

## Law360's Weekly Verdict: Legal Lions & Lambs

By **Aebra Coe**

*Law360, Grand Rapids (September 21, 2017, 6:31 PM EDT)* -- Anderson Kill PC tops this week's legal lions list with an appeals court win for TransCanada Energy finding its insurers owe the company nearly \$58 million in coverage, while Patterson Belknap Webb & Tyler LLP ended up on the legal lambs list after the Second Circuit axed a win it secured for Johnson & Johnson in an advertising feud with Pfizer.

### Legal Lions

Anderson Kill PC secured a win in New York appeals court Tuesday for TransCanada Energy USA Inc., finding the company is entitled to nearly \$58 million in coverage for its costs for property damage and business interruption stemming from the breakdown and temporary loss of a faulty turbine. TransCanada is represented by Pamela D. Hans, John M. O'Connor and Finley Harckham of Anderson Kill PC.

In a significant decision Thursday, the Federal Circuit ruled that Eastern District of Texas Judge Rodney Gilstrap abused his discretion by refusing to transfer a patent suit against Cray Inc. to another court, holding that venue rules the judge has established are not in line with patent law. A three-judge panel granted supercomputer maker Cray's petition for a writ of mandamus and ordered Judge Gilstrap to transfer a suit by Raytheon Co. to another court to be determined on remand. Cray is represented by David Tellekson, Melanie Mayer, Jonathan McMichael, Virginia DeMarchi, Yixin Zhang, Bryan Kohm, Eman Sojoodi and Reilly Stoler of Fenwick & West LLP and Michael Smith of Siebman Burg Phillips & Smith LLP.

Next up on the legal lions list is Cravath Swaine & Moore LLP, which guided government contractor Northrop Grumman Corp. on a \$7.8 billion deal reached Monday to acquire defense technology services company Orbital ATK Inc. Northrop said it expects the deal to close in the first half of 2018. Northrop Grumman is represented by Cravath Swaine & Moore LLP team led by partners Faiza J. Saeed and Eric L. Schiele.

In a victory for Dechert LLP, former FBI Director Louis Freeh and his law firm escaped defamation claims on Wednesday as a judge threw out a lawsuit from former Penn State University President Graham Spanier alleging that he'd been falsely smeared in a report from Freeh faulting his actions in the Jerry Sandusky sex abuse scandal. Freeh is represented by Robert Heim and Michael Kichline of Dechert LLP.

In a big litigation win for in-house counsel at FedEx Corp., the Second Circuit on Monday rejected an internet retailer's Racketeer Influenced and Corrupt Organizations suit accusing FedEx of improperly

calculating the weight of packages, saying FedEx and its subsidiaries are not sufficiently distinct to be held liable for fraud claims. FedEx is represented in-house by Aaron T. Cassat, Benjamin J. Ferron and Jason W. Norris.

This week's final legal lion is J. Greenberger PLLC. On Friday, a New York federal judge sided with the law firm's clients and ruled the play "Who's Holiday!" is protected by fair use, finding the one-woman show's adult take on the aftermath of Dr. Seuss' children's book "How the Grinch Stole Christmas!" is a "transformative" parody. The play's producers are represented by Jordan Greenberger of J. Greenberger PLLC.

### **Legal Lambs**

The Second Circuit on Friday wiped out Johnson & Johnson's victory over Pfizer Inc. in a dispute over Advil advertisements, finding that a district judge blocked the ads without justification, landing J&J's counsel at Patterson Belknap Webb & Tyler LLP on this week's legal lambs list. J&J is represented by Steven A. Zalesin and Travis J. Tu of Patterson Belknap Webb & Tyler LLP and in-house counsel Kathryn A. Meisel.

The law firm ended up on the lambs list twice this week. On Friday, New York's highest appellate court denied a bid by Patterson Belknap Webb & Tyler LLP's Saudi contractor client to revive a \$10 billion fraud suit against Barclays PLC over a settlement between the British bank and the Saudi government. The New York Court of Appeals denied MBI International Holdings Inc.'s request to appeal the dismissal of the real estate firm's case against Barclays in a summary order. MBI is represented by Stephen P. Younger, Craig A. Newman and Kade N. Olsen of Patterson Belknap Webb & Tyler LLP.

Next up on the legal lambs list is Davis Wright Tremaine LLP. The Second Circuit on Tuesday revived part of a defamation suit against the law firm's clients, journalist Sabrina Rubin Erdely and Rolling Stone, over a false article detailing a violent rape culture at the University of Virginia, finding in a split decision that two fraternity brothers' claims were plausible enough to move forward. Erdely and Rolling Stone are represented by Elizabeth A. McNamara of Davis Wright Tremaine LLP.

A Pennsylvania federal judge on Friday granted a partial victory to the Federal Trade Commission in its lawsuit alleging drugmakers including AbbVie Inc. filed sham patent litigation against generic-drug rivals over AbbVie's testosterone replacement treatment AndroGel, finding the suits to be without merit based on the patent's prosecution history. The drugmakers are represented by Jeffrey I. Weinberger, Stuart N. Senator and Adam R. Lawton of Munger Tolles & Olson LLP and Paul H. Saint-Antoine of Drinker Biddle & Reath LLP. Besins is also represented by Melinda F. Levitt and Gregory E. Nepl of Foley & Lardner LLP.

Putterman Landry & Yu LLP attorneys landed on the lambs list Monday when a San Francisco judge blasted them for deceiving interviewees at a Barbizon teen modeling company and a talent business into providing "feedback" on their experiences without being clear that the companies face a proposed class action where the interviewees may be plaintiffs. Defendants are represented by Michelle Landry and Constance Yu of Putterman Landry & Yu LLP.

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