

Meet The Attys Arguing Appellate Costs Before The High Court

By **Andrew Strickler**

Law360 (April 20, 2021, 4:37 PM EDT) -- With oral arguments for the term wrapping up next week, the U.S. Supreme Court on Wednesday will hear an "e-booking" tax case of particular relevance to appellate practitioners and the issue of appellate costs.

The dispute, *City of San Antonio v. Hotels.com*, springs from a case filed on behalf of Texas municipalities against online travel companies that the cities say collected municipal hotel occupancy taxes on rooms booked online but then underpaid local taxes.

The district court sided with the cities, awarding them \$84 million. The companies appealed and posted \$68 million in appeal bonds to cover the judgment, interest and penalties. The Fifth Circuit overturned the award and entered a judgment that included appeal costs in favor of the travel companies as the prevailing parties. The companies then secured a final judgment that included \$2.2 million in premiums they had paid for the appeal bonds.

The municipalities, in turn, asked the trial court to reduce or deny the amounts in that bill of costs. That led to a second trip to the Fifth Circuit, following a trial court's call that it had no discretion under circuit precedent to decide how much or to whom it can award costs of appeal.

With San Antonio arguing that the Fifth Circuit's position is at odds with other circuits, the high court agreed to hear the case.

Here, Law360 Pulse introduces you to the attorneys who will argue the case.

Daniel L. Geysler

Representing San Antonio and other respondents

Arguing for San Antonio and other Texas municipalities will be Daniel L. Geysler of Alexander Dubose & Jefferson LLP.

Geysler, a former assistant Texas solicitor general, has a long track record at the high court, with four cases before the justices in 2019 alone. Those included his successful work in a securities matter in which the court, rejecting a Ninth Circuit ruling, concluded a creditor can be held in contempt for trying to collect on a discharged debt absent doubt that a court had barred the creditor's conduct.



In another bankruptcy-related Supreme Court case, Geyser in 2017 represented a woman who alleged she was improperly targeted by a debt collector for a decade-old credit card debt under a time-barred claim. That case resulted in a 5-3 win for Geyser's opposition, and a decision that attempts to collect on a clearly expired claim were not false or deceptive under the Fair Debt Collection Practices Act.

Geyser is a Harvard Law School alum and former clerk for ex-Ninth Circuit Judge Alex Kozinski. After holding roles at large firms, Geyser was at the Texas solicitor general's office from 2007 to 2011.

After further stops in BigLaw, Geyser became chair of the appellate practice at trial boutique Stris & Maher LLP before launching a solo shop in 2018. Geyser joined Alexander Dubose last summer, where he helms the firm's appellate and U.S. Supreme Court practice.

David B. Salmons
Representing Hotels.com and other petitioners

David B. Salmons of Morgan Lewis & Bockius LLP will argue for Hotels.com and other travel companies.

Like his opposing counsel, Salmons is a frequent advocate at the Supreme Court. He has argued before the court more than a dozen times over his 25-year career, and he chairs his firm's appellate practice.



At the Supreme Court in 2009, Salmons argued on behalf of a child with a disability who had sought to get reimbursed for special education services under the Disabilities Education Act. Salmons and his client prevailed, winning a 6-3 decision penned by the late Justice John Paul Stevens.

More recently, Salmons has been involved in high-stakes cases in the tech industry, representing Amazon.com Inc. in disputes over arbitration and proposed driver class actions and defending PayPal.com in a Telephone Consumer Protection Act case at the Ninth Circuit.

Salmons earned his law degree from the University of Chicago Law School and clerked for Fifth Circuit Judge W. Eugene Davis.

Salmons spent several years as a litigation partner at now-defunct law firm Bingham McCutchen LLP before it was largely absorbed by Morgan Lewis. There, his clients included a former weight-loss guru facing multimillion-dollar fines and Anadarko Petroleum Corp. following the Deepwater Horizon disaster.

--Editing by Alanna Weissman and Jill Coffey.