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[QUICK TAKES](#)

A Frightfully Full Edition of Litigator of the Week Runners-Ups and Shout Outs

Dan Webb of Winston & Strawn led a team representing Versata Software in a three-week trial involving automotive configuration software where a De jury hit Ford Motor Co. with a \$100 million damages verdict.

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Litigation



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Our first runners-up this week are a trial team led by **Dan Webb** at **Winston & Strawn**, along with his partner **Matthew Carter**, **Steven Mitby** of **Mitby Pacholder Johnson**, and **Jaye Quadrozzi** of **Young, Garcia, & Quadrozzi**. After a three-week trial, a federal jury in Detroit awarded their client Versata Software Inc. more than \$100 million damages in a breach of contract and and trade secret misappropriation showdown with Ford Motor Co. involving automotive configuration software. After a day-and-a-half of deliberations, eight jurors unanimously found this week that Ford breached the parties' subscription agreement by reverse engineering Versata's software for its own use and sided with Versata on multiple trade secret claims. Jurors also denied Ford's breach of contract counterclaim. The trial team also included Winston & Strawn partner **Brian Nisbet**, associates **Sarah Krajewski**, **John Drosick**, **Sam Zuidema**, **Monica Kociolek**, **Kelly Mannion Ellis**, **Pat Simonaitis** and **Tyree Petty-Williams**, paralegals **Martha Calvo** and **Schantel Deal-Ross**, and practice coordinator **Sandra Bell**. The Mitby Pacholder Johnson team also included partner **Timothy Johnson**, attorney **Drew Kim** and paralegal **Geoff Litke**. The Young, Garcia & Quadrozzi team also included paralegal **Shelley Kulick**. Versata also had additional counsel from **Jones & Spross** including **Lance Jones**, **Jennifer Trillsch** and **Sharoon Saleem**.

Runners up honors also go to **Nicholas Secco** of **Benesch**, **Eric Klein** of **Beveridge & Diamond**, and **Alex Swanson** of **Rutan & Tucker**. After a three-day bench trial they handled in May, U.S. District Court Judge Stephen V. Wilson in Los Angeles last week found that California regulators couldn't hold their clients liable for cleanup costs in the residential areas within a 1.7-mile radius of a former lead battery recycling plant in Vernon, California. The state has budgeted a total of \$700 million to clean up residential and industrial sites surrounding the factory. The trial leaves pending who among the plant's former owners and operators is liable for cleanup for the industrial portion of land in the half-mile radius around the facility. Swanson previously practiced at **Gibson Dunn & Crutcher** during May's bench trial.

Runners-up honors also go to **Robin Cohen**, **Keith McKenna** and **Meredith Elkins** of **Cohen Ziffer Frenchman & McKenna**. In a case of first impression in Delaware Superior Court, they cleared the path for client Verizon Communications to recover about \$120 million in defense and settlement costs, plus prejudgment interest likely to be more than \$50 million. Judge Eric Davis in Wilmington last week granted their summary judgment motion finding that a fraudulent transfer claim pursued against Verizon by a bankruptcy trustee qualified as a "securities claim" under the applicable policies.

Runners-up honors also go to **Erik Milch**, **Dena Chen**, **Deepa Kannappan**, and **Allison Elkman** of **Cooley**. Last week a federal jury in Delaware granted their client, 10-person medical device company Rex Medical LP, the full \$10 million in damages the Cooley team asked for at closing argument in a patent infringement case against Intuitive Surgical Inc., a Silicon Valley company with almost 10,000 employees. The jury also turned back Intuitive's argument that Rex Medical's patent for a minimally invasive surgical stapling device was invalid.

A team from **Patterson Belknap Webb & Tyler** also gets a runners-up nod for representing Howard University in the fascinating ownership dispute [we wrote about](#) earlier this week involving an ink drawing by Charles White, one of the most important Black artists of the 20th Century. The drawing had been in the possession of a North Carolina couple for more than four decades after they received it as a gift from a family friend. But after a three-day bench trial, U.S. District Judge Lewis Liman in Manhattan found that the drawing was taken from Howard “without its consent and without its knowledge” and that the school retained title to it. The Patterson Belknap team that represents Howard included **Peter Harvey, Jo Backer Laird, Clinton Morrison** and **Charlotte Allyn**.

Shout out to a team led by **David Marriott** of **Cravath, Swaine & Moore**. The firm last week wrapped up the last of a series of five cases challenging the constitutionality of a provision of the District of Columbia’s tax code seeking to tax certain trusts established under another jurisdiction’s law for the benefit of non-D.C. residents—challenges the firm brought on behalf of trusts established by the late Washington Post publisher Katharine Graham. The District of Columbia Court of Appeals [dismissed the last remaining appeal](#) in the cases last week.

Shout out to **Samuel Liversidge** and **Lauren Blas** of Gibson Dunn. U.S. District Judge Vince Chhabria in San Francisco last week [denied class certification](#) in a case against their client HP Inc. relating to the use of color ink for black and white printing in HP printers. The judge found a lack of common questions due to the “dizzying array of printers, settings, and software in play, and the behavior of any given configuration may vary based on the document being printed.” Liversidge led the Gibson team with Blas arguing the class certification motion and taking the lead plaintiff’s deposition.

Shout out to a separate Gibson Dunn team that landed a win in [the continued fight](#) over attempts to close the East Hampton Airport and reopen it as a “private use” airport. Suffolk County Supreme Court Judge Paul Baisley Jr. last week [issued an injunction](#) against the town finding that New York’s State Environmental Quality Review Act requires “strict” adherence to its environmental review process. Baisley held the process is inherently “forward-looking” and “predictive,” and therefore must be conducted before a desired action is taken, not afterward as the town had proposed with the airport closure. The Gibson team representing Blade Air Mobility Inc. and a group of town residents was led by **Gabriel Herrmann, Harris Mufson**, and **Akiva Shapiro**, and included partner **Orin Snyder**, of counsel **Paul Kremer**, associates **Declan Conroy, Tessa Gellerson, Jialin Yang** and **Devin Bergstein**, and local counsel **Linda Margolin** of **MargolinBesunder**. Lawyers at **Greenberg Traurig, Pillsbury Winthrop Shaw Pittman** and **Eckert Seamans Cherin & Mellott** also represented separate plaintiffs challenging the town’s move.

Shout to **Jeff Homrig, Rachel Cohen, Doug Lumish, Gabe Bell, Joe Lee, Clara Wang, Paul Weinand, Allison Harms** and **Tiffany Weston** of **Latham & Watkins**. U.S. District Judge William Alsup last week [granted summary judgment](#) to their client Meta Platforms in a patent infringement claiming Facebook’s “typehead” function for suggesting how to complete user queries violated four patents held by MasterObjects Inc. Weston, a third-year associate at the firm, handled the oral argument on Meta’s motion for summary judgment of noninfringement at the judge’s invitation.

Shout out to a team at **Kirkland & Ellis** representing Boeing that [knocked out trade secret claims](#) in a long-running suit brought by Alabama Aircraft Industries Inc. AAll initially sued Boeing in 2011 in the wake of the companies’ scuttled agreement to jointly bid for maintenance work on the U.S. Air Force’s KC-135 Stratotanker fleet. AAll was initially seeking hundreds of millions of dollars in damages, but its recovery was limited to a 2020 verdict of a little more than \$2 million on contract claims. The Kirkland team on the matter included **Craig Primis, Kasdin Miller Mitchell, Erin Johnston, Alexia Brancato** and **Caroline Stephens Milner**.

Shout out to lawyers at **King & Spalding** and **Mayer Brown** who knocked out a long-running consumer class action claiming client Foster Farms understated the amount of water in its fresh poultry products. Alameda County Superior Court Judge Brad Seligman granted [a judgment on the pleadings](#) to Foster Farms last week, turning back plaintiffs’ attempt to file a fifth amended complaint. The Mayer Brown team included partner **Carmine Zarlenga** and associates **Elisabeth Anderson** and **Sarah Balkissoon**. The King & Spalding team included **Dale Giali, Keri Borders** and **Michael Resch**.

Shout out to **Michael Carlinsky, Jacob Waldman** and **Jianjian Ye** of **Quinn Emanuel Urquhart & Sullivan**. Manhattan Supreme Court Justice Andrew Borrok [this week knocked out](#) a securities class-action against their client BlueCity, the world’s-largest LGBTQ online social networking platform, which is based in China, granting [their motion to dismiss](#) with prejudice.

Shout out to **Adam Paris, Tony Lewis, Alexa Cover** and **Jonathan Kwortek** of **Sullivan & Cromwell** who worked on behalf of cannabis client Cronos Group Inc. on one of the first cross-border U.S.-Canadian investigations into financial accounting in the industry. After conducting an internal investigation into certain wholesale purchases and sales on behalf of the company’s audit committee, the Sullivan & Cromwell team secured a rare settlement with the U.S. Securities and Exchange Commission involving no financial penalty for the company. “While [today’s order](#) finds that Cronos’s controls were not up to standards when it began filing financial statements with the SEC, Cronos

avoided penalties by promptly self-reporting its accounting misconduct as it came to light within the company, cooperating with our investigation, and promptly taking effective remedial steps,” said Mark Cave, the associate director in the SEC’s Enforcement Division, in [a press release](#) announcing the SEC charges and resolution.

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