

New York Law Journal

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LEGAL AWARDS
2023

Litigation Department of the Year Winner: Latham & Watkins



From left to right: Elizabeth Prewitt, Steven Feldman, Jeff Hammel, Benjamin Naftalis, Katherine Rocco, Tony Sammi, Marissa Alter-Nelson. Partners at Latham and Watkins.

What are some of the department's most satisfying successes of the past year and why? Nearly 200 of Latham's 1,000+-lawyer Litigation and Trial Department call New York home, and the elite team delivered high-profile victories for clients across industries, geographies, practice areas and specialties. Notably, American Lawyer has honored our teams with Litigators of the

Week: Winner six times in the last 16 months—four of which were led from New York on behalf of:

- Oracle Chairman, CTO, and cofounder Larry Ellison and CEO Safra Catz in one of the largest acquisitions—\$9.4 billion—to face a stockholder challenge through trial in the Delaware Court of Chancery.
- Former Perkins Coie partner Michael Sussmann in a high-profile federal criminal

jury trial, securing a headline-making complete acquittal over an alleged false statement to the FBI during the 2016 presidential election.

- Mallinckrodt Pharmaceuticals in a cross-border Chapter 11 restructuring at the intersection of mass tort, antitrust and bankruptcy law.
- Poultry industry sales executive Timothy Mulrenin in successfully extracting him from a high-profile criminal antitrust case in

LITIGATION DEPARTMENT OF THE YEAR WINNER: LATHAM & WATKINS



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which the Department of Justice alleged 10 poultry executives were involved in price fixing and bid-rigging for broiler chicken products.

Our New York litigators are at the forefront of a number of areas of law, resolving complex and high-value disputes, including:

- A rare complete defense verdict for Cantor Fitzgerald in the Delaware Court of Chancery under Delaware’s exacting entire fairness standard, beating a derivative challenge to BGC Partners’ \$875 million acquisition of Berkeley Point Financial.
- Seamlessly becoming, as New York Law Journal put it, “Peloton’s outside counsel of choice in a range of litigation,” resulting in significant victories on behalf of the at-home fitness brand.
- A headline-making global settlement for J&J Surgical Vision in its global patent and copyright infringement dispute against Alcon over competing laser eye-surgery technology.
- Successfully defending BitMEX co-founder and former CTO Sam Reed in a high-profile cryptocurrency enforcement matter,

resolving a first-of-its-kind criminal prosecution and civil enforcement action.

A prospective client in crisis calls and asks why your team should be retained. What is your answer? Our unmatched breadth is our strength. Latham’s New York litigation department features practices across the board that could be elite law firms in their own right. Our litigators fiercely, creatively and effectively advocate for clients at every stage of litigation in order to achieve the best business outcome, no matter the dispute, no matter the venue. Latham’s litigation department is not just a constellation of top-tier practice groups, but also a genuinely collaborative team that works across practice areas to secure extraordinary results for clients. Our extensive trial experience has earned our team a formidable reputation, providing clients with a distinct advantage in the courtroom. Our trial-ready posture, coupled with aggressive and creative pre-trial litigation strategies, allows us to resolve most matters well before trial. Our clients’ goals are our goals, and we don’t consider ourselves successful until we accomplish them.

What traits do you respect most in opposing firms and lawyers? Litigation is adversarial in nature, though the job of being a litigator doesn’t have to be, particularly when the folks around the table share a mutual level of esteem for this profession. The very best opposing counsel are those who communicate clearly, honestly, and respectfully.

What is the firm doing to ensure that future generations of litigators are ready to take the helm? We invest heavily in equipping our young litigators with the experiences they need to be successful and work to ensure we can recruit and retain the best talent we can – with a particular eye toward diversity, equity, and inclusion. If you watch a Latham trial team in action, you will see a wide array of lawyers playing important, stand-up roles. The firm prides itself on designing innovative programs that have meaningful impacts on our lawyers’ professional development and quality of life.