC," Lipton said.

And it worked, despite the initial "adverse circumstances," the attorney said.

Lipton attributes Gibson Dunn's success on regulatory issues — whether that's going up against the government in court and coming out on top, or swaying the government to see its side of things — to the wealth of attorneys with experience at those agencies that the firm has on its roster.

"Being able to interact with government lawyers that have experience being on that side of it, learning how to interact well with them and understand the playbook that's going to be thrown at us, that's tremendously helpful and a great asset to our practice," Lipton said.

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