

Trials Group Of The Year: Hueston Hennigan

By **Max Jaeger**

Law360 (January 25, 2022, 2:05 PM EST) -- Hueston Hennigan LLP went undefeated in decided trials in the past year, including defending opioid maker Endo Pharmaceuticals PLC in a landmark California victory with billions in damages on the line and a total victory defending Amazon from eBay's corporate espionage claims, preserving a five-year winning streak and earning the firm a seat among Law360's Trials Groups of the Year.

Clients seek out Hueston Hennigan for challenging and complex work because the firm's singular focus on trials means it strategizes for the endgame and then builds a bedrock foundation for success over the course of litigation, firm leaders told Law360.

"What sets us apart is, as a firm, we start with 'What is the trial narrative?'" said partner and trial practice chair John C. Hueston. "What is the narrative of fairness that's going to attract the hearts and minds of the jury and the fact-finder and the judicial law clerks that set the stage through motions in limine and motions for summary judgment? We set the stage at an early frame for the development of our trial themes from the onset of discovery."

Their success at focusing the trial narrative — particularly in emotionally charged cases generating significant media attention — proved key to defending Endo from allegations by four local California governments that the Dublin-based drugmaker's reckless marketing contributed to the deadly opioid epidemic.

"Before the trial, too much was getting lost in the story of the opioid epidemic, and there wasn't enough focus on the actual burden to prove the claim. We were very focused on getting the truth out — frankly, in large part through the people's own witnesses," partner Moez Kaba previously told Law360.

Endo and co-defendants Johnson & Johnson, Teva Pharmaceuticals and Allergan PLC prevailed in December, following a monthslong trial that threatened the companies with \$50 billion in damages.

The same principles applied when Hueston Hennigan obtained a complete defense verdict for PwC after former employee Mauro Botta claimed he was fired in retaliation for filing a U.S. Securities and Exchange Commission complaint about accounting practices at the professional services network. Hueston Hennigan cast a compelling mix of PwC witnesses and SEC experts who ultimately



demonstrated there was no retaliation and that Botta had complained about routine accounting practices that he'd signed off on in some cases, according to Hueston.

"We went all the way from [human resources] to the seniormost partner overseeing that entire division of PwC and really stitched together what was a truthful and compelling narrative about who this person was and how important PwC's independence and integrity is to their process in ways big and small," Kaba explained.

Added Hueston: "PwC was adamant that this was not a case to settle. There couldn't be a payment, which [would have] suggested that PwC really believed that any part of it was true. In fact, it was all false. And so this went to trial, critically, to preserve PwC's reputation. So that's what set the stage for the matter."

Hueston said the firm gets superior results thanks to its diversity and willingness to entrust associates with significant roles. In the last year, more than half of the roughly 40 associates at the 75-attorney shop had speaking roles in one or more of the firm's trials.

"We've been able to truthfully tell our associates there is no other platform on which you will get the trial training experience that you will at our firm, including many public-sector opportunities, and that is extremely rare," Hueston said.

All three associates involved in Hueston Hennigan's November 2020 arbitration win on behalf of Amazon.com Inc. had significant speaking roles during the hearing, including handling witnesses, Kaba said.

And it was no slam dunk. Amazon's employees were accused of infiltrating eBay Inc.'s internal messaging system to entice sellers away from the platform, and "I think both eBay and even Amazon thought, at first blush, eBay might have the advantage," Hueston said.

"We are grateful that we were chosen to try the case, but we were nervous internally whether we would really be able to get the difficult win here. And to prevail on all claims, was gratifying," he said. "Amazon is very happy with the results."

Hueston Hennigan is 16 for 16 over the last five years. In the past year, it brought five cases to trial and won all four that have since been decided. The firm has several high-profile trials in the offing, too, representing Palantir Technologies Inc. in Delaware and California lawsuits, the criminal defense of Outcome Health CEO Rishi Shah in a \$1 billion fraud case and communications company ClearOne Inc.'s patent infringement suit targeting a multinational competitor.

"As the record of victories piles up, so too does the additional trial work," Kaba said. "It's the old, 'The prize for winning a pie-eating contest is more pie.' But it really excites us. It drives us. The people we attract to this firm as associates and counsel are coming for that reason."

--Additional reporting by Cara Salvatore and Craig Clough. Editing by Andrew Cohen.