

Law360's Weekly Verdict: Legal Lions & Lambs

By **Aebra Coe**

Law360 (May 31, 2018, 10:06 PM EDT) -- Jenner & Block secured a lion's win this week for Northwestern University when a federal judge dismissed a proposed class action against the university over its handling of workers' retirement savings, while Labaton Sucharow, Thornton Law Firm and Lieff Cabraser ended up legal lambs after a special master concluded they overstated their bill in a class action settlement and recommended they return a significant chunk of the \$75 million fee award.

Legal Lions

First up on this week's legal lions list is Jenner & Block LLP. On Friday, an Illinois federal judge dismissed a proposed class action that accused firm client Northwestern University of botching its handling of workers' retirement savings. The case was the second to be thrown out in a recent wave of Employee Retirement Income Security Act lawsuits against prestigious universities. Northwestern and the members of its retirement committee were represented by Craig C. Martin, Amanda S. Amert and Casey T. Grabenstein of Jenner & Block LLP.

A Pennsylvania federal judge distributed more than \$85 million in fees to the class attorneys in the NFL concussion suit Wednesday, including a nearly \$52 million share for co-lead class counsel Seeger Weiss LLP. Close to two dozen firms and individuals and an objector group received fees from the funds but the lion's share went to Seeger Weiss, which Judge Anita Brody said had put in the lion's share of the work and taken the lion's share of the risk.

The U.S. Supreme Court ruled Tuesday that a victims' restitution law is limited to expenses during the government's investigation and prosecution of an offense — and not for private legal, expert and consulting fees — allowing a former trucking company CEO who defrauded General Electric Capital Corp., Sergio Fernando Lagos, to avoid covering GE's \$5 million legal fees, a victory for Lagos' counsel at Geysler PC. Lagos is represented by Daniel L. Geysler of Geysler PC.

Next up on the legal lions list is a Second Circuit win secured by Fabular Li & Associates PC and Bardavid Law PC reversing decisions by the Board of Immigration Appeals which turned down two Chinese Christians' bids for asylum. The appeals court concluded that both the board and immigration judges erred in heavily relying on omissions in Hong Fei Gao and Hao Shao's initial applications to find them not credible. Gao is represented by Mona L. Lao of Fabular Li & Associates PC. Shao is represented by Joshua E. Bardavid of Bardavid Law PC.

A Florida federal judge on Wednesday sided with arguments made by Williams & Connolly and Becker & Poliakoff, overturning a \$10 million jury verdict against former Bolivian president Gonzalo Sánchez de Lozada and former Minister of Defense José Carlos Sánchez Berzain over civilian deaths during protests in 2003, ruling that the victims' families had failed to show evidence supporting their claim that the killings were part of a plan implemented by the officials. The defendants are represented by Ana C. Reyes, Stephen D. Raber, James E. Gillenwater, Suzanne M. Salgado, Giselle Barcia and Jean Ralph Fleurmont of Williams & Connolly LLP and Evan Benjamin Berger of Becker & Poliakoff.

Legal Lambs

A special master appointed in a billing probe found misconduct on the part of the attorneys who led a \$300 million class action settlement with State Street Corp. and recommended that a significant chunk of a \$75 million fee award be returned, according to details revealed during a contentious hearing Wednesday in a Massachusetts courtroom. Legal lambs Labaton Sucharow LLP, Thornton Law Firm LLP and Lief Cabraser Heimann & Bernstein LLP served as lead counsel on the case.

Next up on the lambs list is Baker McKenzie. A D.C. federal judge tossed two lawsuits brought by the law firm's client, Kaspersky Lab, over the U.S. ban on its antivirus products, finding Wednesday that the government had constitutional grounds to stop using the Moscow-based firm's software amid concerns that it could be hijacked by Russian spies. Kaspersky is represented by Ryan P. Fayhee and Steven Chasin of Baker McKenzie.

Womble Bond Dickinson LLP and Shook Hardy & Bacon LLP ended up on the list as well when on May 24 a Florida jury hit their clients, Philip Morris and R.J. Reynolds, with a \$21 million award for contributing to the lung cancer death of a lifetime smoker in one of the thousands of so-called Engle progeny cases. R.J. Reynolds is represented by Kurt Weaver of Womble Bond Dickinson LLP. Philip Morris is represented by Walter Cofer and Michael Walden of Shook Hardy & Bacon LLP.

The Choctaw Nation of Oklahoma can't escape a jury verdict of more than \$9.3 million in damages concerning a fatal bus crash, despite the efforts of its attorneys at Walters Balido & Crain LLP, Fee Smith Sharp & Vitullo LLP and Hartline Dacus Barger Dreyer LLP. A Texas appeals court made the decision Tuesday, saying there was sufficient evidence to find the tribe vicariously liable for the accident. The tribe is represented by Gregory R. Ave of Walters Balido & Crain LLP, Thomas W. Fee and Howard J. Klatsky of Fee Smith Sharp & Vitullo LLP and Darrell L. Barger of Hartline Dacus Barger Dreyer LLP.

National Liability and Fire Insurance Co. can't use an "other insurance" clause in a personal injury policy to shift responsibility for a yacht accident off onto fellow insurer State Farm, the Fourth Circuit ruled Thursday, finding the clause void under a Virginia statute and landing National Liability's attorneys at Wilcox & Savage PC on this week's legal lambs list. National Liability is represented by Christopher A. Abel and Justin G. Guthrie of Wilcox & Savage PC.

--Additional reporting by Danielle Nichole Smith, Ben Kochman, Ryan Boysen, Chris Villani, Tiffany Hu, Linda Chiem, Rick Archer, Emily Brill and Carolina Bolado. Editing by Pamela Wilkinson.