

# Daily Journal

FEBRUARY 15, 2023



## TOP VERDICTS

THE LARGEST AND MOST SIGNIFICANT VERDICTS AND APPELLATE REVERSALS IN CALIFORNIA IN 2022.

### Persian Gulf Inc. v. BP West Coast Products LLC et al.

Lawyers at Gibson, Dunn & Crutcher LLP—working in concert with colleagues from seven other firms in a joint defense group—secured a major summary judgment win for defendant Chevron U.S.A. Inc. and its co-defendants in a long-running price-fixing class action seeking \$65 billion in trebled damages.

The classes, in three coordinated cases, alleged that Chevron and other California refiners conspired to fix the price of gasoline in the state beginning in 2011. *Persian Gulf Inc. v. BP West Coast Products LLC et al.*, 3:15-cv-01749 (S.D. Cal., filed Aug. 6, 2015).

But the joint defense successfully argued that the circumstantial evidence allegedly demonstrating a conspiracy



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was flawed. None of the various categories of supposed proofs offered by the plaintiffs raised a “reasonable inference of the wide-ranging eight-defendant conspiracy that [plaintiffs] allege,” wrote U.S. District Judge Jinsook Ohta of San Diego.

A paradox for the defendants was that the lawyers had to unite to disprove claims their clients colluded. Notoriously, joint defense groups can be fractious. Gibson Dunn’s lead lawyers — Samuel G. Liversidge, Daniel G. Swanson and Jay P. Srinivasan — said

they and their colleagues from other firms got past that obstacle.

“Navigating the interest of all defendants and convincing them to sign on to a common brief was not easy, but Gibson Dunn — working with other key members of the defense

Case Details

CASE NAME

Persian Gulf Inc. v. BP West Coast Products LLC et al.

TYPE OF CASE

Class action gasoline price fixing

COURT

Southern District

JUDGE(S)

District Judge Jinsook Ohta

DEFENSE LAWYERS

Gibson, Dunn & Crutcher LLP, Samuel G. Liversidge, Daniel G. Swanson, Jay P. Srinivasan, Thomas G. Hungar, Steve E. Sletten, Brandon J. Stoker, S. Christopher Whittaker, Milagros R. Villalobos, Natalie J. Hausknecht; O’Melveny & Myers LLP, Dawn Sestito; Wilson Turner Kosmo LLP, Robin A. Wofford; Jones Day, David Craig Kiernan; Morgan Lewis & Bockius LLP, Kent Michael Roger; Hawxhurst LLP, Gerald Edward “Jerry” Hawxhurst; Baker & Hostetler LLP, Carl Hittinger; Norton Rose Fulbright US LLP, Joshua D. Lichtman; Sullivan & Cromwell LLP, Robert A. Sacks

PLAINTIFFS’ LAWYERS

Robbins Geller Rudman & Dowd LLP, Alexandra S. Bernay, Stephen W. Pepich, Lonnie A. Browne; Hartley LLP, Jason S. Hartley, Jason M. Lindner

group — successfully did both,” the firm said in a statement. “Persuading the rest of the defense group to coalesce around a single, primary brief dramatically simplified the case and helped focus the briefing on the core deficiencies in the plaintiffs’ theory.”

Some of the other defendants filed their own briefs. Said

Carl W. Hittinger of Baker & Hostetler LLP, “Our client Alon USA filed its own separate summary judgment motion raising further issues specific as to Alon, which Judge Ohta also expressly granted.”

David C. Kiernan at Jones Day filed a separate summary judgment motion for Tesoro Refining & Marketing Co. LLC. “It was critical to tell the

client’s individual story,” he said, to add to a collective effort he described as “a collaborative joint defense group getting a win for its clients.”

Gerald Edward “Jerry” Hawxhurst of Hawxhurst LLP, representing Valero Energy Corp., said, “We, alongside Gibson Dunn, did a lot of the heavy lifting in terms of strategy. Gibson Dunn did all

of the preliminary drafting, but to their credit they were open to significant edits from the rest of us. They played well with others. This was a highly functioning group.”

Lawyers for the plaintiff did not return a message seeking comment.

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— JOHN ROEMER