

Litigator of the Week

Runners-Up and Shout-Outs

By Ross Todd

November 1, 2024

First up this week is a team at **Cooley**, led by **Andrew Goldstein** and **Russell Capone**, that represented Nishad Singh, the former director of engineering at FTX. Last year, Singh testified over two days at the trial of Sam Bankman-Fried as part of a cooperation agreement the team negotiated with federal prosecutors. The Cooley team represented Singh in parallel investigations by the U.S. Attorney's Office for the Southern District of New York, the Securities and Exchange Commission, the Commodity Futures Trading Commission (CFTC) and the New York Attorney General's Office. This week, U.S. District Judge Lewis Kaplan in Manhattan cited Singh's "remarkable" cooperation with investigators in sparing him a prison sentence.

Shout-out to a team at **Covington & Burling** led by **Steven Fagell**, **Adam Studner** and **Joshua Roselman** that represented Stanley Black & Decker as the company made voluntary disclosures to the DOJ and the SEC under the U.S. Foreign Corrupt Practices Act. SBD disclosed in its quarterly securities filing last week that the SEC and DOJ informed the company that they each closed their inquiries without taking action. The Covington team also included **Funmi Anifowoshe-Manning**, **Kevin Coleman**, **Katrina Kleck**, **Bree Peilen**, **Molly Prindle**, **Andrew Timmick** and **Phoebe Yu**, with lawyers at **Baker McKenzie** assisting in fact-finding.

A team at **King & Spalding** secured an exclusion order from the U.S. International Trade Commission banning the importation of foreign counterfeits of



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combat tourniquets used by the U.S. military. In a decision made public last week, the full Commission found that the exclusion order was necessary to protect the intellectual property of the firm's clients, the tourniquets' maker, Composite Resources, and their U.S. distributor, North American Rescue. The King & Spalding team includes partners **Jeff Telep**, **Bruce Baber**, **Chris Campbell**, **Brit Davis** and **Katie McCarthy**, senior associates **Brian Hill** and **Lena Colin** and associate **Kaki Vessels**.

A **Knobbe Martens** trial team led by **Brian Horne** scored an important defense win at trial for health monitoring technology client Masimo Corp. in a design patent case brought by Apple. Although federal jurors in Delaware found that older versions of Masimo smartwatches infringed upon Apple patents

and awarded \$250 in statutory damages, they did not find that Masimo's current watches infringed. Apple's attorney reportedly said that the «ultimate purpose» of the suit was not a damages award, but an injunction. The Knobbe Martens team also included **Benjamin Katzenellenbogen, Kendall Loeb-baka, Jeremy Anapol, Steve Jensen, Joseph Re, Irfan Lateef, Ted Cannon, Nick Zovko, Brian Claassen, Adam Powell, Jon Bachand and Jared Bunker.**

Shout-out to a team at **Kirkland & Ellis** that got a couple of key *Daubert* motion wins in multidistrict litigation against client GlaxoSmithKline claiming the company fraudulently marketed its blockbuster diabetes drug Avandia by failing to disclose an associated heightened risk of heart attacks. U.S. District Senior Judge Cynthia Rufe in Philadelphia last week excluded the report and testimony from the plaintiffs' economic expert, Dr. Meredith Rosenthal of Harvard's School of Public Health, and significant portions of the testimony of their damages expert, Dr. Thomas McGuire of Harvard Medical School. The Kirkland team was led by **Devora Allon**, who crossed Rosenthal and argued the *Daubert* motion aimed at her; **Jay Lefkowitz**; **James Hileman**, who crossed McGuire and argued the motion aimed at him; and **Kevin Neylan**, who led briefing and hearing preparation. The team also included **Cole Carter, Yi Yuan and Lindsey Foster.**

Shout-out to a team at **Latham & Watkins** that secured a First Circuit decision this week affirming the firm's lower court win, knocking out securities claims against 3D printing client Desktop Metal. The appellate court held that allegations that Desktop Metal violated certain FDA regulations while producing certain dental products didn't amount to a claim that the company defrauded investors through material misrepresentations or omissions. The Latham team included **Roman Martinez**, who argued the appeal, partners **Kristin Murphy, Jeff Hammel, BJ Trach and Morgan Whitworth**, counsel **Jordan Cook** and associates **Christina Gay, Allie O'Hara and Kevin Hamilton.**

Shout-out to a team at **Skadden, Arps, Slate, Meagher & Flom** that secured a precedent-setting victory at the Fourth Circuit for the Washington

Commanders football team and WFI Stadium Inc. in a personal injury case brought on behalf of four fans after a railing collapse at the stadium. The appellate this week reversed a decision finding the fans, who entered the stadium using tickets presented on a friend's smartphone, were not bound by the Commanders' arbitration clause. The court, however, remanded the case to determine whether the friend's online purchase of the tickets through a third-party website resulted in a contract with the team that included its terms and conditions—and, in particular, the arbitration clause. The Skadden team included **Shay Dvoretzky**, who argued the appeal, **Sylvia Tsakos** and **Anthony Dreyer**. Dvoretzky was joined on the briefs by **Joe Hollingsworth, Grant Hollingsworth** and **Brett Covington** of **Hollingsworth and Paul Finamore** and **Halle Gray** of **Pessin Katz Law.**

Shout-out to a team at **Wilmer Cutler Pickering Hale and Dorr** that secured a Federal Circuit win last week for Comcast Cable Communications in patent litigation brought by NexStep Inc. The appellate court upheld a summary judgment ruling by U.S. District Judge Richard Andrews in Delaware on one of NexStep's patents and the judge's post-trial ruling overturning a jury finding of infringement under the doctrine of equivalents on the other. The Wilmer team included **Tom Saunders**, who argued the appeal, **Bill Lee, Mindy Sooter, Amy Wigmore** and **Lauren Matlock-Colangelo.**

A separate Wilmer team led by **Michelle Diamond** teamed with the **American Civil Liberties Union** and the **ACLU of Ohio** to bring a state constitutional challenge to an Ohio law banning abortion starting at about six weeks of pregnancy. Hamilton County Common Pleas Judge Christian Jenkins struck down the law last week, finding it was unconstitutional in light of a voter referendum Ohioans passed in 2023 to constitutionally protect abortion access. The team also included partners **Peter Neiman** and **Davina Pujari** and counsel **Ally Slater.**

Correction: An earlier version of this story misstated the name of the patent litigation opponent in the case Wilmer Cutler Pickering Hale and Dorr handled for Comcast. The opponent's name is NexStep, not NextStep.