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Rising Star: Gibson Dunn’s Wesley Sze

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Wesley Sze of Gibson Dunn & Crutcher LLP has been representing a slew of major tech companies and helped them secure multimillion-dollar settlements, including a $310 million deal on behalf of Apple in multidistrict litigation claiming that software updates lowered older phones' battery life, earning him a spot among the class action practitioners under age 40 honored by *Law360* as Rising Stars. **His biggest case:** Sze said his biggest case involved multidistrict litigation accusing Apple Inc. of using a software update that depleted older iPhones' battery life, which led customers to buy new phones. The $310 million settlement covered more than 90 million members of a nationwide class. "This was a case that really gave me a lot of opportunities to learn what it means to manage a complex litigation, to delve into complex legal and factual questions about the legal standards, about technology and about management of a very complex case," Sze said. Because the case was multidistrict litigation, coordination and creative management were necessary, he said. "It was also an exceptionally high-profile matter that attracted a lot of interest from the public, and so we were very careful about that, and we wanted to make sure that we were representing the client and telling the client's story, and making sure that we were conveying the narrative about what actually happened in a way that was accurate and persuasive," Sze said. He said that challenges didn't end once the settlement was reached; the deal triggered several objectors and the involvement of the Ninth Circuit, which eventually affirmed the settlement. **Other notable cases:** Sze has also been representing other tech companies, including Yahoo, Meta, sports betting site BetMGM, and Slack, the messaging technology company. In the Yahoo case, Sprint Wireless customers from two suits consolidated in 2014 claimed in the Northern District of Illinois that Yahoo violated the Telephone Consumer Protection Act by sending unsolicited text messages. The plaintiffs won class certification in 2016, including more than 320,000 individuals with Yahoo facing up to $480 million in liability, but Sze was able to convince the court to dismantle the class. The case resolved in favor of Yahoo in 2019, court records indicate. Sze has also been representing Meta in a case that is now in the Ninth Circuit after a California district court dismissed the suit in 2024. In the suit, two Rohingya refugees accused the tech company of helping spread disinformation on Facebook about the Rohingya genocide in Myanmar. In New Jersey federal court, Sze is helping BetMGM defend against four consolidated proposed class actions claiming that the site's inadequate cybersecurity led to a data breach in 2022. Sze also helped Slack win a 9-0 decision at the U.S. Supreme Court in 2023 in a case accusing the messaging technology company of failing to warn shareholders that network outages brought on by increased demand would force it to pay out $8.2 million in customer credits. In the ruling, the justices limited the ability of shareholders to sue companies that go public via a direct listing. "Working with these technology companies has really been a highlight of my career," Sze said. "I think it's so interesting to learn about their industry, their technology, their business, and then also find out what the legal issue is, and how can we, as outside counsel, best work with a company, tell its story and really advance its interests and protect its interests in litigation or in arbitration." **His proudest moment:** Sze still remembers the first time a client called him "out of the blue" asking for legal advice about a class action, and thinks of that conversation as his proudest moment as an attorney. Although Sze doesn't remember the specific question, he said, "That was a moment that made me feel proud, and that's sort of been ingrained in my memory ever since." "That was the first moment I realized that I really do have something real and valuable to offer to my clients, and that they were entrusting me to give them advice," he said. **How his practice will change in the next 10 years:** With the law around class action practices continually evolving and "the push and

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Wesley Sze

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pull of courts and litigants trying to find the right balance between protecting the rights of individuals and defendants in class actions," Sze expects that the case law tackling questions of procedure and class actions will increase. He added that he expects that countries other than the U.S. will implement class and collective action processes in what he called an "internationalization of class action procedure." "I think it will be very interesting to see how these other countries and jurisdictions implement systems for their own localities and I hope that they will take learnings from the United States, and find fair and equitable procedures that work for their own jurisdictions and their own legal systems," Sze said. Reprinted with permission from *Law360*.

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