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Law360 Legal Lions Of The Week

By **Kevin Penton**

Law360 (February 2, 2024, 3:36 PM EST) -- Bernstein Litowitz Berger & Grossmann LLP, Friedman Oster & Tejtell PLLC and Andrews & Springer LLC lead this week's edition of Law360 Legal Lions, as Delaware's chancellor struck down Elon Musk's proposed \$55 billion Tesla pay package.

Chancellor Kathaleen St. J. McCormick struck down the entire amount Tuesday, finding that Tesla shareholders who challenged the package demonstrated that disclosure failures, murky terms, conflicted director architects and Musk's own hand on the tiller warranted an order to roll back the award. The shareholders are represented by Jeroen van Kwawegen, Gregory V. Varallo and Glenn R. McGillivray of Bernstein Litowitz; Jeremy S. Friedman, Spencer M. Oster and David F.E. Tejtell of Friedman Oster; and Peter B. Andrews, Craig J. Springer, David M. Sborz, Andrew J. Peach and Jackson E. Warren of Andrews & Springer.

Kaplan Hecker & Fink LLP triumphed Jan. 26 after a Manhattan federal jury held that Donald Trump must pay \$83.3 million for calling writer E. Jean Carroll a liar in response to her sexual abuse allegations in 2019. Carroll is represented by Roberta A. Kaplan, Joshua Matz, Michael Ferrara, Shawn Crowley, Trevor Morrison and Matthew Craig of Kaplan Hecker.

Kline & Specter PC and Arnold & Itkin LLP succeeded Jan. 26 after a Philadelphia jury hit the makers of weedkiller Roundup with a \$2 billion punitive damages verdict, along with \$250 million in compensatory damages. The case was brought by Pennsylvania resident John McKivison, who alleged that Monsanto failed to warn users that the product contained carcinogenic chemicals, contributing to his development of non-Hodgkin Lymphoma. McKivison is represented by Thomas R. Kline and Tobi L. Millrood of Kline & Specter and Jason Itkin of Arnold & Itkin.

Paul Weiss Rifkind Wharton & Garrison LLP roared after a Manhattan federal jury on Monday quickly absolved Davis Polk & Wardwell LLP and two lawyers of liability in a Black former associate's suit alleging he was fired in retaliation for airing concerns about racial bias and diversity. The jury of five women and five men needed just over two hours of deliberations over two days to reach their verdict against plaintiff Kaloma Cardwell. Davis Polk and the individual defendants are represented by Jeh Johnson, Bruce Birenboim, Martha Goodman and Susanna Buerger of Paul Weiss.

Lehotsky Keller Cohn LLP and FedEx's in-house team make this week's list after the Fifth Circuit on Thursday cut a \$366 million verdict against the company to just under \$249,000 in litigation over allegations by a former employee that she was fired for reporting race discrimination. The three-judge appellate panel, in a published opinion, agreed with FedEx that some of the employee's claims were

time-barred and that she was not entitled to punitive damages. FedEx is represented by Kyle Hawkins and Leah Bower of Lehotsky Keller Cohn LLP and in-house by Barak Babcock and Christopher Ahearn.

Kramer Levin Naftalis & Frankel LLP and Kaufman & Canoles PC succeeded after a Virginia federal jury found on Wednesday that cybersecurity company Palo Alto Networks infringed all four of rival Centripetal's patents with its next-generation firewalls, awarding Centripetal a total of \$151.5 million in damages. Centripetal is represented by Paul Andre, Lisa Kobialka, James Hannah, Hannah Lee, Kristopher Kastens and Christina Finn of Kramer Levin and Stephen Noona of Kaufman & Canoles.

Grodsky Olecki & Puritsky LLP makes this week's list after a California federal jury Jan. 26 cleared celebrity tattoo artist Kat Von D of claims she infringed a copyrighted photo of Miles Davis, finding that her inked rendering of the jazz legend on a man's arm is not substantially similar to the photograph. The eight-member jury found that the tattoo Von D created on the arm of lighting technician Blake Farmer was not substantially similar to plaintiff Jeffrey B. Sedlik's 1989 photo of Davis, and that social media posts showing the actual photo in the background while Von D created the tattoo were covered by the fair use doctrine. Von D is represented by Allen Grodsky and Tim Henderson of Grodsky Olecki.

McKool Smith PC, Carter Arnett PLLC and Irell & Manella LLP round out this week's pride after a Texas federal jury Jan. 26 awarded G+ Communications \$67.5 million in damages, finding that Samsung infringed two wireless network patents. The jury also declined to find that the patent owner failed its obligation to fairly license its patents, but sided with Samsung in determining that one of the three patents in the case covered technology that would have been well understood and routine by a person with ordinary skill in the art. G+ is represented by Samuel Baxter and Jennifer Truelove of McKool Smith; Scott Breedlove, Joshua Bennett, Bradley Liddle, Theresa Dawson and Michael Pomeroy of Carter Arnett; and Jason Sheasby, Michael Harbour and Benjamin Manzin-Monnin of Irell & Manella.

--Additional reporting by Jeff Montgomery, Rachel Scharf, P.J. D'Annunzio, Pete Brush, Lauren Berg, Kelly Lienhard and Craig Clough. Editing by Kelly Duncan.