

MVP: Hueston Hennigan's John Hueston And Moez Kaba

By **Cara Salvatore**

Law360 (September 16, 2022, 2:02 PM EDT) -- John Hueston and Moez Kaba of Hueston Hennigan distinguished themselves this year by winning top-stakes trials for clients, including a key California opioid trial and one of the largest known trademark awards, earning them a spot on Law360's 2022 Trials MVPs.

As a trial boutique, Hueston Hennigan LLP has teams preparing for trials throughout the year, and sometimes readying for back-to-back trials. The two say it can be hard — just "ask my husband and John's wife," Kaba said — but they have a method within their firm of preparing for trial, and it pans out.

THEIR BIGGEST ACCOMPLISHMENT OVER THE PAST YEAR:

The duo's back-to-back trials were, in themselves, a feat, they said. This summer, a California federal court confirmed an arbitration award that Hueston and Kaba won for Monster Energy Co., the energy drink maker.

Monster and a small company that sells a sweetened orange drink under the name Orange Bang had brought a dispute against the maker of Bang energy drinks, Vital Pharmaceuticals Inc. In 2010, Orange Bang Inc. settled a trademark fight with Vital, and Vital agreed to use the name "Bang" only for drinks with the amino acid creatine or drinks meant for stores' nutritional supplement sections.

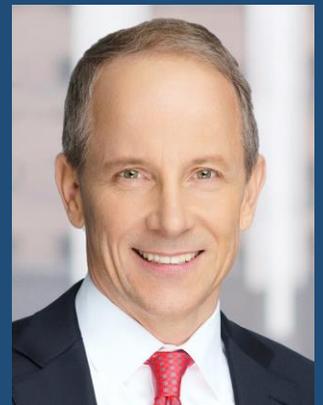
An arbitrator agreed Vital had breached the decade-old agreement and ordered it to pay \$175 million to Orange Bang, plus a 5% quarterly royalty. Monster helped fund the litigation.

The trial came right after a landmark opioid case, and in that respect, "The quick sequencing of the trials has forced us to institutionalize what we think is our unique preparation and approach to trials," Hueston said. They "bring along our associates on a fast learning curve [so they] know how outlines should be prepared and at what point," among other skills, he said.

OTHER NOTABLE CASES THEY WORKED ON:

Immediately before the Bang case, they represented Endo Pharmaceuticals in an opioid case that was of equal importance to them. A judge eventually found that four California communities failed during the landmark 2021 trial to show that

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four drugmakers, including Endo, were liable for an epidemic of opioid abuse. The Orange County judge rejected allegations that the companies created a "public nuisance" by flooding the communities with opioids. It was a long and grueling case, but Kaba said, "You focus entirely all of your energy on the case at hand and give it all you got."

Hueston said it was never a given that they would be able to prevail. "It was a \$50 billion action that, frankly, everybody thought — except for us and the client — that we would lose," he said.

THEIR ADVICE FOR LESS EXPERIENCED LAWYERS:

Kaba said the most important thing is not to be afraid to find your voice in the courtroom.

"If you want to be a trial lawyer, you have to get up" and speak, Kaba said.

He added, "Take on the challenging legal issues, the challenging witnesses. It's time-consuming, but it is the most rewarding way to develop your skills."

He said that over the last year, more than half of the firm's associates have "had speaking roles at trials, which is obviously everything we stand for."

THEIR BIGGEST CHALLENGE OF THE LAST YEAR:

The two also said that being methodical but also ready to pivot whenever the need arises is difficult but central. Sometimes it means stepping away from family obligations or changing on the fly in a hearing with a judge.

Sometimes it even means departing one trial while it's going on and coming back to it later. During the California opioid trial, Hueston actually had to leave for a week to go to Texas and work on an intellectual property trial.

"We made it work, and we won the trial in Texas, and I was able to rejoin," Hueston said, coming back to relieve Kaba of the additional work he had taken on during what Hueston called the "biggest challenge of not just my last year but probably last 10 years."

— *As told to Cara Salvatore.*

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2022 MVP winners after reviewing more than 900 submissions.