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Against All Odds: Orrick's Litigation Team Doesn't Back Down and Opponents Know It



**GENERAL LITIGATION
DEPARTMENT OF THE
YEAR FINALIST**

**ORRICK HERRINGTON &
SUTCLIFFE LLP**

From left to right: Rich Jacobsen, Josh Rosenkranz, Meghan Kelly, Clem Roberts, and Alyssa Caridis, partners with Orrick, Herrington & Sutcliffe

For Orrick, Herrington & Sutcliffe's litigation department, success means one thing: never backing down.

From pharmaceuticals to sports and everything in between, including the firm's well known focus on technology, Orrick's litigators have been busy at every level of state and federal court in the past couple years. "We never shy away from

taking high-risk cases to trial, refusing to fold and settle when we have the ammunition to defend our clients before judges and juries," a department representative says.

This approach has led the firm to a unique range of high-profile cases. It secured a precedent-setting decision from the New York Court of Appeals on behalf of Credit Suisse subsidi-

iary DLJ Mortgage Capital, defeating U.S. Bank's efforts to recover damages for hundreds of purportedly defective loans it had failed to identify to DLJ in timely pre-lawsuit notices. On the opposite end of the spectrum, Orrick secured a Delaware state court victory for billionaire Silvio Scaglia against ex-wife Julia Haart, star of the Netflix show *My Unorthodox Life*, preserving his position as controlling shareholder of the world's largest modeling and talent company.

Not surprisingly, Orrick's roster of litigation clients includes a who's who of technology—Microsoft, Apple, Meta, Sonos, LinkedIn, Oracle, Zillow and more.

"Nothing excites our teams more than doing a deep dive on our client's technology and then telling the story of their innovation in court," says Alyssa Caridis, co-head of Orrick's IP litigation practice.

The firm was responsible for handing Google its first-ever loss in the International Trade Commission, when the ITC sided with Orrick's client Sonos on five independent federal patent claims and issued an unprecedented order banning the importation of major products. Orrick also took over from prior counsel and pulled out a come-from-behind win for LinkedIn in a novel data privacy case against hiQ Labs, securing a permanent injunction requiring hiQ to stop using artificial intelligence to scrape and use LinkedIn user data, destroy all source code, data and algorithms previously collected, and pay LinkedIn a \$500,000 settlement. On LinkedIn, Sarah Wight, LinkedIn's head of litigation, stated that the victory "establishes an important legal precedent to stop this kind of abuse in the future and reaffirms that LinkedIn's User Agreement unambiguously protects members from unauthorized data scraping and fake accounts."

In addition to establishing expertise in specific industries like tech, Orrick also has a track record of going to bat repeatedly for clients. In just 10 months, Orrick secured three trial victories for the NCAA, including the first trial to reach a verdict on whether the NCAA should bear responsibility for liability claims related to concussions in college football. For Johnson & Johnson (J&J), Orrick secured two jury trial wins

in litigation involving its pelvic mesh devices, and also overturned more than \$200 million in judgments against the company in litigation cases claiming baby powder caused cancer.

The J&J talc litigation is just one example of how Orrick's Supreme Court and Appellate practice, led by Josh Rosenkranz, has fought to turn unfavorable outcomes into favorable ones for its clients.

"One of our greatest strengths is winning cases when the odds are stacked against us," Rosenkranz says. "Our success is driven in large part by a constellation model that ensures a broad team has opportunities to argue important cases and collaborate with our trial specialists to build winning appellate arguments from the ground up."

The appellate team rescued pharmaceutical company Gilead from \$4 billion in patent infringement judgments. And in the U.S. Supreme Court, it won a multiyear copyright battle on behalf of Unicolors against fashion company H&M.

Currently, Orrick is representing former Theranos president and COO Sunny Balwani in appealing his conviction in the Ninth Circuit. Balwani was sentenced to 13 years in prison after a three-month federal trial related to the infamous implosion of the medical testing startup.

"The diversity of our success speaks to our trial culture... Clients hire us because they know we will take cases to trial when others might not—and that reputation has also enabled us to achieve settlements that are extraordinarily favorable to our clients," says Rich Jacobsen, head of Orrick's financial services litigation practice. "And we're just getting started. I forecast a lot of growth for this team over the next few years."

Orrick has expanded its litigation reach in the past year. Along with attracting top trial talent from rival firms, Orrick merged with Buckley, absorbing the boutique's recognized consumer finance and white-collar litigation capabilities.

Going forward, we should expect to see Orrick litigate more novel challenges and issues related to AI, as it did in the LinkedIn case. Already the firm is handling high-profile matters for Microsoft and GitHub relating to AI and copyright, and for Workday involving the use of AI in the workplace. ■