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FINALIST



BY DAN PACKEL

RIPPED FROM THE HEADLINES: GIBSON DUNN'S LITIGATORS ANSWER THE CALL FOR CLIENTS IN THE SPOTLIGHT

When news breaks and the pressure rises, clients call Gibson Dunn's litigators to regain control.

From left to right:
Veronica Moyé,
Reed Brodsky,
Josh Krevitt,
Theane Evangelis
and Helgi Walker,
partners at Gibson,
Dunn & Crutcher.
Photo: Diego M.
Radzinski/ALM

The list of what Gibson, Dunn & Crutcher's top litigators have been up to over the past two years offers a helpful reminder of some of the biggest news stories of that interval and beyond.

There was the revelation that Mary Trump gave The New York Times records it used to show that her uncle, former President Donald Trump, received \$413 million from his father's real estate empire in 2018. Gibson Dunn litigator Ted Boutrous helped ensure that her book airing out her family's history, and outing her as the source of those documents, saw the light of day.

There was the speculation in the early months of the COVID-19 pandemic that lawsuits from business owners could bankrupt the insurance industry. Gibson Dunn represented Travelers Insurance and secured the first published opinion from the Ninth Circuit dismissing a business interruption claim.

There was the meme stock explosion early in 2021, when retail investors sent the value of struggling GameStop and AMC Entertainment sky high. Gibson Dunn's Jason Mendro defended Charles Schwab and TD Ameritrade against class actions blaming the brokers for stifling trading.

And there was the trial pitting Apple against Fortnite developer Epic Games, which many observers identified as the biggest antitrust fight since the U.S. government took on Microsoft in the late 1990s.

"It was monumentally important to the company and a threat to the whole business model," Gibson Dunn partner Veronica Moyé, the Dallas-based co-chair of the firm's litigation department, says of the lawsuit, in which Epic alleged that Apple violated federal antitrust laws by forcing iPhone apps to be distributed only through its App Store.

A loss would have delivered a jolt to the \$100 billion app market and could have created a route for millions of companies and developers to bypass sending Apple up to 30% of their app sales.

While U.S. District Judge Yvonne Gonzalez Rogers of the Northern District of California ruled that Apple must allow developers to show app users links to make purchases outside of the App Store, she also concluded that the store doesn't run afoul of antitrust law.

Gibson Dunn's team worked alongside lawyers from Paul, Weiss, Rifkind, Wharton & Garrison on the case, which was exceptional for its compressed schedule. "A quick time frame for a case like those would be three years, so to do it in eight months was just unprecedented," Moyé says.

Moyé was also responsible for examining Apple CEO Tim Cook in his first-ever trial testimony since taking the reins at the company, owing to what the company called her terrific chemistry with its top executive. If that was a huge honor, so was being recognized from the bench by Rogers for the diversity of the trial team.

"I was so enormously proud. It's amazing," she says. "We were just heads down working on this case, as much as people could stay awake each day. At one point, we looked up and realized, 'Oh my god, we have this

incredibly diverse team.' We hadn't talked about it or plotted it out."

If the assignment of guiding Cook's testimony and the trial result establishes Moyé as a budding superstar, some of Gibson Dunn's established virtuosos have also continued to deliver results. Boutrous, the lauded First Amendment lawyer, is still seeing the reverberations of a 2016 tweet in which he promised to defend anyone sued by Donald Trump, then campaigning for president, for free.

That message filtered down to Mary Trump, and after she leaked documents to the Times and while she was plotting out her own book, she reached out to Boutrous via a friend. "[It] was unique because you had someone who was serving as a source for journalists and at the same time was engaged in her own speech and journalism," he recalls. "Usually, I'm representing either the journalist or the source."

After word leaked that the book was forthcoming, the Trump family sued in New York state court. Within a week and a half, the case traveled up to an appeals court and back, and thanks to Boutrous' defense, "Too Much and Never Enough" was published, albeit ahead of schedule, ultimately hitting the top of the Times' bestseller list. But the drama isn't over. Boutrous continues to represent Mary Trump, now against a \$100 million suit that Donald Trump himself filed in September.

Two other new clients for the firm are Charles Schwab and TD Ameritrade. Under fire in January for their response to the volatile trading surrounding GameStop and AMC, the companies responded to a pitch from Mendro, who put together a team and drafted a strategy before the first class action suit hit.

"This was the 'Ocean's 11' of litigation defense," he says. "We had a specialist who could handle every need."

Mendro's team succeeded in getting the lawsuits out of state court and into federal court, where they were consolidated in four tranches. By October, they'd convinced plaintiffs attorneys in three of the four tranches to drop the brokerages as defendants, while the fourth tranche awaited the appointment of leadership.

"This is not template litigation," Mendro emphasizes. "This case was momentous and it's like nothing that's ever walked the face of the earth. Our firm excels in resolving issues that have never been litigated before."

That also describes the virus exclusion within Travelers' business interruption policies. Soon after stay-at-home orders were issued in March 2020, the insurer was sued by a well-known plaintiffs firm. Gibson Dunn, led by litigator Deborah Stein, jumped in to help. And after quickly securing a trial court win in one case, an appeal argued by Boutrous led to the first published decision, favoring Travelers, in the influential Ninth Circuit.

"We're no stranger to high-stakes cases, where it feels like everything is on the line," Stein says. "We know it's not enough to just be an insurance expert or great writer or brilliant legal strategist. We have to be a perfect storm, and I think our clients call on us for that reason when it comes to cases like this." ■