



Recent Plaintiffs' Litigation Representations

- We successfully tried a FINRA arbitration for a large merger arbitrage fund against a one of the leading global broker-dealers over the liquidation of a swap transaction. After four weeks of hearings spread over three months, we recovered over \$10 million for our client in a confidential settlement. The dispute concerned the market quote method of valuing an equity swap under the 1992 ISDA Master Agreement where the broker-dealer sought and received quotes from three reference market makers. We effectively challenged the validity of the settlement value by attacking the quotes as shams which were the product of coaching friendly market makers and manipulating the market price through heavy volume sales.
- Less than a month before the hearing date, we were retained to conduct an arbitration of a slander claim asserted against business entities associated with **Dr. Henry T. Nicholas** by one of Dr. Nicholas' former assistants. The plaintiff was also a key witness in a pending federal criminal investigation involving Dr. Nicholas. After a two-week arbitration, we obtained a defense ruling rejecting plaintiff's contention that he was slandered by alleged comments characterizing a settlement demand as extortionate. Through aggressive cross-examination, we discredited the plaintiff as a witness in the government's criminal investigation, setting the stage for dismissal of the criminal charges six months later.
- Plaintiffs **Catalina Marketing Corporation** and its wholly owned subsidiary, **Catalina Health Resource** (collectively "Catalina"), retained Quinn Emanuel to take over as lead counsel in an action alleging infringement of U.S. Patent No. 6,240,394 ("the '394 patent") shortly before the *Markman* hearing. The '394 patent disclosed and claimed a novel method and computer system for generating targeted messages for pharmacy patients at the point of sale. Catalina alleged that LDM Group LLC's "Carepoint" product and related services infringed the '394 patent. The parties resolved the case informally pursuant to a confidential settlement agreement.
- We represented **Infinity World**, a subsidiary of Dubai World, one of the world's largest holding companies, in its dispute against MGM MIRAGE over the funding of the \$8.5 billion CityCenter project in Las Vegas. A little over one month after we filed a complaint against MGM in the Delaware Chancery Court, MGM and CityCenter's lenders capitulated to Dubai World's demands. MGM agreed to fund its remaining equity contributions, to be solely responsible for potential cost overruns, and to pledge additional collateral as security for its funding obligations. CityCenter's lenders agreed to fund the full \$1.8 billion promised under CityCenter's senior credit facility. The settlement ensures that the CityCenter project, which is expected to be a powerful engine for growth and employment in Las Vegas and Nevada, will be completed.

- We represent **Mattel** in the highly-publicized theft of trade secrets and idea theft case against MGA Entertainment ("MGA"), the company which sells the Bratz line of dolls. There is well over a billion dollars at risk. Mattel alleges that it owns the rights to the fashion dolls because the doll's designer Carter Bryant created the concept while employed at Mattel. The case has been described by the Los Angeles Daily Journal as a clash between "legal titans" John Quinn and Tom Nolan at Skadden Arps. On July 17, 2008, after a seven week trial in U.S. District Court in Riverside, California, the jury rendered a unanimous decision that the majority of Bratz design drawings, prototypes and sculpts were created by doll designer Bryant while he was employed by Mattel. The jury also found that MGA and its CEO intentionally interfered with, and aided and abetted, Bryant's breach of his contractual and fiduciary duties to Mattel and awarded Mattel \$100 million
- We represented **Summit Media LLC** in an action to invalidate a "closed-door" settlement agreement between the City of Los Angeles and two of the largest outdoor advertising companies in the world. The settlement agreement gave the outdoor advertising companies the contractual right to erect hundreds of jumbotron-style, digital billboards anywhere in Los Angeles, with virtually no public oversight or participation—rights potentially worth hundreds of millions of dollars. Although the key terms of the agreement had been approved the former City Attorney, the City Council, and a highly-respected judge, we successfully invalidated the agreement, which the judge described as "poison." The two advertising companies have appealed the judgment.
- More than a week after trial began, after having no prior involvement in the case, we stepped in and assumed the role of lead trial counsel representing a Southern California **developer** of open-air "lifestyle" shopping centers against the nation's second largest mall developer. Our client had brought claims against the mall developer for interference with prospective business relations based on threats the mall developer allegedly made against a prominent nationwide restaurant chain to discourage the chain from becoming an anchor tenant in our client's new shopping center across the street from the super-regional mall owned by the defendants. Over the next handful of weeks, we conducted most of the witness examinations and handled closing argument and the punitive damages phase of the trial. The jury awarded our client the full amount of compensatory damages requested -- \$74 million, and an additional \$15 million in punitive damages, for a total award of \$89 million. The mall developer is currently appealing the judgment.
- We represent about two dozen hedge funds, including international funds, grouped under four management entities -- **Elliott, Davidson-Kempner, Appalloosa, and Angelo Gordon** -- as plaintiff-holders of Yosemite and Enron Credit-Linked (ECLN) Notes in the Yosemite v. Citibank action in the Enron MDL. The noteholders asserted fraudulent transfer claims against Citibank and collectively sought in excess of \$1.4 billion on those claims. With Citibank's motion for summary judgment pending, Citibank and Enron agreed to a joint settlement and our clients will receive in excess of \$2.1 billion in payments from the Enron bankruptcy estate.

- We were retained by **Solutia** virtually on the eve of its exit from its four-year Chapter 11 proceeding when the banks that had agreed to provide the necessary \$2 billion of exit financing (Citibank, Goldman Sachs and Deutsche Bank) refused to fund the loans claiming that the credit market downturn constituted a "materially adverse condition" (MAC) that enabled them to terminate the agreement. The issue we were brought in to litigate was whether Solutia or the banks bore the risk of the credit market downturn. The trial commenced after a month of expedited discovery in which we produced millions of documents, took and defended almost 30 depositions and prepared for trial. After three days of trial, and on the eve of closing arguments, the banks, who had previously refused to entertain settlement negotiations, indicated that they were eager to settle. Under the terms of the settlement, the banks were required to provide the \$2 billion in exit financing needed to fund the plan. The case is believed to be the first of its kind and is of great significance to the bankruptcy bar, financial institutions and companies in Chapter 11.
- We are representing **Dr. Enrico Bondi, Extraordinary Commissioner of Parmalat S.P.A** in three separate \$10 billion lawsuits arising out of the largest bankruptcy in European history against various financial institutions and accounting firms, for aiding and abetting Parmalat's insiders in the commission of massive fraud and for auditor malfeasance. We obtained a \$150 million settlement against Deloitte & Touche's Italian arm.
- One of our partners represented **Litton** in a patent infringement case against Honeywell, obtaining a verdict of \$1.2 billion for intentional patent infringement and interference with prospective business advantage. This is believed to be the largest patent infringement verdict in U.S. history. It was ultimately settled for \$440 million prior to retrial. This is just one of many successful intellectual property trials our partner has handled for Litton.
- We represented **Freedom Wireless** in a case against several wireless carriers, for infringement of its patents on prepaid wireless telephone systems and methods. (Shortly before trial, Freedom reached a settlement with one of the defendants, Verizon, for a confidential sum.) The trial lasted 15 weeks. We secured a \$128 million jury verdict, that is the largest ever awarded in Massachusetts, and was the eighth biggest verdict awarded in the U.S. that year. The case later settled for a lump sum payment of \$87 million, plus ongoing royalties which are expected to generate an additional \$50 million.
- We represented **General Motors** in a case against Volkswagen and GM's former head of sourcing in Detroit for stealing secret GM documents. Working closely with inside lawyers from GM, we amassed devastating evidence and defeated all Volkswagen's jurisdictional and substantive motions. On the eve of the Volkswagen chairman's deposition, we obtained a \$1.1 billion settlement for General Motors.

- We represented **Bancorp Services** in a case against The Hartford Insurance company for stealing trade secrets and breaching a confidentiality agreement. After a two-week trial requiring that we explain sophisticated financial products to jurors, the St. Louis jury deliberated for less than a day and unanimously awarded Bancorp \$118 million.
- We represented **Avery Dennison**, in a case where for seven years, a Taiwanese competitor collaborated with an Avery Dennison employee to steal trade secrets. Our litigators worked with the FBI and the Department of Justice to catch the thieves red-handed. A sting operation videotaped the competitor accepting trade secrets in a hotel room. The defendants were arrested that night. The next morning we served them with a complaint and a temporary restraining order. The Cleveland jury ultimately awarded our client \$80 million.
- We are representing **Tele Atlas N.V.** and **Tele Atlas N.A.** in a pending antitrust lawsuit against NAVTEQ Corporation in the Northern District of California. Both Tele Atlas and NAVTEQ develop and license digital map data to makers of navigation devices. Our clients allege that NAVTEQ has illegally monopolized various markets for digital map data in violation of sections 1 and 2 of the Sherman Act and section 3 of the Clayton Act, the analogous state antitrust and unfair competition laws and have also stated claims for intentional interference with contractual relations and intentional interference with prospective economic advantage. Tele Atlas is seeking treble damages, restitution damages, compensatory damages, exemplary damages, and injunctive relief.
- We represented **Occidental Petroleum**, and won a jury verdict establishing liability, in an insurance coverage case regarding business interruption losses sustained from over two hundred terrorist bombings of an oil pipeline in Colombia. The case settled for nine figures before the damages phase of the trial.
- We represented **limited partners** of a **hedge fund** in a shareholder derivative arbitration against a hedge fund manager and his stockbroker sister based on claims of systemic fraud through post-execution allocations of securities trades over more than a decade. After an arbitration that spanned seven months, the arbitration panel, in a unanimous opinion, awarded our clients \$75 million in compensatory and punitive damages, which included \$35 million for disgorgement of compensation for the period of the fraud.
- We represented **two German nationals** who moved to Santa Barbara and sued media giant Bertelsmann AG and its former CEO. While working for Bertelsmann, these former executives had been the driving force behind the creation and development of AOL Europe, a joint venture between Bertelsmann and AOL. When Bertelsmann sold its interest in AOL Europe for \$6.75 billion, it refused to compensate plaintiffs. They asserted claims for breach of contract and breach of partnership agreement, among others. We obtained a \$295 million verdict. It was the seventh largest jury verdict in the nation that year.

- We secured a settlement on securities and other claims in excess of \$150 million for our client, Chapter 11 debtor **Superior National Insurance Group**. Superior National was a holding company that purchased four workers compensation insurance companies from Foundation Health Corporation (now HealthNet, Inc.). The core allegation was that Foundation defrauded Superior by not disclosing certain financial and claims information that undermined its actuaries' reserve opinions. (We obtained an eight-figure settlement from the actuaries and an additional \$137 million settlement from HealthNet.)
- We obtained a settlement of \$64 million for a **class of nearly 3000 restaurants** and restaurateurs who charged Reward Network with usury and unfair business practices. After two and a half years of hard-fought litigation, Reward Network offered to settle, and the class members were eligible to receive a substantial package including cash, miles and complete forgiveness of remaining interest owed on their loans.
- We represented **Unova** before the Federal Circuit who unanimously reversed a judgment in Hewlett Packard's favor and instead ordered summary judgment in favor of our client. Thereafter, the case was settled for \$23 million only days prior to trial, when HP paid for a license under the patents, joining ten other companies who licensed the patents after suit was filed. Pursuant to those licenses, Unova has obtained almost a quarter billion dollars to date.