

California Powerhouse: Gibson Dunn & Crutcher

By Hailey Konnath

Law360 (September 4, 2019, 3:08 PM EDT) -- Gibson Dunn & Crutcher LLP continued to stand out from the pack in both the litigation and corporate practice areas this year, securing a complete victory for Hewlett Packard Enterprise in a long-running infringement case, helping CNN's Jim Acosta restore his White House press credentials and advising on prominent deals.

The firm guided Los Angeles' Platinum Equity in acquisitions worth billions, took on the Trump administration on behalf of six young Deferred Action for Childhood Arrivals recipients and negotiated a global settlement in the million-dollar licensing war between Apple and its manufacturers and Qualcomm.

It also represented actress Ashley Judd in her #MeToo sexual harassment suit against Harvey Weinstein, and its attorneys are continuing to help the Oakland A's in the team's efforts to develop a new stadium and ancillary hotel in Oakland, securing it a spot as one of Law360's 2019 California Powerhouses.

Gibson Dunn was founded in 1890 in Los Angeles and has since expanded to Century City, Orange County, San Francisco and Palo Alto, with just over 400 attorneys in California. The firm, which employs more than 1,000 attorneys globally, has a broad and deep litigation practice emanating from the Golden State, according to Los Angeles partner Theodore J. Boutrous Jr., co-chair of the firm's litigation practice.

"California tends to be a hotbed where cutting-edge legal issues come up every single day," Boutrous said. "The legal community is very creative and active. And with our industry base and economy and the general spirit of the state with a lot of innovation and so much happening, it creates a situation where there's just naturally a lot of litigation."

Boutrous added, "We always try to end things quickly for clients. But it's really the nature of such a dynamic state that a lot of issues end up having to be decided by the courts."

Notably in the last year, Gibson Dunn litigators convinced a federal jury in San Francisco to return a unanimous verdict for Korean ramen noodle maker Ottogi Corp. Ltd. and Ottogi America Inc., beating a long-running price-fixing case brought by purchasers looking to recover more than \$415 million in trebled damages.

The firm also built on its tradition of success working with tech companies, pulling off a big win for Uber Technologies Inc. in a class action brought by hundreds of thousands of drivers claiming they were misclassified as independent contractors. Though the drivers won certification at the district court level,

Gibson Dunn attorneys convinced the Ninth Circuit to decertify the class and reverse a lower court's order denying arbitration.

In the victory, the three-judge panel relied in part on an earlier Gibson Dunn win in another suit against Uber, *Mohamed v. Uber Technologies Inc.* In that case, the appellate court upheld the enforceability of Uber's arbitration agreements with drivers.

In the Hewlett Packard Enterprise Co. suit, the firm secured a big victory, convincing a San Francisco federal judge to toss out claims the company had offered illegal updates for Oracle's Solaris operating system.

And in the Jim Acosta case, Gibson Dunn litigators mobilized quickly to restore his press credentials within less than a week of President Donald Trump revoking them.

"It was a really important moment to show the White House can't punish journalists because they don't like the coverage," said Boutrous, who is now representing Playboy magazine correspondent Brian Karem in a similar fight to restore his White House press credentials.

He continued: "No other firm can compare with our California litigation group in terms of having this strong, versatile trial practice and strong, versatile appellate practice."

On the corporate end, the Bay Area has served as a "financial business engine," and one that has seen a tremendous shift in many industries over the years, according to Stewart McDowell, a partner and co-chair of the firm's capital markets practice group in San Francisco.

"Being here and being able to take advantage of that has been very important for us," she said.

And Los Angeles has also flourished, transforming into a center for new deals in private equity, according to Ari Lanin, co-chair of Gibson Dunn's private equity practice group.

"L.A. has been in a period of explosive growth for more than a decade," said Lanin, who works out of Century City. "As that growth continues, it is a benefit and a boon to the firms who can do the best sort of work."

Notably, Gibson Dunn corporate attorneys have been working with Marvell Technology Group in a \$1.76 billion deal with NXP Semiconductors. In that agreement, NXP will acquire Marvell's Wi-Fi and Bluetooth Connectivity business.

The firm also guided a deal in which Switzerland-based Lonza Group AG agreed to sell its water care business to Platinum Equity for \$630 million.

As lead counsel for the Oakland A's in the team's quest for a new stadium, Gibson Dunn has negotiated and advised on a multi-jurisdictional entitlements process. The firm has also advised on new state legislation that provides expedited judicial review under the California Environmental Quality Act. That measure was signed into law in September 2018.

Additionally, Gibson Dunn attorneys helped out WndrCo in forming its Quibi project and raising \$1 billion in initial capital, while also advising on its \$295 million investment in AnchorFree, the maker of an online privacy app, and on its \$30 million investment in restaurant discovery platform Infatuation.

“There are not many companies that do first-time capital raises that are a billion dollars,” Lanin said. “It was very much a marquee banner transaction for them, for us, for everybody involved.”

Gibson Dunn also helped out in Stone Canyon's \$1 billion enterprise value acquisition of Industrial Container Services from Centerbridge. And the firm advised Pasadena-based Arrowhead Pharmaceuticals on a collaboration with Johnson & Johnson valued at up to \$3.7 billion. As part of that effort, Gibson Dunn helped Arrowhead with a parallel \$75 million equity investment by Johnson & Johnson.

Both the Bay Area and Southern California have exploded, Lanin said, and the firm continues to grow as it takes on “marquee lateral partners from other firms” as well as promotes from within. He added that the firm’s work is becoming increasingly global.

Much more often, clients are coming to Gibson Dunn because they want “the best lawyers” to handle their increasingly complex deals, Lanin said.

--Additional reporting by Cara Salvatore, Daniel Siegal, Adam Lidgett and Bill Donahue. Editing by Philip Shea.