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## Law360's Legal Lions Of The Week

By **Kevin Penton**

*Law360 (August 22, 2025, 4:00 PM EDT)* -- Morgan Lewis & Bockius LLP, Hunton Andrews Kurth LLP and Jackson Lewis PC lead this week's edition of Law360 Legal Lions, after the Fifth Circuit upheld injunctions barring the National Labor Relations Board from prosecuting unfair labor practice cases against SpaceX and two other companies.

The Fifth Circuit ruled Tuesday that the removal protections that federal labor law gives board members and agency judges likely violate the U.S. Constitution. The three-judge panel's decision marked a major ruling on the constitutionality of the NLRB and came in a trio of consolidated cases brought by SpaceX, social services platform company Aunt Bertha and gas transportation company Energy Transfer LP.

SpaceX is represented by Michael Kenneally and Harry Johnson III of Morgan Lewis. Energy Transfer is represented by Amber Rogers and Keenan Judge of Hunton Andrews. Aunt Bertha is represented by Talley Parker of Jackson Lewis.

Cotchett Pitre & McCarthy LLP, Casey Gerry Francavilla Blatt LLP and Bottini & Bottini Inc. make this week's list after a California federal judge Monday granted class certification in a consolidated lawsuit that accuses Tesla Inc. of duping drivers into falsely believing that its cars can fully pilot themselves.

U.S. District Judge Rita Lin certified a class of persons who purchased or leased a Tesla vehicle, paid a separate amount for its full self-driving technology package at any time from May 19, 2017, to July 31, 2024, and opted out of Tesla's arbitration agreement.

Judge Lin also certified a prearbitration class covering persons who bought or leased a Tesla vehicle and separately paid for the full self-driving technology package from Oct. 20, 2016, through May 19, 2017.

The class is represented by Frank Pitre, Julie Fieber, Thomas Loeser and Makena-Kala Kershaw of Cotchett Pitre, David Casey Jr., Gayle Blatt and P. Camille Guerra of Casey Gerry, and Francis Bottini Jr. of Bottini & Bottini.

Holmes Athey Cowan & Mermelstein LLP, Gibson Dunn & Crutcher LLP, Byrne & Nixon LLP, Bird Marella LLP and Murphy Pearson Bradley & Feeney PC succeeded when a California appeals court determined Wednesday that criminal charges against a Southern California nursing home and several of its officials in connection with the COVID-19 deaths of 14 people were properly dismissed.

A three-judge Second Appellate District panel held that as the prosecution improperly relied on

evidence that was inadmissible under the Fifth Amendment, a Los Angeles County trial court was correct to toss a criminal suit accusing Silverado Senior Living of negligently admitting a new resident who was infected with coronavirus at its Beverly Place facility in Los Angeles, causing an outbreak that killed 13 residents and one nurse.

Los Angeles County prosecutors had alleged that Silverado CEO Loren Shook, Senior Vice President of Clinical Services Kimberly Butrum and the home's administrator, Jason Russo, had committed elder abuse and other crimes. Also named as a defendant was co-licensee Subtenant 330 North Hayworth Ave LLC.

Silverado and Shook are represented by Mona Amer and Mark Mermelstein of Holmes Athey. Subtenant 330 North Hayworth Avenue is represented by Michael Farhang, Daniel Adler and Matt Aidan Getz of Gibson Dunn, and Daniel Nixon of Byrne & Nixon. Butrum is represented by Benjamin Gluck and Thomas Freeman of Bird Marella. Russo is represented by Philip Kearney and Christopher Ulrich of Murphy Pearson.

Morgan & Morgan PA and Grant & Eisenhofer PA roared after a split Fourth Circuit on Monday revived a West Virginia woman's lawsuit alleging that a plant owned by Union Carbide Corp. and Covestro LLC exposed nearby residents to ethylene oxide, finding that a lower court erred in siding with the companies.

Lee Ann Sommerville is represented by Josh Autry, Rene Rocha and Mark Troy of Morgan & Morgan, and Adam Gomez and Kelly Tucker of Grant & Eisenhofer.

Berger Montague and Miller Shah LLP triumphed when a Pennsylvania federal judge on Tuesday increased threefold a judgment against CVS Caremark from \$95 million to \$289 million for overbilling Medicare Part D-sponsored drugs.

U.S. District Judge Mitchell Goldberg's bench trial order came in a False Claims Act case brought by whistleblower Sarah Behnke, who alleged that CVS Caremark Corp., a pharmacy benefit manager that handled Part D plans for Aetna Life Insurance Co., billed the government for higher reimbursements than what it paid pharmacies for the drugs.

Behnke is represented by David Sorensen, Caitlin Coslett, Joy Clairmont, William Fedullo, Laurel Boman and Susan Schneider Thomas of Berger Montague, and James Shah and Natalie Finkelman Bennett of Miller Shah.

Morrison Foerster LLP succeeded when cybersecurity company Palo Alto Networks on Tuesday secured permanent dismissal of a proposed class action alleging it overstated the success of its platform consolidation strategy.

U.S. District Judge Charles R. Breyer determined the latest iteration of the suit suffered from the same deficiencies as previous versions. Judge Breyer said the court had already explained the suit could not rely on claims that Palo Alto executives conspired to hide the company's poor performance after the introduction of a so-called platformization strategy.

Palo Alto is represented by Jordan Eth, Anna Erickson White, David Wiener and Hanna Lauritzen of Morrison Foerster.

Faegre Drinker Biddle & Reath LLP and Morgan Lewis round out this week's pride after utility company Black Hills Corp. on Tuesday announced plans to merge with energy and infrastructure company NorthWestern Energy Group Inc. in an all-stock deal with a combined enterprise value of **\$15.4** billion.

NorthWestern was advised by a Morgan Lewis team that included John Klauberg, Andrew Milano, R. Alec Dawson, Michael Espinoza, Austin Lilling and Gina Lauriero. Black Hills was advised by attorneys with Faegre Drinker.

--Additional reporting by Tim Ryan, Rae Ann Varona, Y. Peter Kang, Juan-Carlos Rodriguez, P.J. D'Annunzio, Sydney Price and Jade Martinez-Pogue. Editing by Robert Rudinger.

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