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Law360's Weekly Verdict: Legal Lions & Lambs

By **Aebra Coe**

Law360 (September 13, 2018, 5:39 PM EDT) -- Midsize law firm Benesch Friedlander Coplan & Aronoff LLP tops this week's legal lions list with a \$645 million victory for its medical device-maker client in a suit accusing a competitor of stealing and rebranding its products, while Kirkland & Ellis LLP and Arnold & Porter ended up on the lambs list after a federal court blocked a \$2.4 billion deal they orchestrated between Tronox and Saudi-owned chemical mining company Cristal.

Legal Lions

An Ohio federal judge on Monday sided with arguments made by this week's top legal lion, **Benesch Friedlander Coplan & Aronoff LLP**, and awarded medical device maker KCI USA **\$645 million in trebled damages** against Healthcare Essentials Inc. and its founders for stealing and rebranding KCI's products, saying their "flagrant discovery abuses" during the case obscured the actual amount of money the device maker is owed. KCI is represented by **Thomas O. Crist, David A. Landman** and **Anthony C. Sallah** of **Benesch Friedlander Coplan & Aronoff LLP**.

Next up in the legal lions pack are **King & Spalding LLP, James Crawford SC** and **Three Crowns LLP**. An international tribunal in The Hague **concluded that a \$9.5 billion judgment** issued against the law firms' client, Chevron Corp., by an Ecuadorian court over pollution in the Amazon was tainted by fraud and that Ecuador wrongfully enforced the ruling in that country. Chevron is represented by its general counsel, **R. Hewitt Pate**, and in-house counsel, **Ricardo Reis Veiga, Jose L. Martin** and **Andrés R. Romero**; by **R. Doak Bishop, Tracie Renfroe, Wade M. Coriell, David H. Weiss, Carol Wood, Elizabeth Silbert, Sara McBrearty, Eldy Quintanilla Roché, Anisha Sud, Ginny Castelan, Edward G. Kehoe, Caline Mouawad, Isabel Fernández de la Cuesta, John Calabro, Jessica Beess und Chrostin, Brian A. White** and **Amelia S. Magee** of **King & Spalding LLP; James Crawford SC; and Jan Paulsson** and **Luke Sobota** of **Three Crowns LLP**.

Milbank Tweed Hadley & McCloy LLP snagged a lion's win Monday when the Federal Circuit ruled that generic-drug maker Actavis Elizabeth LLC had not shown part of an Orexo AB patent covering the opioid addiction treatment Zubsolv was invalid, **overturning a ruling from a bench trial** in Delaware federal court. Orexo is represented by **Errol Taylor, Anna Brook, Jordan Markham** and **Fredrick Zullow** of **Milbank Tweed Hadley & McCloy LLP**.

Troutman Sanders LLP and **Mololamken LLP** achieved a positive outcome for their client Dominion Energy Inc. Wednesday when the Fourth Circuit **overturned a lower court** and handed a defeat to the Sierra Club, which had alleged the energy company violated the Clean Water Act by allowing arsenic from its coal ash ponds to pollute nearby waters. The appeals court found that the ponds weren't subject to the CWA. Dominion was represented by **Jeffrey A. Lamken, Robert K. Kry** and **James A. Barta** of **Mololamken LLP** and **Brooks M. Smith** and **Dabney J. Carr IV** of **Troutman Sanders LLP**.

A gay watch salesman who complained that higher-ups at Breitling USA Inc. treated him like "one of the girls" and fired him for not fitting in with their "macho" culture had his case **revived by the Second Circuit** on Monday in a victory for his attorney at the **Law Offices of Janice Goodman**. The court found that a recent precedent-setting ruling makes it clear Frederick Cargian's case shouldn't have been tossed. Cargian is represented by **Janice Goodman** of the **Law Offices of Janice Goodman**.

Legal Lambs

In a ruling landing attorneys at **Kirkland & Ellis LLP** and **Arnold & Porter** on this week's legal lambs list, a D.C. federal court temporarily blocked Tronox from completing its planned \$2.4 billion purchase of Saudi-owned chemical mining company Cristal, **disclosing Wednesday** its reasoning behind the order — that the Federal Trade Commission has shown that the deal would "substantially" reduce competition for titanium dioxide. Tronox is represented by **Michael F. Williams, Karen McCartan DeSantis** and **Aaron L. Nielson** of **Kirkland & Ellis LLP**. Cristal is represented by **James L. Cooper, Peter J. Levitas, Katherine E. Clemons** and **Ryan Zane Watts** of **Arnold & Porter**.

A Florida appeals court on Wednesday **reversed an \$8.5 million jury award** to boxing promoter All Star Boxing, which had claimed it was owed a third of Mexican boxer Saul "Canelo" Alvarez's earnings after he signed on with a different promoter. Rejecting arguments made by All Star's attorneys at **Weiss Serota Helfman Cole & Bierman PL** and **The Moskowitz Law Firm**, the court found that the dollar figure was not based on competent substantial evidence. All Star Boxing was represented by **Edward G. Guedes** of **Weiss Serota Helfman Cole & Bierman PL** and **Adam Schwartzbaum** of **The Moskowitz Law Firm**.

Next up on the legal lambs list is **Shook Hardy & Bacon LLP**, with a second showing by **Arnold & Porter**, in a case in which the law firms represented Philip Morris USA Inc. A Florida appeals court **reversed a win for the tobacco giant** Wednesday in a trial where a deceased smoker's family sought \$19 million, ruling that smokers do not need to show they were both a resident and a citizen of Florida when they got sick to belong to the original Engle class. Philip Morris is represented by **Frank Cruz-Alvarez** and **Alexandra Bach Lagos** of **Shook Hardy & Bacon LLP** and **Geoffrey J. Michael** of **Arnold & Porter Kaye Scholer LLP**.

Skadden Arps Slate Meagher & Flom LLP, DLA Piper LLP and **Wilson Elser Moskowitz Edelman & Dicker LLP** landed on the list Tuesday after the Second Circuit **revived a sweeping lawsuit** against their clients. The suit claims the National Football League and The Associated Press used thousands of copyrighted game images without compensating the photographer who took them. The NFL is represented by **Anthony J. Dreyer, Jordan Feirman, Karen Hoffman Lent** and **Jeffrey A. Mishkin** of **Skadden Arps Slate Meagher & Flom LLP**. The AP is represented by **Andrew Lawrence Deutsch** and **Tamar Y. Duvdevani** of **DLA Piper LLP** and by **Jura C. Zibas** of **Wilson Elser Moskowitz Edelman & Dicker LLP**.

Last up on this week's legal lambs list is **Babst Calland Clements & Zomnir PC**. A Pennsylvania appeals court ruled Monday that work performed by the law firm's client, an EQT Corp. unit, to drain and repair a leaky storage pit for hydraulic fracturing waste was not enough to bring an end to **daily penalty assessments** totaling some \$1.1 million for release of the contaminants into groundwater. EQT is represented by **Kevin Garber, Jean Mosites, Mark Dausch** and **Esther Mignanelli** of **Babst Calland Clements & Zomnir PC**.

--Additional reporting by Christopher Crosby, Mike Curley, Carolina Bolado, Bill Donahue, Matt Fair, Jack Newsham, Michael Phillis, Matthew Bultman and Caroline Simson. Editing by Emily Kokoll.