

# HUESTON HENNIGAN

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Moez M. Kaba  
Managing Partner

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## Education

Columbia Law School (J.D., 2005)

Cornell University (B.S., 2002, Industrial and Labor Relations) highest honors; Class Marshal

## Clerkships

Hon. Raymond C. Fisher,  
U.S. Court of Appeals for the  
Ninth Circuit

## Admissions

California  
New York

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Moez Kaba, a nationally recognized trial lawyer, is the managing partner of Hueston Hennigan LLP.

Praised as “a master in the courtroom,” “outstanding in his trial capabilities,” and a client’s “secret weapon,” Mr. Kaba has stacked up an enviable record of trial and appellate victories in courts across the country. Mr. Kaba’s trial record makes him a go-to trial lawyer and trusted advisor to his clients, earning top rankings from *Chambers* and bolstering his standing as a “powerhouse” lawyer and “trial specialist” in multiple national rankings, including one of the best nationwide Trial Lawyers by *Chambers* and one of the “Top 100 Trial Lawyers in America” (the youngest lawyer in the country on the list). He is also consistently recognized as one of the “Top 20 Trial Lawyers in California” by *Benchmark Litigation*.

Mr. Kaba is a fellow of the International Academy of Trial Lawyers, a group of “truly elite trial lawyers who have achieved a career of excellence through demonstrated skill and ability in jury trials.” This is an invitation only organization limited to 500 active trial lawyers from the United States.

From a variety of Fortune 500 companies to entrepreneurs and high-profile individuals, Mr. Kaba develops creative and disruptive strategies to solve business’ unique objectives in a broad array of general complex civil litigation, including commercial disputes, securities, trade secrets, entertainment, and intellectual property litigation.

As touted by *Chambers*, “there’s nobody quicker or more consistently on the money when complex judgment calls need to be made,” with clients adding “he is innovative, smart and able to see problems from various perspectives. His oral advocacy skills are second to

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none.” “He has a remarkable ability to hone in on the most salient issues immediately.” As *Chambers* succinctly put it, Mr. Kaba is “an incredibly strong lawyer,” “he tries a lot of cases and wins, which is what it’s all about.”

In addition to his litigation practice, Mr. Kaba dedicates considerable time to pro bono work focusing on access to justice and social issues. Among his pro bono achievements: He obtained a preliminary injunction for Freedom for Immigrants (FFI) in an important, closely watched, First Amendment case, ordering U.S. Immigration & Customs Enforcement to restore FFI’s National Immigration Detention Hotline. (See media highlights [here](#)). He represented the Council for American-Islamic Relations in its efforts to support a San Diego school district regulation that was designed to protect Muslim students who are particularly at risk of being bullied. (See media highlights [here](#)). He represented Equality California in challenging the constitutionality of California’s ban on same-sex marriage in the United States Supreme Court. For several years, he represented various women’s rights groups in cases challenging the constitutionality of the Defense of Marriage Act (DOMA) and state bans on same-sex marriage.

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## Testimonials

“A master in the courtroom.” —*Chambers*

“There’s nobody quicker or more consistently on the money when complex judgment calls need to be made.” —*Chambers*

“One of the best young trial lawyers I’ve ever seen.” —*Chambers*

“Staked himself a position as another of the firm’s lead trial counsel on some of the firm’s most high-stakes disputes.”  
—*Benchmark Litigation*

“He is innovative, smart and able to see problems from various perspectives. His oral advocacy skills are second to none.”  
—*Chambers*

“A forceful counselor and litigator.” —*Benchmark Litigation*

“A trial force, with street smarts and experience beyond his years.” —*Benchmark Litigation*

“Steel trap mind.” —*Chambers*

“Sits comfortably on the front line of some of the firm’s thorniest matters and whose star is inexorably on the rise.”  
—*Benchmark Litigation*

“Exceptional” ... has a “remarkable ability to home in on the most salient issues immediately.” —*Chambers*

“He can see complex litigation and create a clear path forward.” —*Chambers*

“Moez is really brilliant and has a great combination of practicality and strategic thinking.” —*Chambers*

“His enviable record of trial and appellate victories” makes “you want him in your corner in court.” —*Los Angeles Business Journal*

“Distinguished” for “winning top-stakes trials for clients.” —*Law360*

“One of the top litigators in the nation.” —*Daily Journal*

“He tries a lot of cases and wins, which is what it’s all about.” —*Chambers*

“Terrific, outstanding and very good strategically.” —*Law360*

“Impressive ... and strong reputation ... a secret weapon.” —*Chambers*

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## Experience

### Trial

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

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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 a “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](#) ).

Won a complete defense judgment for **Amazon.com**, in a suit brought by eBay, alleging tortious interference and unfair competition. After the hearing, the panel unanimously found for his client on all claims. (See “Amazon wins legal fight against eBay over alleged seller poaching,” [CNN](#)).

Won “the largest-ever U.S. trademark award” (*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](#)).

Won 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. (See “PwC auditor’s firing wasn’t triggered by SEC complaint: judge,” [Reuters](#)).

Won a complete defense verdict for the **California Institute of Technology** in a four-week whistleblower trial in LA Superior Court. The jury unanimously found for Caltech in a wrongful termination suit in which a former researcher sought tens of millions of dollars in damages, claiming the school retaliated against him for allegedly exposing the misuse of government funds. Prior to trial, obtained full dismissal of breach of contract and tortious interference claims. (See “Shout-Out: Hueston Hennigan Beats Back Whistleblower Claim Against Caltech,” [The American Lawyer](#)).

Won an eight-figure punitive damages verdict and liability findings on all claims of fraud, deceptive business practices, and false advertising for **William Koch** in a three-week jury trial in New York federal court. (See “Billionaire Bill Koch wins \$12 million from wine maven who sold him bogus Bordeaux,” [NY Post](#)).

Won a trial for the **State Bar of California** in a widely covered action brought by a former state senator and CEO of State Bar of California concerning whistleblower retaliation, breach of contract, and breach of fiduciary duty claims. Prevailed on all claims after a one-week trial. (See “Ex-Calif. Bar President Sheds Fired Exec’s Contract Claim,” [Law360](#)).

Won a misappropriation of trade secrets and breach of contract claims for **T-Mobile** in a high-stakes three-week federal jury trial in Seattle against Huawei Devices USA. (See “The U.S. Just Charged Huawei With Stealing A T-Mobile Robot Idea,” [Forbes](#)).

Obtained broad injunctions in a confidential arbitration for **CoreLogic Solutions, Inc.** in a breach of contract and trade secrets case.

Won a trial for the **liquidating trustee of a multimillion-dollar investment partnership** in an action alleging breach of contract and breach of fiduciary duties. On the day set for opening arguments, a favorable settlement was reached.

## Appellate

Argued and prevailed at the U.S. Court of Appeals for the Ninth Circuit for **Shopify Inc.** in a published decision, on a matter of first impression, limiting the reach of personal jurisdiction for internet companies. (See “In ‘Novel’ Jurisdiction Issue, 9th Circuit Limits Where Consumers Can Sue E-Commerce Payment Platforms,” [The Recorder](#)).

Prevailed at the U.S. Circuit Court of Appeals for the Ninth Circuit for the **Internet Movie Database** (IMDb.com) in an anti-SLAPP suit. 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](#)).

Prevailed at the U.S. Circuit Court of Appeals for the Ninth Circuit on behalf of **Bausch Health Companies** in a nine-figure, cross-

border trade secret and breach of contract case. Adopting our arguments, the Ninth Circuit held that the case could not proceed in the absence of Bausch's foreign subsidiaries and that the court lacked jurisdiction over those absent entities.

Prevailed in the U.S. Circuit Court of Appeals for the Second Circuit, holding for the first time that a social network application **Grindr** and its owners are protected by Communications Decency Act section 230 immunity and cannot be held liable for the acts of its users. (See "Grindr defeats appeal over harassment on gay dating app," [Reuters](#)).

Prevailed in the U.S. Circuit Court of Appeals for the Second Circuit for **William Koch**, upholding a jury verdict and a \$1.15 million award against Silicon Valley entrepreneur and fellow oenophile Eric Greenberg over the sale of 24 bottles of fake Bordeaux. (See "Billionaire Koch defeats appeal in fake wine case." [Reuters](#)).

Prevailed in the New York Court of Appeals for **William Koch** related to his California Superior Court action claiming that he was sold 149 bottles of counterfeit rare wine by Rudy Kurniawan through Acker, Merrall & Condit, a New York-based dealer in fine and rare wines. The Court clarified the standard for enforcing subpoenas to nonparties in litigation, and *The New York Law Journal* described the victory as a "game changer." (See "Court Clarifies Rules for Nonparty Subpoenas," [The New York Law Journal](#)).

## Complex Civil Litigation

Representing **Kelly Toys**, maker of the top-selling toy in the US for 2023 "Squishmallows," in a copyright infringement lawsuit against Build-A-Bear Workshop for its copycat Skoosherz product. (See "Squishmallows and Skoosherz Plush Toys Face Off in Court," [The New York Times](#); "Plush wars? Squishmallows toy maker and Build-A-Bear sue each other over 'copycat' accusations," [Associated Press](#)).

Representing **Amazon.com** against a historic FTC lawsuit targeting its Prime Membership. (See "F.T.C. Accuses Amazon of Tricking Users Into Subscribing to Prime," [The New York Times](#); "Amazon Says FTC Prime Subscription Suit Gets Ahead Of Law," [Law360](#)).

Representing **Epic Games** in cases across multiple jurisdictions claiming that the company intentionally designed its games to addict players. (See "Activision, Epic, Video Game Developers Face Addiction Suit," [Bloomberg Law](#)).

Representing **Boeing** in a lawsuit alleging misappropriation of trade secrets and breach of contract.

Representing **Amazon.com** and **Starbucks Corporation** in a novel class action in the Southern District of New York alleging the failure to warn New York customers that they were being monitored by "biometric technology" without providing notice.

Representing **McDonald's USA** in multiple tort and statutory lawsuits concerning marketing and advertising.

Representing **Shopify Inc.** in several class action data breach lawsuits.

Representing **Medtronic** in a patent infringement lawsuit concerning medical device technology.

Representing **Chapman University** in a breach of contract case.

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](#)).

Won dismissal with prejudice for **Amazon.com** on Section 230 and other grounds in a case involving false advertising, unfair competition, and negligence and in which plaintiff demanded at least \$500 million in damages.

Obtained a favorable settlement for **CoreLogic Credco, LLC** in a consumer class action lawsuit alleging violations of federal and state credit reporting laws.

Representing the **Navajo Nation** in all aspects of its claims arising out of the unprecedented environmental disaster caused by the Gold King Mine spill near Silverton, Colorado. The Navajo Nation won an important victory in its fight for fair compensation for the harms caused by the U.S. EPA and its contractors when the court refused to dismiss the suit against the EPA's subcontractor. Mr. Kaba also continues to work with various members of Congress in an effort to secure a legislative solution for the Navajo Nation.

After two weeks of trial, favorably settled a lawsuit for **the country's largest integrated health care system** brought by a group of California hospitals seeking hundreds of millions of dollars for emergency medical services provided to its members.

Successfully resolved a suit brought by **Palantir Technologies** against a former early investor alleging breach of contract and

misappropriation of trade secrets.

Prevailed on motion to dismiss Lanham Act and tortious interference claims in a closely watched technology case brought against online software and filtering company **Malwarebytes**. (See “Of-Cited Case Involving Anti-Malware Cos. Tossed For Good,” [Law360](#)).

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 summary judgment of non-infringement in favor of **Amazon.com** against claims for patent infringement brought by serial patent litigant MasterObjects, Inc. (See “Amazon Beats Patent Claims After Alsup ‘Misstated’ Its Motion,” [Law360](#)).

Representing **Southern California Edison** and **Edison International** in litigation arising out of the 2017 Thomas Fire and 2018 Montecito mudslides. Mr. Kaba is leading Southern California Edison’s legal challenges to the inverse condemnation claim, which is the central focus of wildfire litigation brought against investor-owned utilities, including SCE and PG&E.

Successfully resolved a class action lawsuit filed against **Ring LLC** (an Amazon.com subsidiary) arising out of alleged hacking of Ring devices.

Prevailed in dismissing novel false claims act lawsuit against **Bausch Health Companies** arising out of claims of alleged inequitable conduct and fraud on the US Patent and Trademark Office.

Obtained summary judgment for the **California Institute of Technology** in a False Claims Act lawsuit alleging that the Institute defrauded the Department of Energy out of millions of dollars in government funds associated with a renewable energy research program.

Secured a substantial settlement, reflecting a larger recovery than that obtained by similarly populous states, for the **Navajo Nation** against Wells Fargo in its lawsuit detailing the Bank’s long campaign of predatory and fraudulent practices. (See “Wells Fargo Pays Navajo Nation \$6.5 Million In ‘Predatory’ Lawsuit Settlement,” [Forbes](#)).

Defeated SEC’s contempt action against **Tesla CEO Elon Musk** for alleged improper tweeting. (See “How Hueston Hennigan Steered Tesla’s Musk to Safety,” [The American Lawyer](#)).

Defended **Valeant Pharmaceuticals** in multibillion-dollar securities class actions, alleging violations of insider trading and control person liability statutes. After argument on summary judgment motions, obtained favorable settlements on all matters.

Obtained a preliminary injunction on behalf of **Amgen** holding that information related to potential price changes submitted to the state pursuant to California Senate Bill 17 can be classified as protectable trade secrets and may not be disclosed in response to a California Public Records Act request. This was a highly watched case with huge implications for the pharmaceutical industry.

Obtained a seven-figure settlement for actor **Alec Baldwin**—an amount equal to a complete full-trial victory—in a high-profile art fraud case. (See “Alec Baldwin’s Legal Tussel Over a Painting,” [The New Yorker](#)).

Dismissal with prejudice of a Title IX, breach of contract, and UCL case (among other claims) brought against the **California Institute of Technology** by a student.

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## Recognitions

Litigation: General Commercial, Chambers USA (2019 - present)  
USA: Trial Lawyers, Chamber (2023)  
MVP: Trials, Law360 (2022)  
Top 100 Lawyers in America and Top 20 Trial Lawyers in California, Benchmark Litigation (2021 - present)  
Top 100 Lawyers in California, Daily Journal (2017 - present)  
Minority Leaders of Influence: Attorneys, Los Angeles Business Journal (2019 - present)  
Leaders of Influence: Top Litigators & Trial Lawyers, Los Angeles Business Journal (2019 - present)  
Key Lawyer for General Commercial Disputes, Legal 500 (2020 - present)  
40 & Under Hot List, Benchmark Litigation (2015 - 2022)  
Top 40 Under 40, Daily Journal (2017)  
Litigation Star, Benchmark Litigation (2019 - present)  
Legal Visionary, L.A. Times  
Leading National Litigators, Daily Journal  
Fellow, International Academy of Trial Lawyers

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## Activities

Board of Directors, Bet Tzedek  
Board Member and Secretary, **Social Justice Legal Foundation**  
Former Secretary of the Board of Directors, Equality California

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## Insights

3/8/2024 Podcast: "Moez Kaba on boldness, the art of cross-examination, and a career-changing subway conversation"