

Law360's Weekly Verdict: Legal Lions & Lambs

By Andrew Strickler



Law360, New York (January 29, 2015, 7:10 PM ET) -- The year is off to a good start for Shook Hardy & Bacon LLP, which got a jury win for a tobacco client and took the lead of this week's legal lions. Our flock of legal lambs include a New York politician-lawyer who lost two jobs this week: one as state Assembly speaker and another with a personal injury firm at the center of a federal corruption case focused on referral fees.

Legal Lions

A **Shook Hardy & Bacon LLP** team representing **Philip Morris USA Inc.** snuffed out one the year's first Engle progeny trials. A jury **rejected** a former smoker's suit seeking upward of \$29 million on allegations the cigarette maker caused his cancer, saying that smoking did cause his disease but finding that Philip Morris wasn't liable. The trial was among the first of 2015 stemming from the Engle v. Liggett Group class verdict for plaintiffs, later overturned by the state high court. Philip Morris is represented by **Robert McCarter, Miranda Soto** and **Michael Walden** of **Shook Hardy & Bacon LLP**. The plaintiff is represented by **Allan Kaiser** and **Eric Tinstman** of **The Ferraro Law Firm PA**.

Citing a need for further review under "correct legal principles," the U.S. Supreme Court **vacated** a Sixth Circuit decision that had left **M&G Polymers USA LLC** on the hook for a class of retirees' lifetime health care benefits, sending back for another look at the collective bargaining agreements. The high court took issue with the Sixth Circuit's application of the retiree-friendly 1983 decision known as Yard-Man. M&G is represented by **Allyson Ho, Christopher Weals, R. Randall Tracht, John Sullivan** and **Andrew Scroggins** of **Morgan Lewis & Bockius LLP**. Respondents are represented by **Cook & Logothetis LLC** and **Bredhoff & Kaiser PLLC**.

Nixon Peabody LLP rolled out the **welcome mat** for a gaggle of new attorneys coming into the firm in Chicago from merger partner **Ungaretti & Harris LLP**. The deal brings in about 100 new lawyers in a city where Nixon previously had a far smaller, IP-focused group launched in 2007 by members of the former IP team of the now-defunct **Jenkins & Gilchrist PC**. The Ungaretti merger puts the Boston-based Nixon among the 20 biggest firms in Chicago.

McGuireWoods LLP was also in celebration mode with the **addition of three partners** from **Morgan Lewis & Bockius LLP**. They include **George Terwilliger**, who led George W. Bush's team during the Florida ballot recount following the presidential race with Al Gore. Terwilliger, who served as co-head of white collar litigation and government investigations at Morgan Lewis, joins the Washington office along

with litigation partner **Bob Bittman** and government contracts, litigation and enforcement partner **Todd Steggerda**.

Persistence paid off this week for a **Ropes & Gray LLP** deals team representing **Bain Capital LLC**. The firm reached a deal after two earlier failures in 2011 and 2013 to acquire auto supplier **TI Automotive** from a group of hedge funds. Media reports put the price at \$2.4 billion, about 20 percent higher than Bain's prior offer. The **Ropes & Gray** team was led by **Alison Bomberg, Newcomb Stillwell, Will Rosen** and **Byung Choi**. **Weil Gotshal & Manges LLP** represented TI Automotive on the transaction, with **Latham & Watkins LLP** advising a group of TI Automotive shareholders.

Legal Lambs

Former **New York State Assembly Speaker Sheldon Silver** had to **step away** from personal injury firm **Weitz & Luxenberg PC** this week. Following Silver's indictment on Jan. 22 related to more than \$6 million he allegedly received from Weitz and another firm, firm founder **Perry Weitz** said he was "shocked" to learn of the charges and asked Silver to depart. Silver also **relinquished** the powerful leadership post he has held for more than two decades. Federal prosecutors accuse Silver of directing work to Weitz & Luxenberg from a cancer doctor in exchange for \$500,000 in state grants for the doctor's research. Silver is represented by **Joel Cohen** of **Stroock & Stroock & Lavan LLP**.

A California federal judge put his money where his mouth is this week after a late entrance to a conference call. **U.S. Magistrate Judge William V. Gallo**, who is overseeing a trademark suit over cheerleading clothes, was 10 minutes late to a case management conference call. Rather than carry on, Judge Gallo blamed himself for the delay and said he would pay a **tardiness fine** of \$25.

Former **Dewey & LeBoeuf LLP** attorney **Todd Treadway** has agreed to **disbarment** from the District of Columbia Court of Appeals in the wake of insider trading concerns. Treadway, a former employment attorney, had settled U.S. Securities and Exchange Commission litigation in New York federal court accusing him of trading in the stock of companies whose acquisitions he had helped advise. The former associate in Dewey's employee benefits and employment group lost his job in 2008 after allegedly making \$27,000 on two trades based on inside information.

A Minnesota federal judge this week **disqualified Mayer Brown LLP** from defending **HSBC Finance Corp.** in a lawsuit brought by **Residential Capital LLC** successor **Residential Funding Co. LLC**. The judge found that Mayer Brown had a conflict of interest as ResCap's former counsel, and shot down HSBC arguments that Residential Funding had waived its objections. **Michael Ware** of Mayer Brown left a voicemail for Residential counsel **Jeffrey Lipps** of **Carpenter Lipps & Leland LLP** asking for his reaction to Mayer Brown's representation of HSBC, the judge said, and should not have construed a failure to get a call back as evidence of consent. HSBC is represented by **Todd Wind** and **Nicole Moen** of **Fredrikson & Byron PA** and **Michael Ware** of **Mayer Brown LLP**. Residential Funding is represented by **Felhaber Larson, Quinn Emanuel Urquhart & Sullivan LLP** and **Carpenter Lipps & Leland LLP**.

Airline passengers moaned in boredom this week with the announcement that **SkyMall LLC**, the company behind the kitschy catalogs found in airplane seat pockets, was headed for the **auction block**. An Arizona bankruptcy judge gave the company the go-ahead for a plan to auction itself off. **CEO Scott Wiley** blamed the loss of customers on wireless Internet and the Federal Aviation Administration's permission for cellphone use on planes. SkyMall is represented by **John Harris, Robert Harris, Lori Winkelman** and **Jason Curry** of **Quarles & Brady LLP**.

--Additional reporting by Nathan Hale, Ben James, Melissa Maleske, Cara Salvatore, Kaitlyn Kiernan, Max Stendahl, Kurt Orzeck, Brandon Lowrey and Andrew Scurria. Editing by Katherine Rautenberg.

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