

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

By **Aebra Coe**

*Law360 (February 13, 2020, 5:32 PM EST)* -- WilmerHale earned a spot on this week's legal lions list after a court OK'd client Sprint's contested \$56 billion merger with T-Mobile, while Gibson Dunn ended up among the legal lambs after two federal judges ruled against clients DoorDash, Uber and Postmates in employment cases.

### Legal Lions

First up on this week's legal lions list are six law firms that represented T-Mobile and Sprint in their planned \$56 billion merger: Morrison & Foerster LLP, Skadden Arps Slate Meagher & Flom LLP, Cleary Gottlieb Steen & Hamilton LLP, WilmerHale, Gibson Dunn & Crutcher LLP and Wilson Sonsini Goodrich & Rosati. A New York federal court on Tuesday refused to block the combination, rejecting a states-led challenge of a deal that had won approval by the U.S. Department of Justice and Federal Communications Commission. Sprint is represented by firms including Morrison & Foerster LLP and Skadden Arps Slate Meagher & Flom LLP. T-Mobile is represented by firms including Cleary Gottlieb Steen & Hamilton LLP and WilmerHale. T-Mobile parent company Deutsche Telekom is represented by firms including Gibson Dunn & Crutcher LLP and Wilson Sonsini Goodrich & Rosati.

Next up on the legal lions list is Sidley Austin LLP for its work representing Apple. The Federal Circuit on Feb. 7 remanded a Patent Trial and Appeal Board ruling that Apple failed to show that parts of an audio enhancement patent were invalid, finding the board misunderstood and improperly disregarded some of Apple's arguments. Apple is represented by Jeffrey Paul Kushan, Thomas Anthony Broughan III and Christin Sullivan Miller of Sidley Austin LLP.

Greenberg Traurig LLP secured a spot on the list Feb. 7 when a Florida federal judge dismissed with prejudice a proposed securities class action accusing client Mednax Inc. of hiding its struggles to attract and retain new business. Mednax is represented by David A. Coulson, James E. Gillenwater and Stephanie Peral of Greenberg Traurig LLP.

Morgan Lewis & Bockius LLP made a showing on the legal lions list Monday when the Federal Circuit affirmed a ruling finding that the active ingredient in firm client Acetris Health LLC's hepatitis treatment drug Entecavir does not determine the drug's country of origin and therefore does not prohibit the U.S. Department of Veteran Affairs from procuring the product. Acetris is represented by Stephen E. Ruscus, James D. Nelson, David B. Salmons and Donna Lee Yesner of Morgan Lewis & Bockius LLP.

Rounding out this week's legal lions list are Kralowec Law PC, McLaughlin and Stern LLP and The Dion-Kindem Law Firm. The California Supreme Court on Thursday ruled in favor of the law firms' clients and found that the time employees spend waiting for their bags and personal belongings to be screened at

the end of their workday is compensable, answering a question posed to it by the Ninth Circuit in a case involving Apple. The plaintiffs are represented by Kimberly A. Kralowec and Kathleen Styles Rogers of Kralowec Law PC, Lee S. Shalov and Brett R. Gallaway of McLaughlin and Stern LLP, and Peter Roald Dion-Kindem of The Dion-Kindem Law Firm.

## Legal Lambs

Gibson Dunn & Crutcher LLP client DoorDash was ordered by a California federal judge Monday to individually arbitrate employment misclassification claims brought by more than 5,000 food couriers. The court denied the company's request to pause the proceedings and slammed its "hypocrisy" in requiring workers to sign arbitration agreements and then seeking classwide litigation. DoorDash is represented by Joshua Lipshutz, James Fogelman, Theane Evangelis and Michael Holecek of Gibson Dunn & Crutcher LLP.

In another loss in California federal court this week, Gibson Dunn & Crutcher LLP clients Uber and Postmates lost their bid to halt enforcement of a new law that makes it harder for workers to be classified as independent contractors. The judge concluded that the state's need to police misclassification outweighs any harm to the companies. Postmates and Uber are represented by Theane Evangelis, Joshua Lipshutz, Blaine H. Evanson, Heather L. Richardson and Dhananjay Manthripragada of Gibson Dunn & Crutcher LLP.

Virginia Lt. Gov. and ex-Morrison & Foerster partner Justin Fairfax lost his defamation lawsuit against CBS Corp. on Tuesday when a Virginia federal judge found that the content of the network's on-air interviews with two women who accused Fairfax of sexual assault was not defamatory.

The Constitutional Accountability Center ended up on the legal lambs list Feb. 7 after the D.C. Circuit dismissed a lawsuit brought by more than 200 congressional Democrats alleging President Donald Trump has unlawfully profited from his presidency, ruling that the lawmakers lack standing to pursue their claims. The lawmakers are represented by Brianne J. Gorod, Elizabeth B. Wydra and Brian R. Frazelle of the Constitutional Accountability Center.

Last up on this week's legal lambs list is Goldberg Segalla LLP. The law firm's client, PNC Bank, was hit with \$2.4 million in compensatory damages in a New Jersey state trial on Monday over claims the financial institution failed to protect a former employee from a male customer who sexually harassed female staffers and customers for years before ultimately assaulting her. PNC Bank is represented by David S. Osterman and Karen Saab-Dominguez of Goldberg Segalla LLP.

--Additional reporting by Hannah Albarazi, Reenat Sinay, Vin Gurrieri, Khorri Atkinson, Bill Wichert, Matthew Perlman, Tiffany Hu, Emily Ruscoe and Sarah Martinson. Editing by Kelly Duncan.

*Update: This story has been updated with additional counsel information on the Sprint and T-Mobile merger.*