

D.C. LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

GIBSON, DUNN & CRUTCHER

PRODUCT LIABILITY/MASS TORTS WINNER

IT'S NOT UNCOMMON FOR MASS TORT litigation lawyers at Gibson, Dunn & Crutcher's Washington, D.C., office to succeed where others have not.

Known for its long history of obtaining favorable outcomes for clients, the firm's mass tort practice is often called upon to take over the most serious cases, with victory outcomes that help shape torts law.

In March 2017, after a class action was certified against it, client International Paper Co. turned to Gibson Dunn's Dan Nelson to lead the trial defense against claims that the company's negligence caused a Florida dam to fail during a massive rainstorm, flooding hundreds of homes downstream.

"When we got involved, there were still four causes of action that were going to go to the jury, including nuisance and trespass," said Nelson, co-chair of the firm's environmental litigation and mass tort practice group.

So, Nelson formulated a strategy to narrow the case through pretrial motions practice and focus the jury on the core issues of negligence and causation.

After a weeklong trial, a jury deliberated only one hour before delivering a unanimous verdict in favor of International Paper, which had litigated the case for over three years before bringing in Gibson Dunn.

"In both class and mass actions, it's critical to identify as early as you can the key issues you can win on and pursue them relentlessly," Nelson said.



DAN NELSON

In another major victory last year, Gibson Dunn secured summary judgment for International Paper in an Alabama toxic tort suit with hundreds of plaintiffs claiming air emissions caused disease and property damage.

Critical to this win was devising a case management plan to facilitate an early summary judgment motion on all claims before completing discovery on over 300 plaintiffs, Nelson explained.

The mass tort practice group's successes also included several major appellate victories shaping tort law. One included a transnational case in which the Delaware Supreme Court upheld a *forum non conveniens* dismissal of hundreds of Argentinian plaintiffs' toxic tort claims against client Philip Morris USA.

Gibson Dunn also scored a huge win for client Tropicana Products Inc., a PepsiCo subsidiary, when it defeated class certification challenging Tropicana's manufacturing process for orange juice. Plaintiffs sought to certify a class of tens of millions of consumers.

"The litigation team is all we can ask for: a seasoned and diverse group of professionals who know the law cold and consistently get great results," said Farzin Firooznia, PepsiCo's vice president and chief counsel, North America litigation.

In new matters, Gibson Dunn is defending Chevron Corp. against nine cities and counties in cutting-edge litigation asserting tort liability for the alleged consequences of global climate change.

—LAURA CASTRO

firm facts

Name: Gibson, Dunn & Crutcher
Founded: Los Angeles
Total number of attorneys: 1,370
Litigators as percentage of firm: 59 percent
Litigators as percentage in D.C.: 83 percent
Litigation partners firmwide: 204
Litigation associates firmwide: 575
D.C. environmental litigation and mass tort partners: 6
D.C. environmental litigation and mass tort associates: 14

keys to success

- Identify themes and your strongest arguments early and develop your case around them.
- Develop a strategy to efficiently manage, methodologically narrow and position the case for decisive rulings applicable to large groups of plaintiffs.
- Fully understand the client's objectives not only at the outset but throughout the case.

—Dan Nelson