

Litigator of the Week Runners-Up and Shout-Outs

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First up this week, Barry Berke, Dani James and Darren LaVerne of Gibson, Dunn & Crutcher helped former New York Lt. Governor Brian Benjamin beat back bribery and fraud charges brought by federal prosecutors in the Southern District of New York. In a motion filed last week, prosecutors indicated to U.S. District Judge J. Paul Oetken in Manhattan that the death of a key witness, real estate magnate Gerald Migdol, meant that they could “no longer prove, beyond a reasonable doubt, the charges in the indictment.”

Shout-out to a Gibson Dunn team led by Anne Champion and Zainab Ahmad. They represented Pacira BioSciences Inc. in an earnout dispute with Fortis Advisors LLC. Fortiss claimed shareholders were due milestone payments stemming from Pacira's acquisition of MyoScience Inc., a medical device company that developed a product to provide pain relief by applying extreme cold to peripheral nerves. Delaware Vice Chancellor Paul Fioravanti Jr. this week sided with Pacira, finding that the applicable contract tied earnout payments to a national benchmark reimbursement rate for procedures involving the device, not a locality-adjusted reimbursement rate as Fortis argued.

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