

# **“A MAXIMUM TRIAL THREAT”**

–Legal 500

2020 Year in Review

## **HUESTON HENNIGAN**

---

# “Handle the most challenging and complex matters and obtain exceptional results”

–Chambers

From the fight for social justice to an unprecedented pandemic to a historic election, 2020 has been a year without parallel in modern history. As we move forward in 2021, we have answered these challenges by finding work-arounds to try cases during the pandemic and by launching a nationally unique foundation that combines private sector entrepreneurship, public interest issue expertise, and elite academic resources to bring a fresh approach to curating and pursuing trial work in support of social justice and equity.

Throughout these challenging times, the now 70-plus lawyers of Hueston Hennigan have strengthened our commitment to our clients, our colleagues, and our communities.

In this year like no other, we have found ways to continue trying cases, pursuing successful dispositive motions, prevailing on appeals, and securing the best settlements. Although we are proud that publications such as *Business Insider* have recognized Hueston Hennigan as the “legal firepower” behind leading businesses and individuals, we are even more grateful to have earned the work and respect of our clients.

The ranks of our colleagues continue to grow in breadth and trial experience. Each of our 12 new associates has completed a distinguished federal clerkship. Despite the challenges of the year, even our most junior associates have, after training and mentorship, argued motions, taken depositions, and examined witnesses at trial. And we are proud that this year, we have promoted our most diverse group of lawyers to partnership and counsel positions.

Just as important, we have redoubled our commitment to help our underprivileged communities. In addition to financial contributions to over 20 legal services organizations, we have launched the Social Justice Legal Foundation. The Foundation is an unprecedented collaboration with Columbia, Northwestern, Stanford, UCLA, and Yale law schools to identify pressing legal issues and to mentor and develop a new generation of trial lawyers in the public sector.

As always, and especially this year, we thank our clients for the trust they have placed in us, without which none of this would be possible. We wish you a prosperous 2021.

Brian J. Hennigan

John C. Hueston

---

# “In Demand for High-Profile Cases and Clients”

## -Los Angeles Business Journal



---

### Amazon.com Inc.

#### Complete Victory Against eBay, Inc.

“Amazon secured a major legal victory in its fight with rival eBay over seller poaching, with an arbitration panel ruling in its favor.” (See “Amazon wins legal fight against eBay over alleged seller poaching,” *CNN*, November 24, 2020.)

eBay asserted broad claims for fraud, civil RICO, breach of contract, tortious interference with contract, and violation of Washington’s Consumer Protection Act, among others. eBay then broadly publicized its complaint and accusations. (See “eBay Accuses Amazon Managers of Conspiring to Poach Its Sellers,” *The New York Times*; “eBay files lawsuit against Amazon over ‘seller recruitment’” *BBC*, 2020.) After repeated COVID-19 testing and the creation of a Hueston Hennigan trial group bubble, the case went to trial in September 2020.

After a two-week trial, “the panel denied all of eBay’s claims.”

---



---

### Internet Movie Database (IMDb.com)

#### IMDb Prevails at Ninth Circuit in Unanimous Opinion

The Ninth Circuit sided with IMDb in an important and closely watched First Amendment case. The Ninth Circuit affirmed the lower court’s judgment that California’s Assembly Bill 1687 (AB 1687) – which prohibited IMDb from publishing the ages of individuals in the entertainment industry – was an unconstitutional restraint on speech.



---

### Bausch Health Companies

#### Ninth Circuit Victory for Bausch Health

Preserving Bausch Health’s win in the trial court, we prevailed at the Ninth Circuit on behalf of the company in a significant trade secret and breach of contract case. We took over the case in early 2018 and aggressively moved to narrow discovery and bring the case to an end, winning a motion for judgment on the pleadings.



---

### Freedom for Immigrants

#### Immigrant Detention Hotline Featured in *OITNB* Restored

We won a preliminary injunction for Freedom for Immigrants (FFI), which ordered U.S. Immigration & Customs Enforcement (ICE) to restore FFI’s National Immigration Detention Hotline featured in *Orange Is the New Black*. The hotline allows persons in immigration detention to report abuse and find resources, and bridges the divide between detained persons and their families.

---



### **Navajo Nation**

#### **Eight-Figure Settlement After Multiple Victories**

After multiple victories in the courtroom, we secured an eight-figure settlement for the Navajo Nation against one group of defendants in claims arising out of the unprecedented acid mine wastewater spill from the Gold King Mine near Silverton, Colorado. Our claims against the United States continue after the court held that the government could be liable for this environmental disaster.



### **Houston Astros**

#### **Houston Astros Face Lawsuit in Wake of Alleged Cheating Scandal**

We represent the MLB team Houston Astros, its owner Jim Crane, and Astros employee Derek Vitoa in defending against a multitude of tort claims asserted against them by Michael Bolsinger, a former pitcher for the Toronto Blue Jays. Bolsinger's claims arise out of Astros' purported "sign-stealing scheme" during the 2017 baseball season, when the Astros won the World Series.



### **Peloton Interactive, Inc.**

#### **Peloton, Flywheel Settle Legal Disputes Over Fitness Bike**

Following a series of courtroom victories, including defeating Flywheel's *Alice* challenge, we obtained a "massive win" for Peloton via settlement, including admissions of patent validity and intentional copying and an agreement to immediately cease using Peloton's patented leaderboard technology.

### **Deloitte Consulting LLP**

#### **Complete Victory Secured in Qui Tam Lawsuit**

We represented Deloitte in a qui tam lawsuit brought by plaintiff Thomas Rocco, a former SAP employee, alleging that Deloitte Consulting and SAP had violated numerous conflict of interest laws and conspired to defraud the City of San Diego out of public funds.

### **The Walt Disney Company**

#### **Multibillion-Dollar First-Impression Trademark Action**

We secured district court and court of appeal victories for Disney and 14 subsidiaries in this trademark action, seeking tens of millions of dollars in damages based on Disney's alleged copying of the "Lots of Hugs" trademark in the billion-dollar-grossing film *Toy Story 3*. The case presents a series of novel liability and damages issues that lie at the intersection of First Amendment law and the doctrine of reverse confusion.

### **BlackBerry Corp. and BlackBerry Ltd.**

#### **Victory in Civil Extortion and Unfair Competition Claims**

We secured a victory for BlackBerry Corp. and BlackBerry Ltd. in civil extortion and unfair competition claims leveled against it by MobileIron, forcing it to pay BlackBerry's legal fees and drop its lawsuit.

### **Southern California Edison and PacifiCorp**

#### **Public Utilities in California, Oregon, and Nevada Turn to Hueston Hennigan in Historic Fires**

We are lead counsel to Southern California Edison and PacifiCorp in litigation arising out of the historic fires in California in 2017 and 2018 and Oregon in 2020.

### **Fortune 500 Medical Technology Company**

#### **Closure of Global FCPA Investigation**

The SEC launched a broad 16-month global investigation of suspected violations of the Foreign Corrupt Practices Act. After a series of productions, proffered witnesses, and presentations, the SEC closed the investigation without taking any action.

### **Leading e-Commerce Company**

#### **Declination to End Multiyear State AG Investigation**

We represented a leading e-commerce company in a large consumer fraud investigation. After making multiple submissions and presentations contesting assumed facts and legal issues, we obtained a declination with no action taken.

---

# Standing Up for Change

---



## **In Collaboration With**

Columbia Law School

Northwestern Pritzker  
School of Law

Stanford Law School

UCLA School of Law

Yale Law School

The Social Justice Legal Foundation (SJLF) – much more than a pro bono project – seeks to create a new model for social justice work by combining elite academic resources with private sector entrepreneurship to successfully resolve the nation’s most impactful, precedent-setting cases in targeted social justice areas.

To address evolving societal crises, SJLF will rotate primary areas of legal focus every two years from among the following initial areas: economic justice, LGBTQ rights, religious persecution, housing and homelessness, Native American discrimination, immigrant rights, and criminal justice reform.

SJLF is dedicated to mentoring and developing the next generation of leaders in public service through long-term meaningful casework. SJLF will work with select law students from participating law schools in conjunction with a co-requisite course, and also hire and train four law school graduates for two-year terms dedicated to SJLF’s legal agenda.

---

## In the Headlines

“Forged itself a coveted position as a local litigation shop that has achieved statewide and even national prominence”

–*Benchmark Litigation*

Hueston Hennigan “is massively successful” ... “with a client base [that] is remarkably diverse ... with very little repeat business and virtually no ‘routine’ cases”

–*Benchmark Litigation*

“Hueston Hennigan doesn’t do the ‘cookie-cutter.’ They do really cool, cutting-edge work”

–*Benchmark Litigation*

“Top-Notch Firm”

–*Legal 500*

“Personal attention, thoughtful strategy, complete commitment to your case”

–*Chambers*

“It’s a top-notch firm and has made a real mark for itself in a short period of time”

–*Chambers*

“Handle the most challenging and complex matters and obtain exceptional results”

–*Chambers*

“A reputation for a creative and often disruptive approach to litigation”

–*Los Angeles Business Journal*

# **“Better Than the Sum of the Parts”**

**–Legal 500**

**Litigation: General  
Commercial**

–Chambers

**Litigation: White-Collar  
Crime & Government  
Investigations**

–Chambers

**Dispute Resolution:  
General Commercial  
Disputes**

–Legal 500

**Dispute Resolution:  
Corporate Investigations  
and White-Collar  
Criminal Defense**

–Legal 500

**Top 10 Boutique in the  
United States**

–Benchmark Litigation

**Commercial Litigation**

–U.S. News – Best Lawyers® “Best  
Law Firms”

**Criminal Defense: White  
Collar**

–U.S. News – Best Lawyers® “Best  
Law Firms”

**Bet-the-Company  
Litigation**

–U.S. News – Best Lawyers® “Best  
Law Firms”

**Litigation – Intellectual  
Property**

–U.S. News – Best Lawyers® “Best  
Law Firms”

**Litigation – Securities**

–U.S. News – Best Lawyers® “Best  
Law Firms”

**Top 20 Trial Law Firms in  
the United States**

–Benchmark Litigation

**Top 20 California Trial  
Lawyers**

–Benchmark Litigation

**Top 100 Trial Lawyers in  
America**

–Benchmark Litigation

**Litigation Stars and  
Future Stars**

–Benchmark Litigation

**Top Lawyers of the  
Decade**

–The Daily Journal



## **Top 10 Litigation Boutique**

–Vault

## **40 & Under Hot List Nationwide**

–Benchmark Litigation

## **Top Women Lawyers in California**

–The Daily Journal

## **Top 40 Under 40 List**

–The Daily Journal

## **Top 100 Lawyers in California**

–The Daily Journal

## **Best Lawyers**

–Best Lawyers in America

## **Top Women Attorneys**

–Los Angeles Business Journal

## **California Trial Firm of the Year**

–Benchmark Litigation

## **Top Litigators and Trial Lawyers**

–Los Angeles Business Journal

## **2019 Top Verdicts**

–The Daily Journal

## **Top Minority Attorneys**

–Los Angeles Business Journal

## **Los Angeles Firm of the Year**

–Benchmark Litigation

## **Leaders in Law**

–Los Angeles Business Journal

## **Best Under 40**

–National Asian Pacific American Bar Association

## **Ones to Watch**

–Best Lawyers in America



---

# “Top-Caliber Attorneys”

## -Chambers

---



---

### 2021 Partner Election

#### Vicki Chou

Ms. Chou, a recognized rising star and accomplished trial lawyer, is a key member of both the Trial Practice and the White Collar and Investigations teams. She is already a seasoned trial and appellate attorney and recently served as a deputy chief in the U.S. Attorney’s Office in the Central District of California, where she represented the United States in hundreds of criminal cases. As an AUSA, many of her

matters involved high-level international coordination, including a case in which she successfully negotiated a first-of-its-kind joint investigative agreement with a European country. She successfully tried more than 10 cases as lead counsel and won every one of her appeals before the Ninth Circuit.

Since joining the firm, Ms. Chou has earned leadership roles in several of the nation’s most high-profile bet-the-company cases. She has also been involved with developing strategies related to the defense of some of the highest-profile defendants and in terminating high-stakes criminal investigations. She has earned praise for

achieving her clients’ objectives.

Ms. Chou served as a law clerk to the Honorable Robert E. Payne, U.S. District Court for the Eastern District of Virginia. She earned her J.D. from Harvard Law School, *cum laude*, and her undergraduate degree in social studies from Harvard University.

Ms. Chou serves as an executive board member for the Southern California Chinese Lawyers Association; as co-chair for the ABA Computer Crime, Intellectual Property and Trade Secrets Sub-Committee; and on the executive committee for the LACBA Litigation Section.

#### Recognitions

**Best Under 40,**  
*National Asian Pacific American Bar Association*

**40 & Under Hot List,**  
*Benchmark Litigation*

**Minority Leaders of Influence: Attorneys,**  
*Los Angeles Business Journal*

**Top Women Attorneys,**  
*Los Angeles Business Journal*

**Director of National Intelligence, Meritorious Unit Citation**

**HIDTA National Award for Outstanding Financial Investigative Effort**

**IRS Certificate of Appreciation**

**Attorney General’s Award Nominee**

---

# 2021 Counsel Promotions

---



---

## Brittani A. Jackson

Ms. Jackson represents clients in a broad range of litigation matters, including commercial contract litigation, high-profile shareholder and employee disputes, white collar criminal defense, trade secret litigation, and government investigations.

Ms. Jackson earned her J.D. from Harvard Law School and earned her M.B.A. at Harvard Business School. Prior to law school, she was a Business Analyst at McKinsey & Company.

Ms. Jackson is on the board of directors for the Friends of the L.A. Law Library and for the Inner City Law Center. She serves on the Scholarship Committees for the John M. Langston Bar Association and Black Women Lawyers Association of Los Angeles.

In 2020, Ms. Jackson was named to the Southern California Rising Stars list, recognized by The National Black Lawyers as a "Top 100" and "Top 40 Under 40," and by *Best Lawyers* as "One to Watch."



---

## Lauren McGrory Johnson

Ms. Johnson represents a broad array of clients in high-stakes litigation, including complex commercial disputes, securities litigation, trade secrets misappropriation, breaches of contract and fiduciary duties, and criminal investigations.

Prior to joining Hueston Hennigan, Ms. Johnson served as a law clerk to the Honorable George H. Wu of the U.S. District Court for the Central District of California.

Ms. Johnson earned her J.D. from the University of Southern California Gould School of Law, where she was elected to the Order of the Coif. During law school, she served as a senior editor for the *Southern California Law Review*.

Ms. Johnson currently serves on the Board of Councilor's Judicial Clerkships Committee at USC Gould School of Law.

Ms. Johnson was named to the Southern California Rising Stars list in 2020.



---

## Rajan Trehan

Mr. Trehan focuses his practice on high-stakes matters oriented toward trial. His notable trial representations include defending a leading video game company and a prominent entertainment studio, and he routinely counsels companies on their most significant litigation risks.

Mr. Trehan also has an active pro bono practice and recently won a landmark preliminary injunction ordering U.S. Immigration & Customs Enforcement (ICE) to restore a toll-free immigration detention hotline used to report on conditions in detention and monitor abuse.

Prior to joining the firm, Mr. Trehan served as a law clerk to the Honorable Paul G. Gardephe of the U.S. District Court for the Southern District of New York.

Mr. Trehan earned his J.D. from Columbia Law School, where he was a notes editor for the *Columbia Law Review* and a James Kent Scholar.

---

# “Hires the Best Young Lawyers”

## -Chambers

---



---

### 2020 Associate Class

#### W. Bradford Barber

Harvard Law School (J.D., 2019)  
Brigham Young University (B.S., 2016)  
Hon. John K. Bush, U.S. Court of Appeals for the Sixth Circuit

#### Alex Botoman

Columbia Law School (J.D., 2018)  
Wake Forest University (B.A., 2010)  
Hon. Kim McLane Wardlaw, U.S. Court of Appeals for the Ninth Circuit  
Hon. Philip S. Gutierrez, U.S. District Court for the Central District of California

#### Karen Ding

Stanford Law School (J.D., 2018)  
Harvard University (B.A., 2012)  
Hon. Edward J. Davila, U.S. District Court for the Northern District of California  
Hon. Beth L. Freeman, U.S. District Court for the Northern District of California  
Hon. Lucy H. Koh, U.S. District Court for the Northern District of California  
Hon. Douglas H. Ginsburg, U.S. Court of Appeals for the District of Columbia Circuit

#### Andreas Petasis

University of Chicago Law School (J.D., 2018)  
University of Southern California, Los Angeles (B.A., 2013)  
Hon. Kenneth K. Lee, U.S. Court of Appeals for the Ninth Circuit

#### Jennifer Popp

University of Virginia School of Law (J.D., 2018)  
Brown University (B.A., 2012)  
Hon. Carl E. Stewart, U.S. Court of Appeals for the Fifth Circuit

#### Spencer Schmider

Stanford Law School (J.D., 2019)  
Northwestern University (B.A., 2015)  
Hon. Ronald M. Gould, U.S. Court of Appeals for the Ninth Circuit

#### Michael Schneider

Stanford Law School (J.D., 2019)  
Brown University (B.A., 2013)  
Hon. Kimberly J. Mueller, U.S. District Court for the Eastern District of California

**100%** of new associates completed clerkships

**42%** of associates are diverse

#### Law Schools

Harvard Law School  
University of Chicago Law School  
Columbia Law School  
University of Virginia School of Law  
Stanford Law School  
Georgetown University Law Center  
Yale Law School

---

## Justin Greer

Georgetown University Law Center  
(J.D., 2017)  
Biola University (B.A., 2014)  
Hon. Jay S. Bybee, U.S. Court of Appeals for  
the Ninth Circuit

## Montae Langston London

Yale Law School (J.D., 2016)  
University of California, Los Angeles  
(B.A., 2011)  
Hon. Barrington D. Parker, Jr., U.S. Court of  
Appeals for the Second Circuit

## William Larsen

University of Chicago Law School (J.D., 2016)  
University of Chicago (B.A., 2011)  
Hon. Eric D. Miller, U.S. Court of Appeals for  
the Ninth Circuit

## Winston Shi

Harvard Law School (J.D., 2019)  
Stanford University (M.A., 2016, History)  
Stanford University (B.A., 2016, History)  
Hon. Daniel P. Collins, U.S. Court of Appeals  
for the Ninth Circuit

## Grace Zhang

Yale Law School (J.D., 2016)  
University of Texas at Austin (B.A., 2013)  
Hon. Kiyo A. Matsumoto, U.S. District Court  
for the Eastern District of New York

## Clerkships

U.S. Court of Appeals for the Second  
Circuit  
U.S. Court of Appeals for the Fifth  
Circuit  
U.S. Court of Appeals for the Sixth  
Circuit  
U.S. Court of Appeals for the Ninth  
Circuit  
U.S. Court of Appeals for the District of  
Columbia Circuit  
U.S. District Court for the Central  
District of California  
U.S. District Court for the Eastern  
District of California  
U.S. District Court for the Northern  
District of California  
U.S. District Court for the Eastern  
District of New York



# Daily Journal

JANUARY 20, 2021

## TOP LAWYERS OF THE DECADE 2011-2020

### John C. Hueston

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

**T**he 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



Courtesy of the Hueston Hennigan LLP

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

**HUESTON HENNIGAN**  
HUESTON.COM