

MVP: Gibson Dunn's Brian Lutz

By Reenat Sinay

Law360 (October 6, 2020, 3:44 PM EDT) -- Brian Lutz of Gibson Dunn & Crutcher LLP's securities practice scored a rare summary judgment victory for Newport Corp.'s former directors in a suit over the company's \$1 billion merger and won the dismissal of a multibillion-dollar proposed class action against Facebook over the Cambridge Analytica data-harvesting scandal, earning him a spot as one of Law360's 2020 Securities MVPs.

HIS BIGGEST ACCOMPLISHMENTS THIS YEAR:

While Lutz's team tallied several notable wins over the past year, including the dismissal of a high-profile shareholder derivative suit against Nike alleging workplace misconduct, the moment that sticks out the most to him was a summary judgment win for his clients on the former board of directors at Newport, he said.

The derivative suit in Nevada state court claimed that Newport's directors breached their fiduciary duties when they sold the company, which develops lasers and photonics instruments for scientific research, to MKS Instruments for \$1 billion.

Hundreds of millions of dollars in damages were at stake, but Lutz's team pulled ahead with extensive briefing and arguments lasting over three hours proving that there was no fiduciary breach, according to the firm.

Lutz said the rare victory on a summary judgment motion, especially in a court that doesn't see many complex merger cases as big as that one, was "really gratifying."

"We litigated that case for more than four years in Las Vegas state court and it was a hard-fought battle against really great lawyers at Robbins Geller [Rudman & Dowd LLP]," Lutz said. "But our team did just an amazing job developing a record demonstrating that there just weren't any facts showing that our clients did anything wrong when they sold this company at a huge premium."

The recent award of \$2 million in attorney fees and expenses last month is just the icing on the cake, he added.



Lutz said he is also immensely proud of a "key win" for Facebook in a proposed securities class action in California, in which the judge tossed the suit after finding that none of the social media giant's 36 allegedly misleading statements about the company's response to Cambridge Analytica's data mining met the pleading threshold for securities fraud.

While that case and other similar cases around the country are "far from over," Lutz said he's thrilled to have demonstrated already that "the law and facts are on the side of Facebook and its directors."

HIS BIGGEST CHALLENGE THIS YEAR:

Rather than a particular argument or motion, Lutz said the biggest obstacle for him this year so far has been the same one that everyone has had to confront: adapting to the "new reality" forced upon us by the coronavirus pandemic as it ravages the country and keeps schools, offices and courtrooms largely closed.

"I think the biggest challenge was no different for me than it was for anybody, which is figuring out how to work at a high level while basically never leaving the house," Lutz said.

With three children under the age of 11 and a wife who has an equally demanding job, Lutz described the situation as "chaos," but said he has also relished the family time he has gained.

"Working in the chaos is challenging, but at the same time I wouldn't trade it for anything," he said. "I've gotten to spend a lot of time with my kids. But it also means that I take my most important calls from my car down the street."

"You have to adjust to the new reality, and that's been a challenge but also an opportunity," he added.

WHAT MOTIVATES HIM:

Although Lutz describes himself as "pretty low-key" in a workplace setting, he is also quick to admit that he relishes the competition inherent in litigation.

"Litigation to me is all about winning and losing," he said. "I'm personally motivated to win every argument or every motion, or ultimately every case for our clients. That's what I love about being a litigator."

"I think it's that competitive drive that does really help me and my colleagues deliver for our clients in these kinds of shareholder cases that we've been handling successfully," Lutz added.

HIS ADVICE TO JUNIOR ATTORNEYS:

Just because you're new to the game doesn't mean you can't make an important impact on a case, Lutz said.

"Every win that I've ever had as part of a Gibson Dunn team, both when I was a junior associate and now as a partner, has always been in no small part the result of contributions from the junior-most members of the team," he said. "Have the confidence as a junior lawyer that you have the ability to shape the outcome of a case."

And it's not just "blocking and tackling" either, he said. Strategizing, drafting and thinking through difficult issues are also "really critical" to the team's success.

Lutz noted that he has spent his entire career at Gibson Dunn, which he said "has the best associates" and offers its youngest attorneys real opportunities to shine.

"Always remember that your contributions are essential to our teams, and always seek out colleagues at the firm who will give you those opportunities to make those contributions," he said.

— *As told to Reenat Sinay.*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2020 MVP winners after reviewing more than 900 submissions.

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