TOP LAWYERS OF THE DECADE *2011-2020*

John C. Hueston

The go-to strategist for high-stakes trials and complex civil litigation

The stakes were high when Hueston defended Tesla Inc. CEO Elon Musk after the U.S. Securities and Exchange Commission moved to hold him in contempt and sanction him for tweeting about his company's capacity to produce half a million cars in 2019, allegedly violating a prior agreement with regulators.
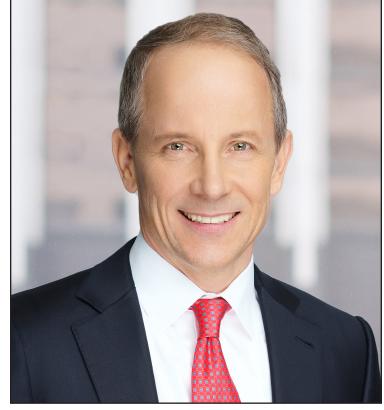
"Many analysts predicted that Musk would be removed as CEO," Hueston said of the case in the Southern District of New York that began with the SEC's claim that Musk misled investors in earlier tweets. Following Hueston's arguments, the judge set aside the government's contempt request; the SEC redrafted its oversight order. Musk remained in the executive suite. "We got what we wanted," Hueston said. *SEC v. Musk*, 18-cv-08865 (S.D. N.Y., filed Sept. 27, 2018).

"This was a unique First Amendment case," he added. "What can a CEO say and not say? When the president of the United States tweets his every thought, how can a CEO not? We caught the SEC out of its jurisdiction, and they knew it. We helped define the landscape of executive speech and governance."

Success at the highest levels of business law has become routine for Hueston, who represents Fortune 500 companies as lead counsel in their most challenging and high-profile cases and investigations. His client roster includes Amazon.com Inc., Deloitte Touche Tohmatsu Ltd., Edison International, Qualcomm Inc., T-Mobile, The Walt Disney Co., PricewaterhouseCoopers, the Navajo Nation, Whole Foods Market Inc. and others.

And from the time he successfully promoted his Ivy League college's divestiture from South Africa as part of the anti-apartheid movement, he and the firm he co-founded have stressed a public service component to their work. The Los Angeles Center for Law and Justice named Hueston Hennigan its 2016 Pro Bono Partner of the Year.

Some cases combine tough business litigation with benefits that go beyond the bottom line. Hueston is proud of the case that produced a $5.15 billion settlement for environmental cleanup after Anadarko Petroleum Corp. moved to acquire energy giant Kerr-McGee Corp. They tried to shelter existing liabilities in a spin-off shell company, Tronox Ltd., including the toxic messes left across the U.S from wood-processing, uranium mining and rocket fuel production. Appointed by the U.S. Department of Justice to represent the Anadarko Litigation Trust, Hueston achieved the deal after a 34-day trial in what was the nation's largest environmental fraudulent transfer

case. A bankruptcy judge's pivotal fraud finding against Kerr-McGee forced the settlement. *Tronox Inc. v. Anadarko Petroleum Corp.*, 09-1198 (S.D. N.Y. Bankruptcy Ct., filed Jan. 12, 2009).

"We had to win at trial because they wouldn't settle," Hueston said. "The judge's opinion brought the defense to the table and enabled full remediation across the U.S. It was one of those cases where you feel you have done something good for your country and deterred that kind of behavior in the future. More than $1 billion went to the Navajo Nation" to clean up abandoned uranium mines on their land. Hueston went on to further represent the Navajo Nation's interests in the disastrous Gold King mine spill in Utah. *State of*

Utah v. Environmental Restoration LLC, 2:17-cv-00866 (D. Utah, filed July 31, 2017).

Hueston and Brian J. Hennigan formed their trial law boutique in 2015 after working together at Irell & Manella LLP. Most recently, in December 2020, Hueston obtained a complete defense verdict for Amazon.com before an arbitration panel after rival eBay Inc. sued over claims of seller poaching. *eBay Inc. v. Amazon.com Inc.*, 18-cv-336315 (S. Clara Co. Super. Ct., filed Oct. 17, 2018).

"We completely reversed the narrative of a plaintiff trying to smear a competitor," Hueston said. "We erased the stain. And as a firm we took further our theme of successful showdowns at trial."

— John Roemer

Courtesy of the Hueston Hennigan LLP