

HUESTON HENNIGAN



Michael H. Todisco
Partner

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Education

Stanford Law School (J.D., 2016)

University of Notre Dame (B.A., 2013) summa cum laude; Phi Beta Kappa

Clerkships

Hon. Thomas M. Hardiman,
U.S. Court of Appeals for the
Third Circuit

Admissions

California

Recognized as “one of the most promising young trial lawyers in California,” Michael H. Todisco is a creative and forceful litigator. Mr. Todisco has counseled clients to watershed trial wins, precedent-setting appellate victories, and everything in between.

Mr. Todisco was named the 2021 “Rising Star of the Year” by the *Los Angeles Business Journal (LABJ)*. Highlighting Todisco’s wins “in state and federal courts across the nation,” *LABJ* editors described Mr. Todisco as “the rare effective trial lawyer who is also a gifted writer” and noted that “clients prize his robust and balanced skills.”

During law school, Mr. Todisco served as a senior editor for the *Stanford Law Review*. He earned a number of academic honors, including Gerald Gunther Prizes for Outstanding Performance in Taxation, Administrative Law, Trademarks, Securities Litigation, Criminal Procedure: Investigations, and Criminal Procedure: Adjudication. His student note, “Share and Share Alike? Considering Racial Discrimination in the Nascent Room-Sharing Economy,” 67 *Stan. L. Rev. O.* 121 (2015), received a 2016 Burton Award for Legal Writing.

Experience

Won a “record-setting” \$293M verdict for **Monster Energy Company** against rival beverage company Vital Pharmaceuticals, Inc. in a

false advertising, tortious interference, and trade secret case after a monthlong trial. The jury found Vital Pharmaceuticals Inc. and its CEO falsely advertised the “super creatine” ingredient of its billion-dollar Bang energy drink. The verdict is believed to be one of the largest, if not the largest, Lanham Act awards ever. (See “Monster Energy wins \$293 mln false-advertising verdict against rival Bang,” [Reuters](#); “Monster Wins \$293M Verdict Against VPX In False Ad Trial,” [Law360](#); “Monster Energy Wins \$293 Million False Ad Award Over Bang,” [Bloomberg Law](#)).

Won “landmark” opioid trial for **Endo Pharmaceuticals** in a closely watched \$50 billion California case alleging public nuisance, unfair competition, and false advertising. Obtained a full defense verdict following a four-month trial. The win was hailed as “giv[ing] drug companies their first major victory in the litigation brought by cities and counties across the country over the opioid crisis,” [American Lawyer](#). (See “How Hueston Hennigan Notched A Landmark Opioid Trial Win,” [Law360](#); “Opioid Makers Win Major Victory in California Trial,” [New York Times](#); “Drug Makers Handed First Win Out of Thousands of National Opioid Crisis Lawsuits,” [Newsweek](#)).

Secured a complete defense arbitration award after a two-week trial for the **country’s largest integrated health care system** against claims that it improperly withheld tens of millions of dollars in payments from a hospital system. The arbitrator rejected the hospitals’ breach of contract, breach of implied covenant, declaratory judgment, and California unfair competition claims by adopting our arguments that the health care system’s line-item denials were within the scope of its broad contractual rights to review and audit the hospitals’ billed claims before payment.

Secured a complete victory for **McDonald’s USA** against Byron Allen in a \$100 million fraud suit over ad spend on black-owned media, through a motion brought under California’s “anti-SLAPP” statute. (See “McDonald’s Gets Anti-SLAPP Win In Allen’s \$100M Fraud Suit,” [Law360](#); Byron Allen Loses \$100M Fraud Lawsuit Against McDonald’s Over Ad Spend on Black-Owned Media,” [The Hollywood Reporter](#)). Obtained a unanimous decision from the California Court of Appeal upholding the lower court decision. (See “Byron Allen Can’t Revive \$100M McDonald’s Fraud Suit,” [Law360](#); “McDonald’s Secures Dismissal of \$100M Fraud Suit Over Ad Spend on Black-Owned Media,” [The Recorder](#); “Appeals court tosses Byron Allen ad suit against McDonald’s,” [Daily Journal](#); “McDonald’s Fends Off \$100 Million Byron Allen Suit Over Ads,” [Bloomberg Law](#)).

Obtained a unanimous opinion at the Supreme Court of the United States in favor of **Nutraceutical**. The Court adopted our arguments that the Rule 23(f) deadline to file an interlocutory appeal of a class-certification decision, and all other mandatory claim-processing rules, are unsusceptible to equitable exceptions.

Won “the largest-ever U.S. trademark awards” ([Reuters](#)) for **Monster Energy Company** against rival beverage company Vital Pharmaceuticals, Inc. Following a two-week trial, the arbitrator held that VPX’s Bang Energy does not contain advertised muscle-building creatine and infringed on “Bang” trademark. In the significant ruling, the arbitrator awarded Monster and Orange Bang \$175 million in damages, nearly \$10 million in attorney’s fees and costs, and a 5% royalty on all future sales of Bang Energy (with over \$1.5 billion in annual sales). (See “Monster asks court to enforce \$175 mln award against Bang Energy maker,” [Reuters](#); “Monster, Orange Bang Win \$175M Against Rival In Arbitration,” [Law360](#)).

Obtained a complete defense verdict for the **California Institute of Technology** after a four-week trial in a wrongful termination suit in which a former researcher claimed the school retaliated against him for allegedly exposing the misuse of government funds. Dr. Roumi, who sought tens of millions of dollars in damages, was hired to work on a project funded by the Department of Energy, but ultimately failed. (See “Jury gives CalTech complete win over former researcher’s claims,” [Daily Journal](#); “Hueston Hennigan Beats Back Whistleblower Claim Against CalTech,” [The American Lawyer](#)).

Defending **Amazon.com** and **Twitch** against multiple lawsuits arising out of the tragic May 2022 mass shooting at a grocery store in Buffalo, NY. Plaintiffs claim that Amazon.com, Twitch, and other social media services incentivized the shooter to commit his horrific crimes by, among other things, providing him with the ability to livestream his attack. Plaintiffs’ claims, which include product liability, negligence, and other torts, raise significant issues relating to the First Amendment and the scope of immunity for social media services under Section 230 of the Communications Decency Act.

Obtained a complete defense verdict for **PricewaterhouseCoopers** in a high-profile lawsuit and closely watched federal trial brought by a former employee and SEC whistleblower, Mauro Botta. Secured a complete dismissal of all claims against seven partners on a motion to dismiss. (See “PwC Rightly Fired Former Auditor, Judge Rules,” [Bloomberg Law](#)).

Obtained a unanimous opinion at the U.S. Circuit Court of Appeals for the Ninth Circuit for the **Internet Movie Database (IMDb.com)** in an anti-SLAPP victory. Obtained preliminary and permanent injunctions invalidating the constitutionality of a California’s statute. (See “Law barring disclosure of actors’ ages violates 1st Amendment, appeals court rules,” [Los Angeles Times](#)).

Secured the dismissal through dispositive motion of all claims in a case seeking to hold **Amazon.com** liable for billions of taxes for sales made by third-party sellers on Amazon.com. Obtained a unanimous decision from the California Court of Appeals upholding the lower court decision. (See “Amazon Tax Collection Suit Blocked By Calif. Appeals Court,” [Law360](#))

Prevailed at the Ninth Circuit on behalf of **Bausch Health Companies** in a significant trade secret and breach of contract case.

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.

Obtained a complete defense victory for **Tri Star Sports & Entertainment Group** on copyright infringement claims. Prior to the motion to dismiss stage, the plaintiff voluntarily dismissed both claims after Tri Star filed a letter detailing deficiencies in the plaintiff’s claims.

Prevailed on a motion to dismiss for a **New York City restaurant group** in the highly publicized “no-tipping” lawsuit, which alleges that the restaurant group’s no-tipping policies violate state and federal antitrust laws.

Represented **Western Digital** and its **SanDisk** subsidiaries in their widely publicized dispute with Toshiba over anti-transfer provisions in joint venture agreements governing the manufacture and development of NAND flash memory. The dispute encompassed multiple international arbitrations and litigation in the California trial and appellate courts, where SanDisk secured injunctive relief in aid of the arbitrations.

Recognitions

Leaders in Law: Rising Star of the Year, Los Angeles Business Journal
Southern California Rising Stars (2021-present)
Best Lawyers: Ones to Watch in America (2024-2025)

Insights

11/29/2021 “Anti-SLAPP in Arbitration? A Closer Look”